International Law Studies—Volume 44

INTERNATIONAL LAW DOCUMENTS

1944-1945

U.S. Naval War College (Editor)

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S.

Government, the U.S. Department of the Navy or the Naval War College.

with the purposes and principles of the general international organization, when established.

This declaration and recommendation shall be known as the ACT OF CHAPULTEPEC.

IV. FURTHER RESOLUTIONS OF INTER-AMERICAN CONFERENCE

RESOLUTION ON ESTABLISHMENT OF A GENERAL INTERNATIONAL ORGANIZATION

(The Department of State Bulletin, Vol. XII, No. 299, March 18, 1945) WHEREAS:

The American Republics have at all times demonstrated their attachment to the principles of peaceful international relationships based on justice and law;

The tradition of universal cooperation, that has consistently inspired the inter-American system into which such principles have by now been definitely incorporated, has struck deeper roots and gained in strength due to the interdependence of the nations of the modern world which makes peace indivisible and the welfare of one country conditional upon that of all the others;

The Proposals for the Establishment of a General International Organization formulated at Dumbarton Oaks by the representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China were made available on October 9, 1944, to all countries for their full study and discussion;

These Proposals are capable of certain improvements with a view to perfecting them and to realizing with greater assurance the objectives which they enunciate;

The Organization to be created must reflect the ideas and hopes of all peace-loving nations participating in its creation;

In the present inter-American Conference, the Republics here represented which did not take part in the Dumbarton Oaks Conversations have formulated a certain number of suggestions which in their opinion would contribute to the perfecting of the abovementioned Proposals;

It would undoubtedly be useful for the United Nations not represented in this Conference to have a synthesis of the views expressed in it, and it would also be very valuable if those nations were to communicate to the Governments of the American Republics here present, prior to the Conference at San Francisco, their views regarding the Dumbarton Oaks Proposals,

THE INTER-AMERICAN CONFERENCE ON PROBLEMS OF WAR AND PEACE, DECLARES:

- 1. That the American Republics represented in this Conference are determined to cooperate with each other and with other peace-loving nations in the establishment of a General International Organization based upon law, justice, and equity.
- 2. That those Republics desire to make their full contribution, individually and by common action in and through the Inter-American System, effectively coordinating and harmonizing that system with the General International Organization for the realization of the latter's objectives;
- 3. That the Dumbarton Oaks Proposals constitute a basis for, and a valuable contribution to the setting up of, a General Organization which may permit the achievement of a just peaceful order and the welfare of all nations, which the American Republics are striving to attain; and

RESOLVES:

1. That the Secretary General of the Conference

transmit to the states which formulated the Dumbarton Oaks Proposals, to the other nations invited to the forthcoming Conference at San Francisco, and to that Conference itself, this resolution, and the report with the documents hereto attached containing the views, comments, and suggestions which, in the judgment of the American Republics presenting them, should be taken into consideration in the formulation of the definitive Charter of the projected Organization, especially the following points regarding which a consensus exists among the American Republics represented in this Conference that did not participate in the Dumbarton Oaks Conversations:

- a) The aspiration of universality as an ideal toward which the Organization should tend in the future;
- b) The desirability of amplifying and making more specific the enumeration of the principles and purposes of the Organization;
- c) The desirability of amplifying and making more specific the powers of the General Assembly in order that its action, as the fully representative organ of the international community may be rendered effective, harmonizing the powers of the Security Council with such amplification;
- d) The desirability of extending the jurisdiction and competence of the international tribunal or court of justice;
- e) The desirability of creating an international agency specially charged with promoting intellectual and moral cooperation between nations;
- f) The desirability of preferably solving controversies and questions of an inter-American character in accordance with inter-American methods and procedures, in harmnoy with those of the General International Organization; and
 - g) The desirability of giving an adequate repre-

sentation to Latin America in the Security Council.

2. To express to the other United Nations invited to participate in the San Francisco Conference the common desire of the American Republics to receive from them before that Conference the views, comments, and suggestions which they on their part may deem it convenient to transmit.

The Governments signatory to the present resolution retain full liberty to present and support in the San Francisco Conference, as representatives respectively of sovereign states, all the view-points which they may consider pertinent, many of which may be found in the annexed documents.

RESOLUTION CONCERNING ARGENTINA

THE INTER-AMERICAN CONFERENCE ON PROBLEMS OF WAR AND PEACE

Having considered the text of the communication directed by the Argentine Government to the Pan American Union,

CONSIDERING:

- 1. That the Conference was called for the purpose of taking measures to intensify the war effort of the United American Nations against Germany and Japan and to seek the strengthening of their political and economic sovereignty and their cooperation and security;
- 2. That the circumstances existing before the meeting have undergone no change that would have justified the Conference in taking steps to re-establish, as it earnestly desires to do, the unity of the 21 states in the policy of solidarity that has been strengthened during the deliberations of the Conference,

RESOLVES:

1. To deplore that the Argentine Nation has up to the present time not found it possible to take the steps which would permit her participation in the Inter-American Conference on Problems of War and Peace, with the conclusions of which the principle of solidarity of the hemisphere against all types of aggression is consolidated and extended.

- 2. To recognize that the unity of the peoples of America is indivisible and that the Argentine Nation is and always has been an integral part of the union of the American Republics.
- 3. To express its desire that the Argentine Nation may put herself in a position to express her conformity with and adherence to the principles and declarations which are the results of the Conference of Mexico, and which enrich the juridical and political heritage of the continent and enlarge the scope of American public law, to which on so many occasions Argentina herself has made notable contributions.
- 4. To reiterate the declaration, established at Habana, amplified and invigorated by the Act of Chapultepec, and demonstrated by the association of the American Republics as members of the United Nations, and this Conference holds, that complete solidarity and a common policy among the American States when faced with threats or acts of aggression by any State against an American State are essential for the security and peace of the continent.
- 5. To declare that the Conference hopes that the Argentine Nation will implement a policy of co-operative action with the other American Nations, so as to identify herself with the common policy which these nations are following, and so as to orient her own policy so that she may achieve her incorporation into the United Nations as a signatory to the joint declaration entered into by them.
- 6. To declare that the final act of this Conference shall be open to adherence by the Argentine Nation,

always in accordance with the criteria of this resolution, and to authorize His Excellency Dr. Ezequiel Padilla, President of the Conference, to communicate the resolutions of this assembly to the Argentine Government through the channel of the Pan American Union.

V. SOVIET DENUNCIATION OF PACT WITH JAPAN

(The Department of State Bulletin, Vol. XII, No. 305, April 29, 1945)

The American Ambassador at Moscow transmitted to the Secretary of State, by a telegram dated April 5, 1945, the following statement, as received from the press section of the Foreign Office, regarding Soviet denunciation of the U.S.S.R.-Japanese neutrality pact:

"Today at 3 p.m. People's Commissar for Foreign Affairs of the USSR Mr. V. M. Molotov, received the Japanese Ambassador, Mr. N. Sato, and made the following statement to him in the name of the Soviet Government:

"The neutrality pact between the Soviet Union and Japan was concluded on April 13, 1941, that is, before the attack of Germany on the USSR and before the outbreak of war between Japan on the one hand and England and the United States on the other. Since that time the situation has been basically altered. Germany has attacked the USSR, and Japan, the ally of Germany, is aiding the latter in its war against the USSR. Furthermore Japan is waging war with the USA and England, which are the allies of the Soviet Union.

"'In these circumstances the neutrality pact between Japan and the USSR has lost its sense, and the prolongation of that pact has become impossible.

"'On the strength of the above and in accordance with Article Three of the above mentioned pact, which envisaged the right of denunciation one year before the lapse of the five year period of operation of the pact, the Soviet Government hereby makes known to the Government of Japan its wish to denounce the pact of April 13, 1941.'

"The Japanese Ambassador Mr. N. Sato, promised to inform the Japanese Government of the statement of the Soviet Government."