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Completing the United Nations Organization

North Dakota State Bar Association

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COMPLETING THE UNITED NATIONS ORGANIZATION

October of 1945 will be an historic month, a land-mark on the long road to adequate international organization, because it will witness the completion of ratification of the great Charter and the annexed Statute of the Court by at least the number of Nations required to bring those instruments into effect.

Twenty of the United Nations had ratified, as of mid-September. Formal action by several others, probably as many as ten, is indicated for September or the first week of October. A delaying factor in the completion of all formalities by at least the required twenty-three states in addition to each of the five Principal Powers (31 A.B.A.J. 393-399), may be the time required for the transmittal and deposit of the attested documents in the National Archives in Washington. Whereas, in San Francisco it had been fondly hoped that the necessary ratifications could take place before the end of the year, that time schedule is now advanced nearly three months.

Meanwhile, the committees of the Preparatory Commission have been in preliminary sessions for nearly a month, in the historic-Church House in London. As anticipated, the exploring and mapping out of a formidable amount of organizational detail have been necessary (31 A.B.A.J. 404, 406); and the required consultations with the respective governments have taken time. A vast background of history, precedent and experience has been taken into account, to avoid pitfalls and repetitions of past mistakes.

With characteristic energy, the American representative is urging the greatest possible advancing of the preparatory steps. For him the U N O dates from Dumbarton Oaks and was consummated at the Golden Gate. Mr. Stettinius submits now the practicability of a meeting of the full Preparatory Commission in mid-October, an organizational or business convocation of the General Assembly in mid-November, and the continuous availability of sessions of the Security Council, the Economic and Social Council, and like agencies of the new Organization from that time on. Climactically, he sets as an objective the convening of the first great formal meeting of the General Assembly on April 25, the first anniversary of the opening of the San Francisco Conference.

The agenda for the business session of the Assembly will necessarily include many important items which can be determined only by that august body. These include the election of a permanent Chairman of the Assembly, the admission of new members (such "peace-loving" neutrals as Sweden, Switzerland, and possibly Portugal) upon whatever terms and conditions are decided on as appropriate, the calling for nominations for the International Court of Justice, the determination of the extent and type of buildings needed to house the Assembly, and some steps as to the selection of a seat for the U N O.

Phillip J. Noel-Baker, the British Minister of State, is among those members of the Preparatory Commission who doubt whether progress can be made as rapidly as Mr. Stettinius has urged.

Regrettably, the background for much which is taking place seems to be a recurrence of ancient doubts as to the intentions of the United States. American indifference and delaying tactics, at the same stage, as to the League of Nations, are not too favorably recalled. Time and continued cooperation may largely iron out these deep-seated feelings.

Ratification of the Charter brings also into effect the Statute of the Court (31 A.B.A.J. 400-406), but the Court does not come into being until its members have been nominated and elected. This will require many months, after the business meeting of the Assembly. Meanwhile, the old Court and its Statute remain in existence, until the adherence of the parties to it is in some manner withdrawn. The present Court is not likely to function extensively during the gap.

Perhaps naturally, a good deal of the uncertainty as to the intentions of the United States arises from the failure of the President and the Senate to accomplish an acceptance of the obligatory jurisdiction of the Court, at the time of American ratification of the Charter. The United States and the Soviet Union are still laggard, as to a declaration under Article 36 of the Statute. Unfortunately, the matter has not been placed high on the program for the action of the Senate or the Congress, which are now re-convened after recess.

Bold leadership by President Truman and prompt action by the Senate, in behalf of the Morse Resolution or some similar declaration, would tend to remove grounds for suspicion that this country is content to leave justiciable matters within the domain of diplomatic negotiation and discretion, in the hands of the Council of Ministers and later in the Security Council.

We urge that all members of the American Bar Association, as well as other citizens interested in international justice according to law, should do immediately all they can to support and bring about the earliest possible passage of the Morse Resolution or some like declaration, by the Senate of the United States. The votes and attitude of your Senators may be decisive any day.

October, 1945, Number American Bar Association Journal.

ON AWARDS OF THE ARMY AND NAVY TO
STATE BAR ASSOCIATION

On Permission to Hang Such Awards Framed in Supreme Court
Remarks by Hon. O. B. Herigstad

Supreme Court of North Dakota
Bismarck, North Dakota.

May It Please the Court:

At the annual meeting of the North Dakota Bar Association held at Minot last August, there were presented to the Association certificates of appreciation by the Army and Navy, for outstanding services rendered by the attorneys of North Dakota, in giving legal assistance to soldiers and sailors and their families.