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Recommendations of the American Bar Association as to the Dumbarton Oaks Proposals for the Establishment of General International Organization for Peace, Justice and Law

American Bar Association

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Another problem is that of racial and religious minorities. Our nation was built on the principle of their protection. Have we lost that viewpoint? Are we guilty of being blind to the needs or intolerant of the views of those of those who differ from us? Certainly the men in the army were willing to receive new ideas and absorb them into their tactics and strategy. We must, if democracy is to survive, adopt the same attitude. The responsibility of the legal profession is clear. Its members are the leaders in their communities. They demonstrated that leadership in time of war. They can do no less in time of peace. We must apply the open mindedness used to solve the problems of war to these problems of peace or democracy will fail. We must apply lawyer's outlook and capacities in solving these problems.

RECOMMENDATIONS
of the
AMERICAN BAR ASSOCIATION
as to the
DUMBARTON OAKS PROPOSALS FOR THE
ESTABLISHMENT OF A GENERAL INTERNATIONAL
ORGANIZATION FOR PEACE, JUSTICE AND LAW

(continued from last issue)

RECOMMENDATION No. 3:
AS TO INTERNATIONAL LAW

The American Bar Association recommends that an International Conference on the Law of Nations, to be made up of such number of jurists in the field of international law as the General Assembly shall determine, should be created; that the members thereof should be nominated and elected in the same manner as members of the Permanent Court of International Justice; that such Conference shall formulate a statement of principles of international law as rules for the conduct of the Nations; that such statement shall be submitted to the parties of the Charter for ratification and agreement in accordance with their constitutional processes, and that the Court shall interpret and apply such principles in determining controversies and in rendering advisory opinions.

RECOMMENDATION No. 4:
AS TO REPRESENTATION
IN THE ASSEMBLY

The American Bar Association urges that, in developing the Dumbarton Oaks Proposals into a Charter, consideration be given to introducing the principle of weighted representation of the Nations in the Assembly of the Organization.

RECOMMENDATION No. 5:
AS TO AMENDMENT
OF THE CHARTER

The American Bar Association recommends and urges that the Charter of the Organization, in relation to Chapter XI of the

Dumbarton Oaks Proposals, require that a Constitutional Assembly of the United Nations, composed of representatives of all the members of the Organization, be convened not later than the seventh year following the year in which the Charter comes into force and not less than every tenth year thereafter, to consider what amendments should be made to the Charter; such Constitutional Assembly and all amendments at any time proposed as to the Charter to be subject to the following further provisions:

- (a) Each Constitutional Assembly shall be convened by a resolution of the General Assembly adopted by a vote of two-thirds of all the members of the Organization; provided that such two-thirds shall include not less than three members of the Organization having permanent membership in the Security Council. The resolution shall determine the time and place of the Constitutional Assembly and the number of representatives to which each member of the Organization shall be entitled therein.
- (b) All members of the Organization agree to be represented at any such Constitutional Assembly in accordance with the resolution whereby it is convened. Each member of the Organization shall select its representatives in such manner as it shall determine.
- (c) Amendments shall come into force, for all members of the Organization, when they shall have been proposed by a majority vote of the representatives in the Constitutional Assembly and have been ratified in accordance with their respective constitutional processes by two-thirds of all the members of the Organization; provided that such two-thirds shall include not less than three members of the Organization having permanent membership in the Security Council.
- (d) Amendments proposed at any other time shall come into force, for all members of the Organization, when they have been proposed by a vote of two-thirds of the members of the General Assembly and have been ratified in accordance with their respective Constitutional processes by two-thirds of all the members of the Organization; provided that such two-thirds shall include not less than three members of the Organization having permanent membership in the Security Council.
- (e) Provided that no amendment of the Charter shall be made, pursuant to either of the foregoing methods, which would have the effect of conferring on the Organization any authority or power to deal with any matter which pertains to the purely international affairs of any member state.

**RECOMMENDATION No. 6:
AS TO REGIONAL ARRANGEMENTS**

The American Bar Association endorses the Act of Chapultepec, approved at the Inter-American Conference on Problems of

War and Peace, in Mexico City, Mexico, February 21 to March 8, 1945, as constituting an appropriate and constructive basis for a regional arrangement to maintain international peace and security in this hemisphere.

The American Bar Association further recommends that the Charter of the United Nations should specifically recognize the competence of the inter-American States, organized as the Pan-American Union, to maintain regional international peace and security, pursuant to the Act of Chapultepec and consonant agreements, provided that the Charter of the general Organization shall prevail over any inconsistent regional agreements, and subject to the right of the Security Council to intervene should the inter-American regional system arrangements fail to maintain peace and security consistent with the purposes and principles of the general United Nations Organization.

RECOMMENDATION No. 7:
AS TO FURTHER ACTION
BY THE ASSOCIATION

In addition to adopting the foregoing Definitive Recommendations the American Bar Association also submits for consideration the more detailed suggestions and recommendations which are attached to this Document, as Schedule "A," as the Charter of the Organization and the Statute of the Court.

Inasmuch as various specific provisions to implement and strengthen the Dumbarton Oaks Proposals will be drafted and made public from time to time after the sessions of the Committee of Jurists in Washington to begin April 9, 1945, as well the San Francisco Conference to open on April 25, 1945, the Association's Special Committee and the Council of the Section of International and Comparative Law are authorized and instructed to examine fully such definitive drafts, to submit and urge the views and recommendations of the American Bar Association, and to refer for the action of the Association from time to time such recommendations as the Committee and the Council may deem proper.

MAGNA CHARTA GOES HOME

With the eyes and hopes of the world centered on the London efforts to put vigor and practicality into the operation of the Charter of United Nations Organization which soon will cross the Atlantic to make its permanent home among us, there has taken place a little-heralded event which serves as stark reminder of the swift and cataclysmic changes which have overwhelmed the world within a few short years.

In 1939 another Great Charter, the Lincoln Cathedral's copy of the Magna Charta, was brought to America, to be a part of the British exhibit at the New York World's Fair. The gay and cosmopolitan "World of Tomorrow" as then envisaged stood on the meadows near Flushing, Long Island. The Nations of the world had built imposing structures and brought characteristic displays