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CHARTER OF THE UNITED NATIONS

WE THE PEOPLES OF THE UNITED NATIONS
DETERMINED

FROM

HERE

ON!

HAVE RESOLVED TO COMBINE OUR EFFORTS
TO ACCOMPLISH THESE AIMS:

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers and have declared that they are duly authorized, have agreed to the present Charter of the United Nations and to hereby establish an international organization to maintain international peace and security.

"I WENT to the last war, as many of you did, and I really believed that we were then fighting a war to end war, and that we were fighting for democracy, and that our children would reap some of the benefit of the sacrifice made by our generation

"We did not really care enough in the intervening years. If we cared enough, we did not do enough or get enough done. It is rarely in the world's history that men get a second chance; and we have got a second chance."

Ambassador John Winant, replying to the toast, "The President of the United States," before the Rotary Club of London, England.

This booklet "From Here On!" is published on a not-for-profit basis. Additional copies may be secured for 25 cents each. In lots of ten or more, 15 cents each. Fifty or more copies, 10 cents each. Address: Rotary International, 35 East Wacker Drive, Chicago 1, Illinois, U.S.A.

Printed in
U.S.A.

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From Here On!

ROLL CALL OF THE UNITED NATIONS

ARGENTINA	ETHIOPIA	POLAND
AUSTRALIA	FRANCE	SAUDI ARABIA
BELGIUM	GREECE	SYRIA
BOLIVIA	GUATEMALA	TURKEY
BRAZIL	HAITI	UKRAINIAN SOVIET
BYELORUSSIAN	HONDURAS	SOCIALIST
SOVIET SOCIALIST	INDIA	REPUBLIC
REPUBLIC	IRAN	UNION OF SOUTH
CANADA	IRAQ	AFRICA
CHILE	LEBANON	UNION OF SOVIET
CHINA	LIBERIA	SOCIALIST
COLOMBIA	LUXEMBOURG	REPUBLICS
COSTA RICA	MEXICO	UNITED KINGDOM OF
CUBA	THE NETHERLANDS	GREAT BRITAIN
CZECHOSLOVAKIA	NEW ZEALAND	AND NORTHERN
DENMARK	NICARAGUA	IRELAND
DOMINICAN	NORWAY	UNITED STATES OF
REPUBLIC	PANAMA	AMERICA
ECUADOR	PARAGUAY	URUGUAY
EGYPT	PERU	VENEZUELA
EL SALVADOR	PHILIPPINE	YUGOSLAVIA
	COMMONWEALTH	

HOW TO USE THIS BOOKLET — PAGE 90

THE TEXT OF THE CHARTER

This text, printed on the even-numbered, left-hand pages, is the official text adopted and signed at San Francisco. The numbers of its 111 articles and in some instances titles of those articles are shown in the left side margin, making it easy to locate what is wanted.

In order to explain some of the official wording, unofficial comments appear in Column 1 of the odd-numbered right-hand pages, directly opposite the corresponding articles.

In Column 2 of the odd-numbered right-hand pages are questions designed to stimulate thought and discussion about the articles opposite which they appear.

ROTARY INTERNATIONAL
CHICAGO LONDON ZURICH BOMBAY



Rotarians of the World

Here is the much-heralded Charter. Here is Rotary's own presentation of the Charter, with helpful annotations and challenging questions. Here is the proclaimed basis of the Peace and Security for which we have striven and fought.

The year 1945-46 may well find a major place in Rotary history because of the consideration we Rotarians shall have given to the United Nations Charter.

But the Charter—promising as it is—is only an instrument. "From here on," as the title of this book suggests, it is the grave responsibility of the free peoples themselves to put the instrument into effective use, in so far as they believe in it.

At San Francisco the representatives of fifty nations were unanimous in adopting the draft of this epoch-making instrument. Here is neither perfection nor finality: it is the compromise of fifty differing nations. If it is to be effective, the free citizens must now breathe vitality and unfaltering determination into it. Without this it will gradually decay, to the ultimate anguish of all men.

The Rotarian faithfully following these pages will find himself treading the path of service.

Youth has brought us to victory. So we must help Youth to make it sure and permanent. The alternative for Youth is too dreadful to contemplate. I therefore in all seriousness commend to every Rotary club—to every Rotarian—a deliberative study of this book. It was prepared with great care to provoke thought. It will fail in its mission if the majority of Rotarians do not feel individually challenged to read, mark, and learn, and then to act as each thinks best.

"From Here On" can prove an outstanding test of Rotary power and purpose.



President, Rotary International

Preamble . . .

CHARTER OF THE UNITED NATIONS

WE THE PEOPLES OF THE UNITED NATIONS
DETERMINED

to save succeeding generations from the scourge of war,
which twice in our lifetime has brought untold sorrow to
mankind, and

to reaffirm faith in fundamental rights, in the dignity and
worth of the human person, in the equal rights of men and
women and of nations large and small, and

to establish conditions under which justice and respect for
the obligations arising from treaties and other sources of
international law can be maintained, and

to promote social progress and better standards of life in
larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one
another as good neighbors, and

to unite our strength to maintain international peace and
security, and

to ensure, by the acceptance of principles and the institution
of methods, that armed force shall not be used, save in the
common interest, and

to employ international machinery for the promotion of the
economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR
EFFORTS TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representa-
tives assembled in the city of San Francisco, who have exhibited
their full powers found to be in good and due form, have agreed
to the present Charter of the United Nations and do hereby
establish an international organization to be known as the United
Nations.

CHAPTER I: Purpose and Principles

Purchasers of a machine are interested in certain general questions before they examine in detail. They want to be told what it claims to accomplish, the theory on which it operates, the running costs.

So with the Peace Machine constructed at San Francisco.

Text of Charter

Article 1 The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

CHAPTER I: Purpose and Principles

The first chapter deals with the theory, the goals and obligations of the United Nations.

The reader is advised to fix these purposes and principles firmly in mind, and to refer to them constantly as he goes through the Charter, asking himself: "Is this feature of the machine up to specifications?"

Comments

The Fourth Object of Rotary:

"To encourage and foster the advancement of international understanding, good will and peace through a world fellowship of business and professional men united in the ideal of service."

Peace Is Indivisible:

"Effective collective measures" are the key-words in this paragraph.

"The main thought I bring you today is to cultivate mutual understanding of anyone you think you have to get along with and, in my mind, that is the whole civilized world. If we stick together intelligently with the other peoples of the world, we won't have to fight."—General Dwight D. Eisenhower to the cadets at West Point (June 20, 1945).

The Way of Fellowship:

Rotary's recipe for peace is centered in friendly relations among leading citizens of many nationalities, creeds, and political persuasions.

Among the human rights established in many countries are: Freedom from arbitrary arrest, trial by jury, liberty of communications in speech and press, protection of minority opinion, and political dissent.

Questions

Check, point by point, the purposes of the United Nations anticipated by Rotary's fourth object.

Could the past war efforts of the United Nations be called "effective collective measures"?

What change is required in present international efforts against aggression to make them truly "collective"?

Comment on the phrase of Maxim Litvinov: "Peace is indivisible."

Distinguish "peaceful settlement" from "appeasement."

As individual citizens of the United Nations how may Rotarians help to promote this principle?

Are human rights universally the same in all countries?

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3 All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

United Nations Headquarters

The Executive Committee of the Preparatory Commission voted to locate the Headquarters in the United States.

The basis of membership and its attendant obligations are laid down in this article.

From the Report of the Technical Committee on the Preamble, Purposes, and Principles of the Organization:

"The Committee voted to use the terminology 'sovereign equality' in the assumption that it includes the following elements:

- (1) that states are juridically equal;
- (2) that each state enjoys the right inherent in full sovereignty;
- (3) that the personality of the state is respected as well as its territorial integrity and political independence
- (4) that the state should, under international order, comply faithfully with its international duties and obligations.

President Truman to the San Francisco Conference: "We must deny ourselves the license to do always as we please."

"In good faith" makes this one of the most fundamental paragraphs in the entire charter. It indicates a sincerity of purpose necessary to a successful functioning of the United Nations.

"Justice" Again:

It is a Principle here. It was stated before as a Purpose of the United Nations.

Where should the "center" be? What factors (geographic, political, etc.) should be taken into consideration in deciding the location?

Compare the Principles with the "self-evident truths" in the U. S. Declaration of Independence (1776) and with rights asserted in England's Magna Carta (1215).

According to this definition, is joining the United Nations an exercise or a sacrifice of sovereignty?

Does the principle of sovereign equality preclude the development of a world state?

Is the idea of equality between states dependent upon this conception of a state as a personality, despite its size, wealth, etc., in the same sense that "all men are created equal"?

Does past history support this statement?

What "rights and benefits" result from membership?

How can confidence in the pledged word be restored?

What good is a promise to keep a promise?

What is the difference between a *Principle* and a *Purpose*?

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Force Only For Peace:

The renunciation of war as an instrument of national policy is not inconsistent with the use of force by the United Nations, in accordance with the terms of the Charter. The reference to "territorial integrity" was included at the insistence of smaller states.

The nature of the assistance is described in Chapter VII.

Universality:

Note that the power of the United Nations extends beyond its membership. Provisions for the participation of non-members in certain circumstances are found in Articles 31, 35 and 38.

Domestic Jurisdiction:

The Dumbarton Oaks Proposals made *non-intervention* apply to the pacific settlement of disputes. Now "non-intervention" becomes general *except* for enforcement measures. (Chapter VII)

Civil war in Spain, propaganda, and persecution have taught that domestic matters may contain the threat of war. The Inter-American Act of Chapultepec (March, 1945) specifies consultation "if there is reason to believe that an act of aggression is being prepared."

To what extent will this provision tend to "freeze" the existing boundaries between states?

How would such a provision have affected the sale of scrap iron to Japan following the aggressions of 1931 and 1937?

Should any nation be excluded from the United Nations if all come under its oversight?

Who shall decide what are or are not essentially domestic affairs? Is a high-tariff wall? Is an immigration exclusion act? Is a revolution?

The Hon. Joseph C. Grew said: "There is no doubt in my mind that the Security Council would act if it were faced again by the kind of situation that arose in Germany and Italy under Hitler and Mussolini before the war. And this time we would take action before a war could get started."

How does this provision affect the principle of "sovereign equality"?

CHAPTER II: Membership

Originally the United Nations was identified with the fighting alliance victorious in World War II. It grew at San Francisco into an organization designed to maintain peace and security over all parts of the world.

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be affected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

CHAPTER II: Membership

All nations, however, are not included in its membership. Excluded are the enemies and neutrals of World War II. In many instances, there are provisions for the participation of non-members.

Original Members:

The only nation absent from San Francisco that had previously signed the United Nations Declaration was Poland.

Non-Members

are the enemy countries and the neutrals of World War II. An interpretation approved at the Conference excluded from membership "states whose regimes have been established with the help of military forces belonging to the countries which have waged war against the United Nations, as long as those regimes are in power."

Admission — Recommendations by the Security Council require the assent of the five permanent members.

Suspension — Recommendations by the Security Council require the assent of the five permanent members. Otherwise, suspension might be a means of overriding the veto of a permanent member on action taken against it. (Article 27)

Restoration—The Assembly is not consulted for reasons of speed.

Can a country with traditional neutrality become a member?

Could it carry out the obligations of membership?

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III: Organs

Like a living body, the United Nations Organization exercises different functions through appropriate organs. Some of these are "principal" ("having controlling authority, acting independently"—Webster's definition); others "subsidiary." But

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

Expulsion—Note that the grounds for expulsion are broader than for suspension, but again the assent of the five permanent members is required to effect a recommendation.

Withdrawal is not provided in the Charter. Report of committee says: "It is obvious, particularly, that withdrawal or some other form of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice."

Might not expulsion result in the forming of a nucleus of opposition to the United Nations?

Does the failure to provide for withdrawal strengthen the Organization?

CHAPTER III: Organs

through reports and the election of their membership all the principal organs are related to the General Assembly in which all United Nations members are represented. It might be described as "the parent organ."

The General Assembly elects the non-permanent members of the other organs.

The Security Council recommends the Secretary-General. The staff of the Secretariat is appointed by the Secretary-General under regulations established by the General Assembly.

Subsidiary organs include the Military Staff Committee, commissions appointed by the Economic and Social Council, etc.

Equal rights for women received much attention at the Conference.

How general are equal rights for women throughout the world?

CHAPTER IV: The General Assembly

Here the principle of "sovereign equality" is seen in operation. However small in population, area, or wealth, a nation can participate in every function and power accorded to this *town meeting of the world*.

Other organs of the United Nations have more specific powers and responsibilities, but the non-permanent members of

COMPOSITION

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

FUNCTIONS AND POWERS

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

CHAPTER IV: The General Assembly

each of them (the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court) are elected by the General Assembly.

The General Assembly is expected to be the guardian and exponent of the Purposes and Principles of the Organization through the power of public opinion.

Not more than five representatives—so that each nation may contribute expert opinions on a great variety of questions that will confront the General Assembly. This provision does not affect the one-member-one-vote provision. (Article 18)

Scope of Deliberations

The General Assembly can discuss and recommend. It cannot legislate ("to make or enact a law or laws"—Webster's Dictionary). It can discuss, for example, the functioning of the Security Council, but it cannot make recommendations while a specific issue is being considered by the Security Council, except when requested. (Article 12)

No compulsion except world opinion backs the General Assembly's recommendations, but it may recommend to the members or to the Security Council or to both.

Armaments:

The Security Council has primary responsibility for the regulation of armaments (Article 26), but the "principles" of regulation *and* disarmament can be considered and recommendations made in the General Assembly.

How far is it true that as a sounding-board of world opinion the General Assembly can have more authority than if it were empowered to take action?

To what extent can the functions and powers of the General Assembly be an antidote to secret diplomacy, censorship, and concentration camps?

To what extent is disarmament a practical proposition at this time? How consistent is it with the Purposes and Principles of the Charter.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Rules of Deliberations:

Article 35 provides that a non-member must accept in advance, for the purposes of the dispute, the obligations of peaceful settlement under the Charter.

The General Assembly can recommend, but cannot compel action. That belongs within the scope of the Security Council.

Warning of Dangers!

Could the General Assembly recommend the removal of arms manufacture from the control of private interests?

Will public opinion compel the Security Council to heed such warnings?

No Interference

with the functions of the Security Council. The Assembly can, however, *discuss* disputes while they are being settled in the Security Council. Only *recommendations* are barred.

Stop and Go Signs are flashed by the Secretary-General.

If a permanent member of the Security Council should veto action in a dispute (Chapter V), will the green light be given the General Assembly to recommend action if it chooses?

Does this important responsibility rest with the Secretary-General? Suppose he failed to ask the consent of the Security Council?

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

- b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Studies:

International law has a very vague status. It consists of agreements between states. Individual persons have no direct relationship with international law. Article 102 provides for the registration of treaties. But codification would go much further in providing a foundation for the development of international law,

Fundamental Freedoms

"We know that these freedoms cannot be achieved overnight, and that it will require long years of effort and struggle to realize them fully. But the length of the road should make us all the more eager to set our feet upon it firmly and hopefully."—E. R. Stettinius, Jr.

Chapter IX describes International Economic and Social Cooperation, and Chapter X, the Economic and Social Council.

Peace Treaties:

Though the United Nations Charter is not involved with the peace treaties as was the League of Nations Covenant with the Versailles Treaty, postwar settlements will be subject to review by the General Assembly. If the peace treaties are a source of friction or contradict the Principles of the United Nations, revision can be recommended. The Charter thus may become an instrument for peaceful change.

Reports:

Discussion of these reports in the General Assembly will bring the functions of the Security Council into the limelight of world publicity.

What are the prospects for the growth of world law for persons as distinguished from states:

—under the terms of the United Nations Charter?

—through the trials of war criminals?

—through the proposed International Bill of Rights?

Does the reference to Purposes and Principles restrict the application of this article?

Could the General Assembly, for instance, recommend giving a country an outlet to the sea in what is now the territory of another country?

Would discussion strain the relations between countries and injure the Organization?

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

VOTING

Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of

Chapters XII and XIII refer to the International Trusteeship System and the Trusteeship Council.

Budgets:

The expenses of the United Nations Organization have not yet been estimated. Due to the larger responsibilities of the United Nations Organization, its budget will probably be somewhat larger than the budget of the League of Nations which never exceeded seven million dollars annually, including the budget of the World Court.

The American University, Washington, D. C., estimates the direct war expenditures of all participating nations at more than one trillion thirty billion dollars. This estimate does not include the destruction of public and private property nor the direct war expenditures of China which were not available.

Voting:

The principle of sovereign equality (Article 2) is the basis of voting in the General Assembly.

A nation with a few million population has equal weight in formulating decisions with a nation of more than a hundred million population.

Contrast this with the hundreds of billions of dollars that World War II has cost.

Is equality of voting desirable in the General Assembly when the great powers have a greater voice (as well as greater responsibility) in the Security Council?

Would more liberal powers for the General Assembly be justified if voting were proportional to population, industrial production, share in world trade, literacy?

[In the *New York Times* of March 25, 1945, there was a proposal for distributing votes proportionately to the above categories. Under this scheme it was calculated that Russia

the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

Important decisions on questions as defined require a two-thirds majority in the General Assembly due to the possibility that a block of states might otherwise dominate. On the other hand, a relatively small bloc of states (over one-third) may prevent action.

would have 35 votes; the British Empire, 44 votes; the United States, 72 votes; China, 25 votes; the smallest nations, one vote each.]

Might not the limitation on the effectiveness of the General Assembly, due to the two-thirds rule, be avoided under a proportional system as suggested in the previous question?

*Non Payment of Dues—No Vote,
IF . . .*

Regular Annual Sessions, with special sessions as required.

A President Elected for Each Session.

Subsidiary Organs, for example, might be established for the promotion of the studies mentioned in Article 13.

CHAPTER V: The Security Council

The primary responsibility for the maintenance of peace and security belongs to the Security Council. The Great Powers which have permanent membership in it renounce "the good old rule, the simple plan that he should keep who has the power, and he should take who can." Instead, their overwhelming power is placed at the service of the weakest nation.

COMPOSITION *Article 23*

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

FUNCTIONS AND POWERS *Article 24*

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

CHAPTER V: The Security Council

The Security Council has other important functions and responsibilities. Because it will be so organized as to be able to be continuously in session, it is given the role of a steering committee, receiving recommendations, making nominations, and otherwise carrying on its functions under the Charter, particularly where action is involved.

Permanent Members:

Proposals to enlarge the Security Council were rejected.

The five nations which are permanent members together control 90 per cent of the world's raw materials and more than half the world's population. Without them, a major war is impossible. United, they can maintain the peace.

How does the distribution of Security Council seats affect the sovereign equality principle? (Article 2)

If there were no permanent members how effective in keeping the peace would be a Security Council to which only small nations were elected?

Given free discussion of disputes by world opinion, to what extent, if at all, do these provisions mean a "dictatorship" of the great powers?

Non-permanent Members:

The demand of intermediate nations like Canada for a Security Council seat is recognized, and also the fear that the General Assembly might elect too many nations from one hemisphere.

A fairly rapid rotation of non-permanent members is thus assured.

Prompt Actions:

The General Assembly, for instance, is not allowed to make any recommendations to the Security Council with regard to any dispute or situation with which the Security Council is dealing unless the Security Council so requests. (Article 12)

Supposing an urgent matter is stalled in the Security Council—what could happen?

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

Article 27

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

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

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that,

Within the Law:

See Articles 1 and 2. Within the scope of its duties the Security Council functions as a supreme court.

A major obligation of membership in the United Nations.

Armaments:

The General Assembly can consider this subject and make suggestions. (Article 11) It will also pass on the plans.

Enforcement of decisions depends on national contingents furnished by the United Nations Members. There is no international force. Complete disarmament accordingly is not proposed.

Voting:

Procedural matters include among others: Decision to discuss, invitation to non-members to participate in discussion regarding disputes involving themselves; the election of judges to the International Court; rules.

Two non-permanent members must agree with the five permanent members before a decision can be obtained.

"Other matters" refers mainly to decisions involving the use of force.

What check other than world opinion is there upon the interpretation that the Security Council may give to the Principles and Purposes?

If a nation objects to a decision, what can it do?

Is a member compelled to accept plans for reduction of its armaments?

(All of the United Nations are committed to the Atlantic Charter, which says "They will aid and encourage all practical measures which will lighten the crushing burden of armaments.")

Should the waging of atomic warfare be made the exclusive possession of the United Nations Organization?

Is it possible to keep its use within the possession of the United Nations Organization?

How can aggression by a permanent member be stopped if his own contrary vote can prevent the use of force against him?

in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE
Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

Chapter VI refers to pacific settlement of disputes.

Paragraph 3 of Article 52 refers to settlement by regional agencies.

The ability to function continuously for world security, as a police court functions in local communities, is essential for emergencies.

Each member is free to choose its representative as it pleases.

Could not a permanent member block the peaceful settlement of a dispute where an ally was the technical party? (See footnote.)

Will representatives on the Security Council be qualified to make decisions without instruction from their governments?

The Privileges of Members Not Represented on the Security Council: May participate, when the Security Council agrees that their interests warrant their participation, but they may not vote.

How far does this privilege protect the nations not members of the Security Council?

Non-members of the United Nations.

NOTE: Rotary observers at the San Francisco Conference feel that there is no completely satisfying answer to the above questions, just as there can be no complete guarantee of goodwill on the part of anyone.

Parents cannot afford to disagree on important matters like family discipline. If they do, the family is likely to break up. In the same way the permanent members of the Security Council who control most of the power to make war must act together if another world war is to be avoided. So when the possibility of enforcement action is involved, no decision by the Security Council can be reached until the permanent members have composed their differences.

The fear that permanent members will use this situation to thwart the Purposes and Principles of the Organization in various ways, cast doubt upon the sincerity of their desire for peace and their responsiveness to world opinion.

The success of the San Francisco Conference demonstrated in large measure the willingness of the permanent members to compromise their differences and to respond to the suggestions of smaller nations. Without this willingness there would have been no Charter. The hope of the United Nations Organization is based on the confidence that this habit of sincere cooperation will control the actions of the permanent members in the future.

CHAPTER VI: Pacific Settlement of Disputes

This is the first of three chapters that deal with the functions of the Security Council in maintaining peace. It explores the possibilities of settling disputes between nations without resort to force, and covers what has been called the "Quasi-judicial" role of the Security Council.

As a judge, the Security Council may first urge the disputants to get together independently to find some way of

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligation of pacific settlement provided in the present Charter.

CHAPTER VI: Pacific Settlement of Disputes

agreement. Only if these attempts at solution fail, does the Security Council undertake to investigate and recommend settlements, and then principally if the dispute endangers international peace. (Article 34)

Decisions of the Security Council on matters covered in this chapter are taken with the parties to the dispute not voting. (Article 27—paragraph 3)

To avoid crowding the Security Council with business, members are urged to settle their disputes "out of court" or through regional agencies. (Article 52)

Is it practical to expect local disputes to be settled locally?

The First Step in the Pacific-Settlement functions of the Security Council.

Investigation to Forestall Disputes and Potential Wars.

Could World War II have been avoided if the powers had investigated the situation in Europe and the Far East in time?

Warnings Invited.

Note the important "if."

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Article 11 refers to the powers of the General Assembly to discuss and recommend. Article 12 prevents recommendation while the Security Council is dealing with the matter.

Coaching the Disputants:

Members of the United Nations have the obligation to accept and carry out the suggestions of the Security Council. (Article 25)

Could the Security Council demand that a nation accept an arbitration that it had already rejected?

Legal disputes might consist mainly of disagreements about the interpretation of existing treaties.

Settlements by Security Council:

As a last resort, the dispute comes to the Security Council for settlement.

Are parties to disputes compelled to accept the recommendations of the Security Council? (Article 25 and 35)

What happens if only one party agrees to a request?

No Compulsory Settlements

unless peace is endangered. However, the Security Council may suggest settlements if all the parties request. "All the parties" might also include non-member states.

CHAPTER VII: Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.

This chapter also contains the specific provisions for armed intervention by the United Nations. The teeth of the Organization are revealed.

Decisions by the Security Council on matters covered in this chapter require the agreement of all the permanent members even if they are party to the dispute. (Article 27, paragraph 3)

Article 39 The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40 In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41 The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

CHAPTER VII: Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.

The Security Council's role becomes political at the point where action is needed or may be expected. To decide that a dispute constitutes a threat to the peace is a step fraught with serious possibilities. From being an impartial judge the Security Council may find itself being also bailiff and administrator of its own decisions.

Defining Aggression:

This is left to the Security Council. There is no definition in the United Nations Charter, as in the Inter-American "Act of Chapultepec" which defines aggression as an attack on territory or political independence.

Does this article give the Security Council greater flexibility in dealing with threats?

Provisional Measures:

When war threatens, conflict might be avoided if disputants could be ordered to withdraw armies from a frontier, halt mobilization, or stop fortifying a base.

Such orders would apply only to the period of crisis.

Can examples be cited of wars precipitated by mobilizations? Was World War I an instance? The war between the States of the United States?

War Making Powers:

Non-Military Measures: The application of pressures short of war.

Why did similar measures against Italy in 1935 fail?

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

Military Measures: Various nations entrust the war-making power to different agents or agencies of government. For example, a constitutional question of international concern arose from the power of the United States Congress to declare war. It was alleged that the Security Council could commit the United States to military measures without the consent of Congress.

Since the United States as a permanent member has the power to veto such measures in the Security Council it is really a question of the duty of the President of the United States to take prompt action with armed force. This has been done dozens of times in the past.*

Congress retains the power to declare war and to grant money. The Senate (not Congress) has power to approve treaties obligating the U.S.A. to participate in international enforcement action.

A bill defining the powers of the delegate who will act for the President in the Security Council, will be enacted by Congress.

Military Agreements:

It has been estimated, for example, by Admiral A. J. Hepburn, U.S.N., retired, adviser to the U. S. delegation, that one-third of the U. S. Navy and "a somewhat larger portion of the U. S. Army" would be earmarked for this purpose.

Should heads of states be required to notify their national legislatures any time that their delegates on the Security Council are authorized to vote on decisions to use force?

Must an organization designed to keep the peace have power to make war in certain circumstances?

Could policemen function effectively if they were forbidden to use force?

How do these contingents differ from an international force?

*For further reference see "World Policing and the Constitution" by James Grafton Rogers, published by World Peace Foundation, Washington, D. C.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

Such agreements with an international organization are without precedent. They were proposed because it would take too long to conclude such agreements after trouble starts.

Will particular contingents be publicly identified as potential United Nations forces?

Military Action Requires Representation: Non-members of the Security Council may vote on questions concerning employment of their own forces.

Three Dimensional Wars: The Charter here recognizes that the Air Age has changed the nature of war. Attack can come suddenly. Preparation must be made in advance. The same idea accounts in part for the provision (Article 23) that non-permanent members of the Security Council shall be elected with due regard for their contribution to the maintenance of international peace. Canada, Brazil, and Australia are essential "jumping off" stations in aerial warfare.

Military Staff Plans.

Military Staff Committee:

This is based on experience with the combined chiefs of staff who directed Anglo-American strategy in World War II.

How will the prospects and possibilities of atomic warfare affect the "urgent military measures" that the United Nations may need to take?

Can the United Nations be considered armed against emergencies while atomic weapons are controlled by individual sovereign states?

Comment on the relative effectiveness of publicizing military plans or keeping them secret.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

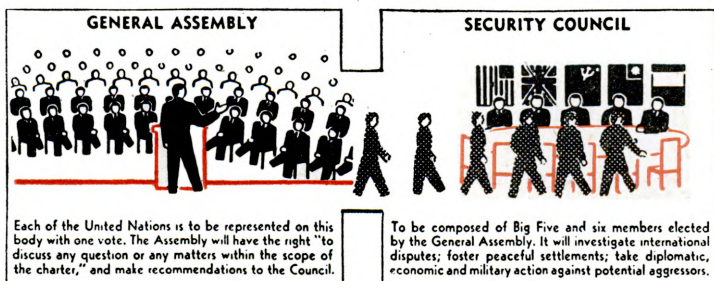
Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

The Committee consists of experts to advise the Security Council which retains authority over all decisions.

Members not represented shall be invited to participate when essential to efficiency.

Could the secret of the atomic bomb be entrusted to this committee?



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Obligations: Members of the United Nations are obligated to carry out decisions of the Security Council.

Through regional arrangements, for example. (Chapter VIII)

Mutual Aid by grant of facilities or equipment.

Economic Warfare is likely to cause hardships to many neutral and other interests. The practice of certifying shipments to neutrals, instituted in this war, is an instance of how this problem can be solved.



Can there be any "neutrals" when the United Nations is taking enforcement action?

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII: Regional Arrangements

The great controversy over regional arrangements at San Francisco was: Does the international organization provide enough security? The answers almost invariably were: Enough for the other fellow, but not enough for me. For example, the American republics wanted freedom of operation for the Act of Chapultepec, but control over the various alliances of

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by

Inherent Rights of Self-Defense

provides for any possible delay in the enforcement functions of the United Nations. Apart from sustaining individual nations in their right to resist attack, this article, by mentioning "collective self-defense," refers particularly to enforcement action by regional agencies. (Chapter VIII)

The main emphasis, however, is upon the responsibility of the Security Council to take all necessary measures.

Does "armed attack" include intervention in a civil war as happened in Spain from 1936 to 1939?

CHAPTER VIII: Regional Arrangements

the Soviet Union. The Russians had the same feeling, only in reverse.

A compromise was reached which preserved the full authority of the Security Council to deal with disputes, but recognized the inherent right of individual or collective self-defense in the event of armed attack. (Article 51)

For Peaceful Settlement:

These agencies are brought into existence by independent acts of the parties to them. Examples of other regional arrangements are The Declaration of Canberra (Australia and New Zealand) and the League of Arab States.

Parties to a dispute abstain from voting on decisions by the Security Council to ask regional agencies to settle disputes. (Article 27, paragraph 3)

Under what circumstances, if any, would action by such arrangements be inconsistent with the purposes and principles of the United Nations?

Does this article imply approval for so-called "spheres of influence?"

such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the organization may, on request of the governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

Articles 34 and 35 empower the Security Council to undertake investigations on its own account, and permit any state to bring disputes to the attention of the Security Council or the General Assembly.

Policing Enemy States

This provision is qualified by Article 51 which maintains the right of individual or collective self-defense until the Security Council has taken measures.

"The Governments concerned," i.e., the nations allied to police Germany and other enemy states, will decide if and when this responsibility shall belong to the United Nations.

Are some nations that were "working their passage" out of the Axis included in this provision?

Regional activities must be reported.

CHAPTER IX: International Economic and Social Cooperation

In the eyes of many persons the Economic and Social Council may provide the real key to world peace. If it succeeds the much debated powers and privileges of the Security Council may decrease in importance.

The job of the Economic and Social Council is to help in the rehabilitation of the world's shattered economy and culture. When it does that,—when liberty and prosperity are

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

CHAPTER IX: International Economic and Social Cooperation

established throughout the world,—national quarrels are likely to become less dangerous to the general peace.

The actual powers granted the Economic and Social Council may seem rather narrow, but potentially the effect of its reports and recommendations and conferences can be very great indeed. World opinion, expressed through the sounding-board of the General Assembly, is its main instrument of influence.

“Promote” is the key word that describes the way the Economic and Social Council will function. It means “encourage and foster” as used in the objects of Rotary.

In what ways are “conditions of stability and well-being . . . necessary for peaceful and friendly relations among nations”?

Give examples to show how the absence of such conditions lead to war.

How can Rotarians help in the promotion of such goals as full employment, health, cultural cooperation?

Problems:

It is estimated that more than half the world's population is undernourished. (Average daily wage in India, five cents; in China, twenty cents.) Unemployment and underproduction cost more than war. Disease and ignorance are common enemies everywhere. No land is free from political oppression, bigotry, race prejudices, and national hatreds.

An obligation is assumed by each of the United Nations, thus re-enforcing the program set forth in Articles 13 and 55. Cooperation for economic and social gains is as much an obligation of the United Nations as providing military contingents.

Suppose the Economic and Social Council recommended an international scheme for full employment or for revising the methods of teaching history—could a member of the United Nations refuse to give effect to it as being a matter for domestic jurisdiction? (Article 2)

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

"Specialized Agencies"

are numerous. Examples are UNRRA, the Food and Agriculture Organization, the International Bank, the Monetary Fund. Long-established agencies are the International Labor Organization, the Universal Postal Union, and various subsidiaries of the League of Nations.

Any given problem may require the cooperation of two or more specialized agencies.

A United Nations Educational and Cultural Organization may be a development from the conference which convened in London, November 1, 1945.

How can the Economic and Social Council meet the complaint that there are too many agencies? What sort of relationship should be established? Should the specialized agencies become dependent on the United Nations?

Which of the specialized agencies mentioned would be involved in promoting a program of full employment?



Illustrations by Graphics Institute

No Nation Is Excused

from responsibility. "If in this undertaking any of us should think narrowly of his own immediate interests and forget the economic interdependence of all, we shall head straight for depression, political instability, and perhaps another war." E. R. Stettinius, Jr., in "The Rotarian," August, 1945.

"He profits most who serves best."

To what extent is it important that primary responsibility for the practical application of economic and social measures be vested in the General Assembly?

How is the principle of sovereign equality affected? How is the chance of gaining acceptance for recommendations improved?

CHAPTER X: The Economic and Social Council

As a principal organ of the United Nations, the Economic and Social Council is the chief instrument for the promotion of international economic and social cooperation. Its actual

COMPOSITION

Article 61

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

FUNCTIONS AND POWERS

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

CHAPTER X: The Economic and Social Council

powers may seem negligible, but the cumulative effect of its reports, investigations, and conferences may go far to translate human hopes into human gains.

Election requires a two-thirds majority of members of the General Assembly. (Article 18)

The question of geographic distribution of seats does not arise here as it does in the election of non-permanent members in the Security Council. The Economic and Social Council being larger will tend, of course, to represent all sections and interests in the World. The permission to re-elect members makes continuous representation of some countries possible.

Methods—Powers are restricted by the pledge not to intervene in domestic jurisdiction. (Article 2, paragraph 7)

Studies—The scientific approach to such problems will require assembling a vast amount of information.

Recommendations:

For practical reasons, human rights did not receive the detailed and specific treatment desired by many in the preamble and first two articles of the Charter. The Economic and Social Council has opportunity to protect individual liberty by making recommendations to governments on behalf of their citizens.

Why has the Economic and Social Council only eighteen members?

What countries have experience in various forms of economic and social progress which would make them especially helpful members of the Economic and Social Council?

Would such studies include surveys of school books to see if they are unfair or biased or incite hatred of other nations?

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations

"Conventions"

are draft suggestions intended as world standards of attainment in some special field. They are the chief means by which the International Labor Organization has carried on its successful work since 1922. Governments are urged to ratify them by the challenge of world opinion. They are convenient for the United Nations Organization since they interfere in no way with independent domestic jurisdiction.

Conferences:

Such important matters as the drafting of an International Bill of Rights or the creation of an International Health Organization would normally be undertaken by an international conference. An International Bill of Rights could be included in the Charter only through an amendment adopted according to the provisions of Articles 108 and 109.

This article seems to answer the question posed earlier about Article 57. The specialized agencies will remain independent, except by special agreement.

Coordinating the Agencies.

Checking the Results:

This article suggests the means by which the Economic and Social Council can determine the measure of compliance with recommendations made by it and by the General Assembly.

If the Economic and Social Council prepares an International Bill of Rights as a draft convention and a government ratifies it, can the citizens of that nation appeal to the United Nations through any of its agencies if the law is not enforced?

Could agreement be made with an agency to which some United Nations members did not belong? With the International Labor Organization or the World Federation of Trade Unions?

and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

VOTING

Article 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

In this role would the Economic and Social Council be useful as an economic staff committee, comparable to the military staff committee described in Article 47?

Economic Warfare:

The Security Council when taking enforcement action through blockades, blacklists, or other methods of economic warfare (Articles 41 and 42) might be assisted by such information.

Wide Usefulness:

Because there are only eighteen nations represented on the Economic and Social Council, much of the stimulus and direction for its activities may come from the General Assembly where all the United Nations are represented.

Article 91 specifies that the Trusteeship Council may get help from the Economic and Social Council.

Would the Economic and Social Council be permitted to perform diplomatic services for individual members of the United Nations, such as fall within the scope of its work? For example, could it undertake to urge a nation to prohibit the shipment of opium? Or suggest a change in an immigration law?

Voting:

Decisions can be reached more easily than in the General Assembly or Security Council.

Comment on this statement by John Foster Dulles: "The time may come when fifty or more member nations will be willing to trust to ten persons representing a majority of the Economic and Social Council the right to intervene in their domestic economy. Certainly that day has not come yet . . ."

PROCEDURE
Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

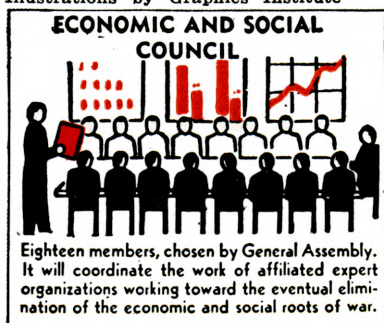
Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

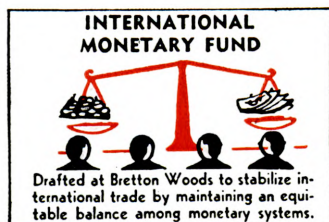
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Where continuous concern is indicated the methods of study, recommendation, and report can be assigned to a standing commission.

Illustrations by Graphics Institute



Would such commissions be available for reports and publicity about violations of United Nations Principles or conventions of the Economic and Social Council that have been ratified?



Examples of such organizations might include a manufacturers' association or the World Federation of Trade Unions, or the International Red Cross.

Could representatives of an international cartel or a great corporation be called in for consultation?

Name some of the international organizations which may come within the competence of the Economic and Social Council.

CHAPTER XI: Declaration Regarding Non-Self-Governing Territories

The Dumbarton Oaks Proposals were silent as to non-self-governing peoples. The inclusion of this subject in the United Nations Charter and the naming of the Trusteeship Council as one of six principal organs (Article 7) was a significant

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

CHAPTER XI: Declaration Regarding Non-Self-Governing Territories

achievement at San Francisco. The final result, which represents inevitable concessions and compromises, includes the declaration of principles and objectives which constitutes this chapter.

A Magna Carta for Subject People Everywhere:

This declaration, the first of its kind in history, is general in form and universal in its application to all the United Nations. A key phrase is "*recognize the principle that the interests of the inhabitants are paramount.*" About a quarter of the people of the world live in territories that are not fully self-governing.

To what extent are all nations dedicated to the well-being of their territories or colonies?

Dependent peoples sometimes resent changes in their culture. Hence "due respect."

What sort of abuses? Economic exploitation? Chattel slavery? Drug traffic? Color discrimination?

Lippmann vs. Welles:

The attempt to specify "independence" as the goal failed, although this paragraph in no way precludes independence as the ultimate outcome of progress in self-government. "Independence" appears as an alternative in Article 76 b. A lively dispute occurred in the columns of Walter Lippmann and Sumner Welles on this issue. Lippmann contended that the variety of cultures among subject peoples made any general program impossible. Welles charged him with disregarding moral issues only because they were complex and explosive.

Distinguish between "independence" and "self-determination" as general goals.

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII: International Trusteeship System

Proceeding from general statements of intention regarding all dependent peoples, the Charter provides for specific supervision and obligations in respect of certain territories. This "system" of trusteeship is designed to replace the League of Nations mandates, and to define the status of colonial people

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

A great deal already is being done under various schemes of colonial development. The proposal to coordinate these schemes and link them with international agencies is a new one.

The Obligation

of the administering nations to give an account of their control is recognized here. Although the colonial powers normally publish reports (of varying degrees of completeness), this is the first time they have accepted an obligation to do so. It should be noted, however, that this transmission of reports is "for information purposes" and not for action by the Organization.

The proposal to transmit regular reports is the greatest innovation. Does it not virtually transfer the colonial world into the status prescribed for League of Nations mandates?

Will it be an entering wedge for the closer supervision described in Article 87 (inspection by representatives of the United Nations, petitions, etc.)?

Will nations continue to encircle their territories and/or colonies with tariff walls to keep out trade of other United Nations?

CHAPTER XII: International Trusteeship System

formerly governed by enemy states of World War II. The ultimate authority in so-called "strategic areas" is vested in the Security Council, in other dependent areas with the General Assembly. An alleged "joker" in the system is that placement of areas under trusteeship is voluntary.

A nucleus for international administration. See Article 77 for categories of territories which may be placed under trusteeship.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;

Objectives:

"Independence" as a possible goal for the inhabitants of all trust territories was urged by the Soviet Delegation and by Brigadier General Carlos P. Romulo, representing the Philippines. Commander Stassen (U.S. delegate) contended that it might be unwise to stress "independence" in an interdependent world. Viscount Cranbourne (U.K. delegate) pointed out that backward people often gain freedom by their inclusion in an imperial confederation where progressive development toward self-government is the goal.

Human rights are also a concern of the General Assembly and the Economic and Social Council.

Non-discrimination:

In essence, this prescribed non-discrimination pertinent in most territories for the nations of all members and for their merchandise, ships, planes, communications, etc., provided that this does not conflict with objectives (a), (b), and (c) and with existing rights in these territories.

History of the Mandates:

Colonial territories taken from Germany and Turkey in World War I were administered as mandates under the League of Nations by some of the Allied and Associated Powers. Though not a member of the League, the United States signed treaties with most of the mandatory powers which reserved its rights in the mandated territories.

In what ways have these objectives been achieved in colonies and mandates?

What has World War II taught concerning the interdependence of the peoples of the world?

What tariff and other trade practices will be affected by a conscientious attempt to achieve this objective?

What territories are now under such mandates?

Will the League Council transfer its authority to the Temporary Trusteeship Council of the United Nations as established October 28, 1945?

b. territories which may be detached from enemy states as a result of the Second World War; and

c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Obligations of Mandatory Powers:

The obligations are, in general, to report annually to the League Council; to provide freedom of conscience and religion; to prohibit slave trading, traffic in arms and liquor, and military service except for local policing in the more backward territories; and to establish equal treatment for all League of Nations Members in the commerce, taxation, concessions, etc. of the more advanced territories.

Enemy territory: The first principle of the Atlantic Charter provides, "No aggrandizement, territorial or other."

Disagreement arose concerning the disposal of the Italian colonies at the London meeting of foreign ministers in October, 1945, as to whether they should be placed under international or individual trusteeships.

Volunteer placement: The door is left open for any dependent territory to be placed under trusteeship.

The alleged "joker" (see introduction to this chapter).

Once mandates, now independent, and members of the United Nations are: Iraq, Lebanon, and Syria. Though not yet independent, India and the Philippines are Members of the United Nations.

"States Directly Concerned":

In general, those countries having some authority over a territory as a result of either the First or Second World War. Exactly which states are "directly concerned" in a given territory will have to be determined by negotiation. The United States,

What improvements over the mandate plan does the trusteeship system offer?

Is there anything in the trusteeship plan that would prevent placing the whole of Germany and Japan under the joint administration of the United Nations? What would be the advantages or disadvantages of such a solution?

What, if any, distinction is there between annexation and occupation as a defense base?

What might persuade an administering nation to put its possessions under trusteeship?

Since the placing of territories under trusteeship is voluntary, may it not develop that fewer dependent people come under it than were under the mandate system?

Would states having large commercial or strategic or religious interests in a given territory be "directly concerned"?

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

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

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

United Kingdom, and France are "directly concerned" in all mandated territories as Principal Allied and Associated Powers, but similar rights of Italy and Japan will be forfeited in the peace settlement.

The League of Nations:

No reference is made to the League of Nations under which the mandates are held. The new agreements concern trusteeship, not mandates. Liquidation of the League relationships is a separate matter.

This is the so-called "conservatory clause" which safeguards all existing rights unless and until modified by trusteeship agreements.

Some delegates expressed fear lest paragraph 1 "freeze" the distribution of mandates and the conditions existing under the League of Nations. The purpose of this provision is to avoid delay in transferring mandates to trusteeship.

Joint Administration

by several nations might add to the experience gained in the Saar area and the Free City of Danzig which were under the protection of the League.

Strategic Areas:

At stake at the end of the war were many locations, particularly hundreds of Pacific Islands mandated to Japan or under direct Japanese rule, which have great strategic importance. Without direct annexation (contrary to the Atlantic Charter) these locations can be used as bases under trusteeship by an administering authority. Article 43 refers to general contributions of armed forces, facilities, and assistance by members for enforcement action by the Security Council.

Does this article add any hint of an obligation to the provision that the placing of territories under trusteeship is voluntary? (Article 77)

How might nations now holding mandates be induced to transfer them to the trusteeship system?

What possibilities emerge for international rule over disputed key locations and over backward areas that individual administrators might find it unprofitable to develop?

Who designates an area as "strategic"?

How is the strategic importance of these bases affected by the development of atomic warfare?

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

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

Article 85

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

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

As the organ responsible for enforcement action, the Security Council supervises strategic areas.

Even strategic areas, so far as their civilian inhabitants are concerned, are subject to the general provisions of the trusteeship system.

Militarization Not Limited:

This provision contrasts with the League of Nations Covenant which limited the militarization of mandates to the requirements of local defense. This may be one of the ways of training for self-government as it enables a trust territory to play its part in the maintenance of peace and security.

The Final Authority

in the trusteeship scheme is the General Assembly, except for strategic areas which are put under the control of the Security Council.

Will any permanent member of the Security Council be able to veto the military uses of a strategic area by an administering power?

Does this provision meet the objection that distinguishing strategic areas from other areas deprives the inhabitants of the former of the benefits of trusteeship supervision?

Will they be able to aspire to ultimate independence, for example?

Will an administering authority be permitted to raise large armies from the population of a trusteeship area? By conscription?

Does this provision imply that sovereignty over all the trusteeship areas, apart from military aspects belongs to all the United Nations collectively?

Is the responsibility delegated to the Trusteeship Council purely administrative?

CHAPTER XIII: The Trusteeship Council

The importance of the Trusteeship Council in the United Nations Organization is attested by its inclusion among the principal organs (Article 7). As virtually the supreme authority in a colonial empire, its task will be to see that the provisions of the trusteeship system set forth in the preceding

COMPOSITION

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

a. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS AND POWERS

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

b. accept petitions and examine them in consultation with the administering authority;

CHAPTER XIII: The Trusteeship Council

chapter will be carried out. Whether the weaknesses in the system alleged by some critics can be overcome depends in large measure upon the earnestness with which the Trusteeship Council undertakes its duties, and the interest of public opinion the world over in the welfare of dependent peoples.

No direct representation is given the native inhabitants in the Trusteeship Council. A member can, however, appoint a native inhabitant as its representative or as an adviser or expert on his staff.

This means that all the permanent members of the Security Council will be members.

Nations not administering trust territories will tend to balance the special interests of the administering authorities with a disinterested point of view.

What special qualities are required in a representative?

Direct Supervision:

Under the League of Nations, the Council, assisted by the Permanent Mandates Commission, had general supervisory powers. These powers are strengthened under the Charter and are given concurrently to the General Assembly, the fully representative body, and to the expert Trusteeship Council.

League supervision of mandates was limited to reports of this nature.

In cases of discontent, both sides can be heard.

Can native inhabitants as individuals or groups make complaints?

c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

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

VOTING

Article 89

1. Each member of the Trusteeship Council shall have one vote.

2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

Either the General Assembly or the Trusteeship Council can make its own investigations, on the spot.

If imperfect administration is found, what can be done about it?

Questionnaires

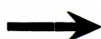
will help to insure that reports from the administering authorities cover all points in the trusteeship agreements. The use of such questionnaires was one of the most valuable features of the mandates system.

Decisions are more easily reached than in the General Assembly and the Security Council.

No veto is exercised by the administering members. The non-administering members can make decisions if they can persuade one administering member to vote with them.

How will this affect the sovereignty of an administering member over its trusteeship area?

Illustration by Graphics Institute



Reports to
the
General
Assembly



Avails itself of
assistance of Economic
and Social Council
and specialized agencies

CHAPTER XIV: The International Court of Justice

The International Court of Justice is a principal organ of the United Nations (Article 7) and its Statute (not reproduced with this text) is an integral part of the Charter. The Statute provides that fifteen judges of the Court shall be elected without regard for nationality by the General Assembly and

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

CHAPTER XIV: The International Court of Justice

the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration. The judges will be elected for nine-year terms and the seat of the Court will be The Hague, The Netherlands. Further comments on the Statute are to be found elsewhere on this page.

The Permanent Court of International Justice or "World Court" was established in 1922. Fifty-one states have, at one time or another, been members. It has decided sixty-five international disputes and has given advisory opinions in twenty-seven cases.

Membership:

Although the World Court was related to the League of Nations, its membership was separate from that of the League.

Any state, whether a member of the old Court or not, could submit a case to the Court upon undertaking to carry out its decision.

Will the new Statute based upon the old Statute, preserve the substantial achievements in the field of international justice which the old Court had accomplished?

Does this article limit the jurisdiction of the new Court? Could a country, denied membership in the United Nations because of neutrality policy, become a member of the Court?

Obligation to comply with decisions.

Possibility of execution of judgments by the Security Council.

The Court will deal with "all legal disputes concerning the interpretation of a treaty, any question of international law, the existence of any fact which, if established, would constitute a breach of an international obligation, the nature or extent of the reparation to be made for the breach of an international obligation."

The Court "shall apply international conventions, international custom, the general principles of law recognized by civilized nations, judicial decisions . . . as subsidiary means for the determination of rules of law."

Compulsory jurisdiction of the Court may be accepted by states through a voluntary declaration which can be made "unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time." Forty-five states at various times signed a similar "optional clause" of the old Statute. In July, 1944, twenty-eight states were still bound by this obligation.

Nations which accept this obligation of compulsory jurisdiction will greatly strengthen the Court and international law.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

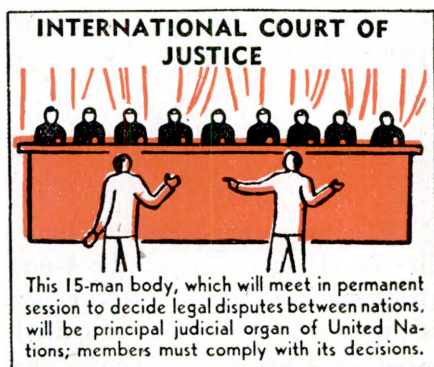
"Other Tribunals"

might be the Permanent Court of Arbitration established at The Hague in 1907 or any tribunals specially constituted by the parties to a dispute.

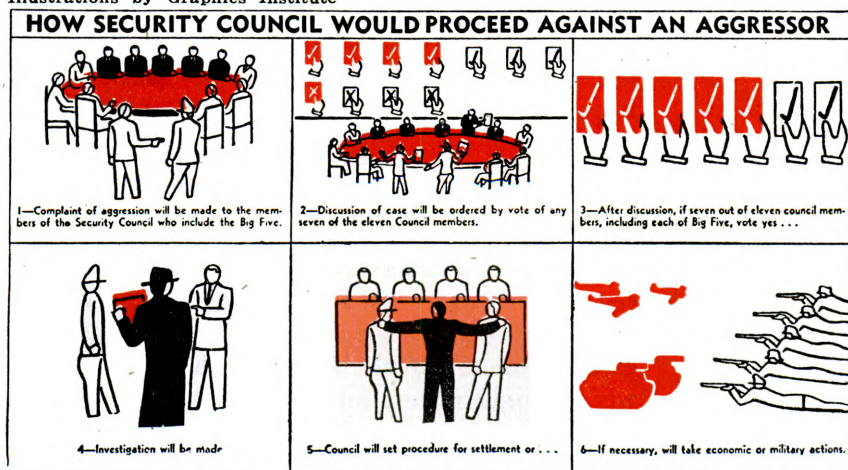
Advisory Opinions:

Since the advisory jurisdiction of the Court would include interpretation of treaties, it might be called upon to interpret provisions of the Charter.

What kind of opinions might be asked by the General Assembly, the Security Council, and the specialized agencies?



Illustrations by Graphics Institute



CHAPTER XV: The Secretariat

All the permanent, professional workers in all branches of the United Nations Organization will be employed by the Secretariat. They will form the staff of experts to do all the research and administrative functions required in carrying out the will of the United Nations—a type of Rotary “club”

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties, the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

CHAPTER XV: The Secretariat

service." Just as the effectiveness of government is often measured by the efficiency of the national civil service, so the success of the United Nations may hinge largely upon the recruitment of a devoted and competent Secretariat which is a principal organ of the United Nations. (Article 7)

The Administrative Chief of the United Nations: The proposal to name four deputies in addition to the Secretary-General was dropped at the insistence of the smaller nations.

The staff is likely to be larger than the approximately 650 members of the League of Nations Secretariat because of the wider scope of the United Nations.

Permanent members of the Security Council must agree upon the selection for Secretary-General.

Importance of Personality:

The work of the Secretary-General covers so wide and important a field that the proposal to create deputies is understandable. As things are, he will probably appoint his own deputies. The personality of the chief administrative officer will be reflected in the whole organization.

Watchdog of United Nations:

The General Assembly is charged with a similar responsibility. (Article 14) During the intervals between the annual meetings of the General Assembly, the Secretary-General has special responsibility.

Secretariat Is International:

Sir Eric Drummond, formerly Secretary-General of the League of Nations, urged his staff to hold "the conviction that the highest interest of one's own country is best served by the promotion of security and welfare everywhere."

How will the Secretary-General be replaced if his services prove unsatisfactory?

The executive committee of the Preparatory Commission voted (October 23, 1945) that the Secretary-General be appointed for five years.

How could the temperament of the Secretary-General affect his discharge of this function?

Could not Rotary's "Fourth Object" be a description of the qualifications of the ideal Secretariat?

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI: Miscellaneous Provisions

The care with which appropriate considerations have been grouped in other chapters is indicated by the fact that only four articles have to be grouped as miscellaneous provisions. These articles have in common an assertion of the authority of the United Nations Organization. It is held to supercede

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

It has been charged that certain states, while still members of the League, sought to influence their nationals on the Secretariat.

How much can a truly world-minded civil service accomplish for international understanding, peace and good-will?

Appointment of staff members.

THE SECRETARIAT



Illustration by Graphics Institute

To be composed of a secretary-general and administrative staff. It will make annual reports to the General Assembly, bring to the Security Council any matter which might threaten international peace and security.

CHAPTER XVI: Miscellaneous Provisions

the authority of all other agreements between nations, and no national law can impede in any way the exercise of its functions. Had the Charter been in force, for instance, it would have justified Russia in breaking its non-aggression pact with Japan.

No secret treaties: This is a very significant obligation of the United Nations and an important contribution in the development of international law.

During twenty years the League of Nations registered 4,500 treaties.

What about treaties made before the Charter comes into force?

May treaties negotiated before the Charter comes into force be invoked even though they are not registered?

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

Supremacy of the Charter:

This blanket obligation provides a clear rule for the solution of many questions that may arise in the future.

"Legal Capacity":

This includes the power to make contracts, to acquire and dispose of property, and to institute legal proceedings within the territory of the member states.

Privileges and Immunities:

These conditions will probably be settled when the permanent home of the United Nations Organization is selected. This article applies not only in the country where the Organization has its seat, but in the territory of all the Members of the Organization.

Similar privileges and immunities as diplomats enjoy; for example, privacy of communication, freedom of movement, and immunity from certain types of taxation.

To what extent does this Article outlaw all alliances except defensive ones and those made against enemy states? (For definition of "enemy states" see Article 53, paragraph 2.)

Will the Organization exercise sovereignty over the area occupied by its premises as nations have over their embassies abroad?

CHAPTER XVII: Transitional Security Arrangements

The United Nations Charter is not a part of the peace treaties as was the Covenant of the League of Nations. This is considered an advantage because it helped to speed business at San Francisco, and because any unpopularity which may subsequently attach to the peace settlements will not have

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVII: Transitional Security Arrangements

to be shouldered by the United Nations Organization. Until the United Nations Organization is established and able to exercise its responsibilities, world peace will be maintained by China, France, the Union of Socialist Soviet Republics, the United Kingdom, and the United States.

Agreements for contributions of armed force by members of the United Nations (Article 43) so that the Security Council can carry on its enforcement functions (Article 42) will be concluded as soon as possible.

Provision for General Security:

Until these agreements are concluded paragraph 5 of the Moscow Declaration remains in force. It reads: "That for the purpose of maintaining international peace and security pending the re-establishment of law and order and the inauguration of a system of general security, they (representatives of the United States, United Kingdom, Soviet Union, and China) will consult with one another and as occasion requires with other members of the United Nations with a view to joint action on behalf of the community of nations."

The Charter does not depend for its validity upon the subsequent conclusion of treaties of peace. It does require, however, that treaties shall be registered with the Secretariat. (Article 102)

Have the peace treaties to follow this war any different status under the United Nations Charter than any other treaties?

CHAPTER XVIII: Amendments

The sudden advent of atomic warfare illustrates the need for provisions to adapt the Charter to changing conditions. A living organism must be allowed to grow. On the other hand, nations which assume the tremendous obligations of

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XVIII: Amendments

membership do not want their agreement made subject to sudden change. To sustain the authority of the Charter, therefore, it was felt necessary to place considerable obstacles in the way of amending it.

Permanent Members of the Security Council, under Article 108, can block any proposed change in the Charter simply by not ratifying it.

For instance, if in time a country were to grow in population and power so that it had more responsibility for keeping the peace than one of the permanent members, that member could continue to exercise its privileges and exclude the growing country from permanent membership.

Reviewing Conference:

Insistent demands for more liberal amendment were not gratified. The possibility of a general conference within ten years, however, is made subject to less severe conditions than amendment.

But any amendments proposed at the conference require the same concurring votes as other amendments.

Perhaps at the end of ten years, the importance of the principal organs of the United Nations will have altered in relation to each other. Nations may be ready to accept changes that they resist now that the Charter is untried.

Is this an undue brake on the evolution of the Organization?

Compare with provisions for amending the constitution of any given country.

Would not changing the amendment provisions before the conference ease its task?

CHAPTER XIX: Ratification and Signature

Those who have attended international conventions of Rotary can well imagine the spirit and atmosphere that pervaded the colorful ceremony at San Francisco on the 26th of June,

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposits of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

CHAPTER XIX: Ratification and Signature

1945. A fellowship born of common purpose had developed in the effort to reach agreement. It remains for the nations to show the same determination to establish peace "from here on!"

Usually ratification entails approval by legislative bodies, so that the Charter becomes part of the national law of each member nation.

Nicaragua was the first nation to deposit its ratification.

Sum up the obligations entailed in ratifying the Charter.

Twenty-nine states including the permanent members of the Security Council having ratified the Charter, U.S. Secretary of State Byrnes signed the protocol which formally established the new world organization (Washington, October 24, 1945).

In the U.S.A., it was approved by an almost unanimous vote of the Senate.

Following meetings of the Security Council and the General Assembly, members of the United Nations will be asked to agree to make armed forces available and to appropriate funds for the Organization.

While ratifications were in process a Preparatory Commission was charged with the many arrangements necessary in order to bring the Organization into being. These include agenda for the first meeting of the General Assembly, securing of nominations of Judges of the International Court and negotiations with the still-existent League of Nations. An Executive Committee of this Commission composed of fourteen member-nations carried on these duties in London, England.

Is not the final question to ask: If there were no United Nations Organization what machinery would exist in the world to keep the peace?

While it is the fruit of compromise and disappointing to the hopes of some, is not the United Nations more capable of averting the untold disaster of another war than was the League of Nations?

May not the personal backing of many individuals enable it to surmount the tests that are ahead?

How to Use This Booklet

AT CLUB MEETINGS, the text of the Charter as background for:

- (1) Inspirational talks on such subjects as "Our Stake in World Organization."
- (2) Debate on a crucial issue like: "Should a Nation Delegate its Power to Make War?"
- (3) Round Table or symposium on:
 - a) "The New International Court of Justice."
 - b) "What the Charter Means to Me." (Include, if possible a veteran of overseas service.)
- (4) Model session of the United Nations:

Rotarians representing different nations in the Security Council could discuss some dispute (imaginary or historical) and the means available in the Charter for settling it. Or a—

Model session of the Economic and Social Council could hear reports from various inter-governmental agencies on the problem of industrialization in a backward country. This plan would stimulate close study of the Charter by the participants.
- (5) A Quiz Program ("Know Your Charter"):

A good quiz master is important. Club members can bring their own questions (and answers). Or a quiz can be prepared. Teams can be assigned to "quiz each other down" or the International Service Committee can invite the club "to stump the experts."

AT FIRESIDE MEETINGS or special club meetings with interested friends as guests:

- (1) The thorough examination of the Charter chapter by chapter and article by article will require at least four meetings. Chapters I-IV, V-VIII, IX-XIII, and XIV-XIX might make suitable divisions of this program.
- (2) Write to Rotary International for the paper entitled "Let's Talk It Over" (393) which illustrates the conduct of such meetings.
- (3) A result of these meetings might be the training of discussion leaders for other groups.

AT LARGE IN THE COMMUNITY, interest in the Charter can be stimulated by:

- (1) Mass meetings arranged in cooperation with other organizations.
- (2) Prizes for essays on "The New Principles of World Peace."
- (3) Sponsoring a Charter Club in the High School.
- (4) Interviews with local celebrities or public-opinion polls in the newspapers.
- (5) Radio programs on the Charter by a team of Rotarians. Stations gladly carry such programs free if they are lively and have local interest.
- (6) Exhibits in store windows or other public places with maps, charts, etc., to attract attention. The local library might loan pertinent books and pamphlets. Rotary publications on the Charter can be shown. "Our Town—Hub of the World" (No. 761) tells how to organize such an exhibit.
- (7) A Rotary Institute of International Understanding. This year's theme, "Steps Toward World Stability," includes talks on these subjects pertinent to the Charter:

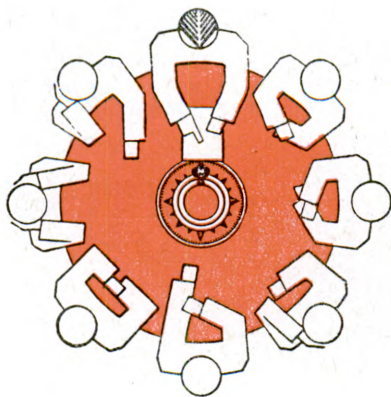
Making International Organization Effective.

Maintaining World Trade and a High Standard of Living.

International Security in the Pacific.

The Constructive Use of Air Transport.

Ask for International Service papers on Institutes of International Understanding.



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Definitions

AGENDA

Things to be done at a meeting.

AGGRESSION

A first or unprovoked attack.

BASIC INSTRUMENTS

Laws establishing an organization.

COLLECTIVE MEASURES

Steps taken by all the members of an organization.

COMMISSIONS

Organizations established to investigate and consider a subject.

DEMONSTRATIONS

A show of force as warning.

DRAFT CONVENTIONS

Sample legislation for ratification of national governments.

ECONOMIC AND SOCIAL COUNCIL

A principal organ of the United Nations, elected by the General Assembly.

ENEMY STATE

Any state which during World War II has been an enemy of any member of the United Nations.

FUNDAMENTAL FREEDOMS

Freedom from want, from fear, of speech, of worship.

INHERENT RIGHT

Inseparable condition of a nation's being.

INTERNATIONAL COURT OF JUSTICE

A Principal organ, supreme legal authority of the United Nations.

JUDICIAL

Settlement by a court.

MANDATE

A territory administered under the League of Nations by another state.

MANDATORY

The administering authority of a mandate.

MILITARY STAFF COMMITTEE

The Chiefs of Staffs of the permanent members of the Security Council.

METROPOLITAN

The "mother country" as distinguished from colonies.

NON-PERMANENT MEMBERS

Six nations elected to the Security Council for two-year terms.

ORIGINAL MEMBERS

States which signed the Charter at San Francisco and ratify it, and any state not present at San Francisco which signed the United Nations Declaration and signs and ratifies the Charter.

PERMANENT MEMBERS

China, France, the Union of Soviet Socialist Republics, the United Kingdom, and the United States have permanent seats on the Security Council.

PROTOCOL

First draft of a treaty.

RATIFICATION

Formal approval through the respective constitutional processes.

SECRETARIAT

The permanent staff of the Organization.

SECRETARY-GENERAL

The chief administrative officer of the Organization.

SECURITY COUNCIL

A principal organ of the United Nations having primary responsibility for the maintenance of peace.

SELF-DETERMINATION

Right of a people to choose its government.

SPECIALIZED AGENCY

An international organization for a special purpose.

SOVEREIGNTY

Supreme authority.

STRATEGIC AREA

Trusteeship territory used for military purposes, under the Security Council.

SUBSIDIARY ORGAN

One not allowed to act independently.

TERRITORY INTEGRITY

Recognized boundaries of a state.

TRIBUNAL

Any court of law.

TRUSTEESHIP COUNCIL

A principal organ of the United Nations, elected by the General Assembly to control trust territories.

TRUST TERRITORY

A dependent area administered by another state under the Trusteeship Council.

THE GENERAL ASSEMBLY

A principal organ of the United Nations in which all Members are represented.

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