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# THE ORIGINS AND DEVELOPMENT OF AUSTRALIA'S POLICY AND POSTURE AT THE UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION, SAN FRANCISCO - 1945

A thesis presented

by

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in

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This thesis, for which the research and most of the writing were undertaken and completed while I was a Research Scholar in the Department of International Relations at the Australian National University from 1963 until 1966, is my own original work.

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Almost all those members of the Australian delegation who agreed to be interviewed, including five of Dr. Evatt's

Advisers at San Francisco, requested that their remarks should not be attributed to them. For this reason, and because, on all major points, evidence could be found in printed sources, interviews have, with one or two exceptions, not been referred to in the text. I am grateful to those who allowed interviews for frequently drawing my attention, either directly or indirectly, to aspects of printed sources which might otherwise have been overlooked.

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## PREFACE

This thesis is centred on antecedents. It is a study of the origins and development of Australia's policy and posture at San Francisco. As such, it does not provide a detailed exposition of Australia's participation in the Conference, although, in the course of establishing Australia's policy and posture at the Conference itself, it gives close attention to Dr. Evatt's activities prior to the commencement of detailed discussions in the technical committees.

The distinction made in the title between Australia's 'policy', that is the actual points put forward, and 'posture', the general attitude adopted by Evatt, at San Francisco suggested itself from a reading of comments by a number of writers on Evatt's participation in the Conference. Thus Nicholas Mansergh notes his 'bitter campaign against great-power pretensions';[1] William T.R. Fox says that he 'thundered'[2]

1. Nicholas Mansergh, Survey of British Commonwealth Affairs, Problems of Wartime Co-operation and Post-War Change, 1939-1952, London, 1958, p.314.
2. William T.R. Fox, 'The Super-Powers at San Francisco', The Review of Politics, vol. 8, no. 1, January 1946, p.123.

and speaks of him 'playing the role of David in the San Francisco version of the David and Goliath story';[3] while F.H. Soward writes that 'Canada was less vehement or obdurate than Australia in the debates at San Francisco upon such questions as the exercise of the veto by the great powers'.[4]

That an aggressive small-power posture was an outstanding characteristic of Australia's presence at San Francisco is generally conceded. As H.S. Albinski has it 'At the Conference Australia had, in fact, assumed the self appointed role of champion of the small nations'.[5] Harper and Sissons have written likewise 'Australia consistently championed the role of the middle and smaller powers, often deliberately seeking leadership'.[6] An interest in explaining the origins of Evatt's posture has been increased by the belief that this posture, in addition to Australia's policies, contributed to his emergence as one of the outstanding figures at San Francisco.

3. Ibid. p.122.
4. F.H. Soward, Canada in World Affairs - From Normandy to Paris, 1944-46, Toronto, 1950, p.25.
5. H.S. Albinski, Australia's Search for Regional Security in Southeast Asia, unpublished Ph.D. dissertation, University of Minnesota, 1959, p.140.
6. Norman Harper and David Sissons, Australia and the United Nations, New York, 1959, p.79.

# CHAPTER I.

## DR. EVATT'S EARLY THOUGHTS ON THE POST-WAR WORLD

On 7 October 1942, the Australian Labor Party, under the leadership of John Curtin, assumed the government of the Commonwealth of Australia. The first Curtin government succeeded a coalition of the United Australia Party and the Country Party which had been led, since the resignation of R.G. Menzies on 28th August 1941, by A.W. Fadden of the Country Party. The Attorney-General and Minister for External Affairs in the Curtin ministry, Dr. Herbert Vere Evatt, K.C., had resigned from the Bench of the High Court in September 1940 to enter Federal politics as the Labor member for Barton (N.S.W.). Prior to his elevation to the High Court in 1930 at the age of 36, Dr. Evatt had, for five years, been a Labor member of the New South Wales Legislative Assembly. Evatt's Cabinet seniority - he was fourth in precedence after F.M. Forde, Deputy Prime Minister and Minister for the Army, and J.B. Chifley, Treasurer, - reflected both his own exceptional ability and the contemporary prestige of the Attorney-Generalship which had been held in immediately preceding governments by W.M. Hughes and J.G. Latham. Evatt was also ministerial head of the small Department of External

Affairs.[1] In the years prior to the San Francisco Conference the increasing status of that Department was to reflect the energy which he gave to the development of Australian foreign policy.

Dr. Evatt found himself immediately 'preoccupied with actual military urgencies'[2] rather than with 'the formulation of permanent principles for the conduct of foreign relations'.[3]

1. For an excellent factual summary of Australian federal politics during the period covered by this thesis see Geoffrey Sawer, Australian Federal Politics and Law 1929-1949, Melbourne 1963, passim. The Department of External Affairs had been separated from the Prime Minister's Department in 1935. At the end of 1940 the External Affairs Establishment in Australia numbered 14. Diplomatic representation abroad consisted of a Legation in Washington (since 6 March 1940), a High Commission in Ottawa (since 24 March 1940), a Legation in Tokyo (since 24 December 1940), and an External Affairs Office in London (since 1924). In 1936 the Lyons Government had attached a Counsellor to the British Embassy in Washington. The Counsellor's functions ceased with the arrival of the Australian Minister, R.G. Casey, in 1940. On 28 October 1941 an Australian Minister, Sir Frederic Eggleston, presented his credentials in Chungking. The decision to create this Legation, however, had been announced on 12 May 1941. The creation of an independent Australian diplomatic service between the outbreak of war in Europe and the formation of Curtin's government is ably discussed in Alan Watt, The Evolution of Australian Foreign Policy 1938-1965, Cambridge, 1967, Ch. 2. The Australian Government had been represented in London since 1910 by a High Commissioner who had been, and continued to be, responsible to the Prime Minister's Department.
2. W. Macmahon Ball in his introduction to H.V. Evatt, Foreign Policy of Australia, Sydney, 1945, p.v.
3. Ibid.

His first ministerial statement in the House of Representatives on 27 November, 1941 did, however, contain emphases which were to persist when he was later able, towards the end of 1942, to turn his attention to problems of post-war foreign policy. There was, firstly, an awareness of difficulties in consultation between the British and Australian Governments, though Evatt spoke of these in a spirit of optimism - 'If things are not going so well as they should, we can and shall make changes in the method of consultation'[4] - and made full allowance for the need in war-time to make decisions quickly - 'In peace, such difficulties are occasional, and time is seldom the essence of the contract. In war-time all is changed. Decisions have to be made quickly.'[5] Secondly, although he affirmed that 'in the supreme essential Britain and her Dominions are at one' he stressed the importance of an 'understanding and appreciation of the status which the self-governing British Dominions have attained, not only in their internal affairs but also in their external relations'.[7]

4. Commonwealth Parliamentary Debates, vol. 169, 27 November 1941, p.973.
5. Ibid.
6. Ibid.
7. Ibid., p.972.

Thirdly, Dr. Evatt, in the conclusion of his statement spoke with approval of the Atlantic Charter and of President Roosevelt's four freedoms.[8]

The strength of Evatt's interest in the question of Dominion status was illustrated in the following month by the attention he gave to the legal form of Australia's declarations of war with Finland, Hungary and Rumania, and with Japan.[9] He wished to make it clear that a direct grant of authority had been made by the King to his personal representative in Australia, the Governor General, to declare war on the advice of the Australian Executive Council. For this purpose two urgently requested instruments from the King clearly vesting the necessary powers in the Governor-General were sent to Australia by air. Dr. Evatt subsequently told the House that 'United Kingdom Ministers took no part in the arrangements which were made directly with the Palace authorities by our High Commissioner in London'.[10] On 6

8. Ibid., p.978.
9. Parliament of the Commonwealth of Australia, Declaration of Existence of State of War with Finland, Hungary, Rumania and Japan. 8 December 1941. Documents Relating to Procedure of His Majesty's Government in the Commonwealth of Australia, Parliamentary Papers, General, Session 1940-41, 42, 43, vol. II, pp.349-355.
10. C.P.D., vol. 169, 16 December 1941, p.1089.

December, 1941 Evatt instructed the Australian Minister in Washington to make Australia's declaration of war with Finland, Hungary and Rumania clearly separate from that of the United Kingdom government: '.... there is no question that we shall declare a state of war. At the same time separate status of the Commonwealth is such that you will act separately from Halifax. You will receive precise instructions from me when and so soon as final decision is made by Cabinet here.'[11] That decision was made on 8th December and the decision for war with Japan on 9th December, 1941. The Menzies Government, by contrast, had in 1939 considered itself at war with Germany as a consequence of the British declaration of war.[12]

Relations between Australian and British governments had become increasingly strained as Australia grew anxious in the face of possible invasion from Japan. Fadden had differed from Churchill over the relief of Australian troops at Tobruk.[13] Curtin, who held in addition to the Prime Ministership, the portfolio of Defence Co-ordination, worsened Australia's relations with Churchill by his public appeal to the United

11. Parliament of the Commonwealth of Australia, Declaration of Existence of State of War, loc. cit., p.349.
12. Watt, op. cit., pp.27-8.
13. Nicholas Mansergh, Survey of British Commonwealth Affairs. Problems of Wartime Co-operation and Post-War Change, 1939-1952, London 1958, p.116.

States for military aid on 27th December, 1941[14] and his refusal, in February 1942 to sanction Churchill's diversion to Burma of Australia's Seventh Division, which was at the time returning from the Middle East.[15] A month later the Australian High Commissioner in London at an interview with Churchill was confronted with 'a tirade more or less on the lines that the Australian government was impossible and quite unhelpful'.[16] The question of the diversion to Rangoon had shown not only a difference of policy between the two governments but also the aggravation of this difference by Churchill's failure to consult Curtin on the move.[17]

In a Ministerial Statement to the House of Representatives on 25th February 1942, Evatt again dealt primarily with 'war policy and the war activities of the nations',[18] for he felt

14. Herald, Melbourne, 27 December, 1941.

15. Watt, op. cit., pp.56-7. See also John J. Dedman, 'The Return of the A.I.F. from the Middle East', Australian Outlook, vol. 21, no. 2, August 1967, pp.151-64.

16. Cecil Edwards, Bruce of Melbourne, London, 1965, p.339.

17. For an analysis of Churchill's conception of the British Commonwealth see J.D.B. Miller, Sir Winston Churchill and the Commonwealth of Nations, University of Queensland, Murtagh Macrossan Lecture, 1966, Brisbane 1967. passim.

18. C.P.D., vol. 170, 25 February 1942, p.48.

that Australia was certain to meet direct thrusts against her homeland the territories of her Pacific neighbours. His Prime Minister's differences with Churchill may explain the increased emphasis which this statement gave to the problem of Allied consultation on questions of military strategy. Evatt spoke of agreement with the British government for an Australian Government representative to attend meetings of the British War Cabinet and of Churchill's decision on 6 February to establish a 'Far Eastern and Pacific War Council' in London although he added 'until the other day the Australian Commonwealth had no means of meeting either the United States or China at the same level of consultation, whether the subject was governmental or strategic, whether the function was supply, munitions or shipping'.[19] China and India had been added to the Pacific Council in London, but Australia still had no representation in the United States 'in any council, committee, or strategic body directly concerned in the controlling of the Allied war against Japan, or for that matter Germany or Italy'.[20]

In March Evatt left for the United States and the United Kingdom on a mission designed to improve consultation and to

19. Ibid., p.52.
20. Ibid., p.53.

procure additional military supplies for Australia. In Washington he was able to represent Australia on the newly created Pacific War Council, over which President Roosevelt presided, and in London he attended meetings of the British War Cabinet.[21] In London also, he met the Chiefs of Staff on 12 May and 'pleaded that everything possible should be done to spare Australia the horrors of invasion which he believed to be more imminent than was supposed in London and to send reinforcements before the emergency occurred'.[22] His plea was successful. In the opinion of the official British war historians, the Chiefs of Staff, differing from Churchill, saw a Japanese invasion of Australia as a possibility.[23] Evatt was given three Spitfire squadrons for the Pacific theatre as well as additional tanks and munitions. Evatt's discussions with Churchill, seemed, in the eyes of the Australian High Commissioner, S.M. Bruce, to have convinced him that the British government was paying more attention to Australia's interests than had been believed in Australia. 'It is clear', Bruce noted at the time, 'that

21. For a reference to Evatt's achievements on this trip by the Prime Minister see C.P.D., vol. 171, 4 June 1942, pp. 2185-86.

22. J.M.A. Gwyer and J.R.M. Butler, History of the Second World War, United Kingdom Military Series, Grand Strategy, vol. III, June 1941 - August 1942, London, H.M.S.O., 1964, p.496.

23. Ibid.

Winston has exercised his charm and unquestionable astuteness upon Evatt'.[24]

And, indeed, Evatt's statement to Parliament following his return to Australia contained no reference to difficulties in Anglo-Australian or Allied consultation. The problem of Anglo-Australian consultation was soon to re-appear as one Evatt's central concerns, however, as he turned his mind to the formulation of post-war foreign policy. It was in this area of policy that Evatt's antipathy towards Britain, and the United States, was to develop progressively in the years prior to San Francisco. Failure to consult in matters of war-time strategy, though irritating, was, in his view, excusable. He was to make no such allowance with regard to neglect of consultation in plans for the peace. Curtin's differences with Churchill on matters of strategy should not be seen as the fundamental dynamic of Australia's independent war-time foreign policy,[25] for although Curtin's differences with Churchill were to continue, he was always to be more moderate on questions of Commonwealth and Allied relations than his Minister for External Affairs.

24. Edwards, op. cit., p.345.

25. Sir Alan Watt seems to attribute considerable significance, in this context, to Anglo-Australian strategic differences, although he makes passing reference to 'the desire of such [Great] Powers to determine the substance of the post-war settlements'. (p.103) Watt, op. cit., pp.60-1 and 102-3.

Problems of consultation presuppose differences of viewpoint. In the case of military and strategic differences the cause was clearly Australia's pre-occupation with the Pacific rather than the European war. Problems of consultation in connection with Australia's foreign policy for the post-war world were to reflect a similar Australian emphasis on the Pacific - though this emphasis emerged only gradually in Evatt's speeches on the subject, and it was not until October 1943 that it led to a major difference with Britain and the United States. This difference involved a major failure of consultation. It led Evatt to revive and re-emphasize his notion of Dominion status.

During the months that Evatt had been abroad, that is from March until mid-June 1942, American and Australian forces won notable victories over the forces of Japan in the Coral Sea, Midway, the Solomons and Milne Bay. Evatt was consequently able to assure Parliament on 3September 1942 that the outlook in the Pacific theatre of the war was much brighter than had seemed possible six months previously.[26] And in this

26. C.P.D., vol. 172, 3 September 1942, p.83. Evatt did not mention that he was speaking on the third anniversary of the outbreak of war in Europe.

vastly improved military situation he was able to turn his attention from the immediate problems of war to policies which would govern the coming peace. The Prime Minister, by contrast, was to remain throughout the war primarily and almost totally occupied with the immediate defence of his country.

Evatt saw that a clear formulation of post-war objectives, besides being necessary in itself, was also of benefit to the military effort.

> It is becoming more and more clear that the military overthrow of our enemies, although our primary aim, will in no way be obstructed but will be assisted if positive plans are now laid as to the course to be pursued in the post-war period.[27]

It was at once evident that the Atlantic Charter was central to Evatt's initial post-war policy. He recalled to the House that while in London he had met members of a Soviet delegation, led by Molotov, which was negotiating the Anglo-Soviet Treaty.[28] After pointing out that, because the Soviet Union and Japan were not at war, the Anglo-Soviet Treaty was directed very specifically at Germany, he argued that its more important provisions were those containing broad declarations reaffirming the Atlantic Charter and thus directed to the post-war

27. Ibid., p.82.
28. Ibid., p.81.

settlement.[29] Despite the fact that while in America he had found many who 'were particularly anxious to have promulgated a special charter covering the future of the peoples of the Pacific and South East Asia. Why not, it was said, establish a Pacific and Asiatic Charter on the lines of the Atlantic Charter?',[30] Dr. Evatt strongly maintained that the Atlantic Charter was universal in application. He held this view despite Churchill's statement to the House of Commons on 9 September 1941 that at their Atlantic meeting Roosevelt and himself

> had in mind primarily restoration of the sovereignty, self-government, and national life of the states and nations of Europe now under Nazi yoke, and the principles which would govern any alteration in the territorial boundaries which might have to be made.[31]

Even Evatt himself was to admit on a later occasion

> To be sure those directly concerned with the preparation of the Charter had Europe primarily in mind at the time and this fact appears in certain aspects of the wording of the Charter.[32]

29. Ibid.

30. Ibid., p.82.

31. Parliamentary Debates, 5th Series, House of Commons, vol. 374, 9 September 1941, Col. 69.

32. The occasion was an address to the Overseas Press Club, New York, 28 April, 1943. This is reprinted as 'The Post-War Settlement in the Pacific', Department of External Affairs, Canberra, Current Notes on International Affairs, (hereafter referred to as C.N.I.A.) vol. 14, no. 5, 15 May 1943, p.146.

Evatt argued that the word 'Atlantic' referred to the area in which the instrument was signed and was not to be read as limiting the extent of its application. The twenty-eight nations which had subscribed to it extended around the globe.[33] The declaration was universal in its scope and application. The broad area of the Pacific and South East Asia was thus to be governed by the principles of the Charter.[34] Evatt's statement to this effect foreshadowed by some weeks a similar announcement by President Roosevelt.[35] Evatt's advocacy of the Atlantic Charter was no doubt related to its contents - he was to make frequent reference to Article 6 in his domestic campaign, as Attorney General, for adequate Commonwealth powers in the field of post-war reconstruction[36] - and also to his concern lest the war effort in the Pacific would continue to be regarded as secondary to that in the Atlantic.

33. C.P.D., vol. 172, 3 September 1942, p.82. Australia had adhered to the Charter at the Allied Conference, St. James's Palace, London, 24 September 1941. C.N.I.A., vol. 12, no. 1, 1 January 1942, pp.7-8.

34. This general argument had been argued by Professor Julius Stone in June 1942. See J. Stone, 'Peace Planning and the Atlantic Charter', Australian Quarterly, vol. xiv, No. 2 June 1942, p.5, footnote 1. For later comment by Stone on Evatt's arguments see Julius Stone 'The Atlantic Charter and the Problems of South East Asia and the Pacific', Australia and the Pacific, Princeton, 1944.

35. On 27 October 1942. New York Times, 28 October 1942. Roosevelt would probably have made an earlier announcement if he had not restrained himself at Churchill's request.

36. See below p. 27 footnote 72.

Evatt placed particular emphasis on Articles 6 and 8 of the Charter. Article 6 referred to 'freedom from fear and want' and here Evatt's primary emphasis was very clearly on military security - freedom from fear. 'The first principle which must be applied is that of military security'.[37] In this connection, Article 8 of the Charter had referred to the establishment of 'a wider and permanent system of general security'.[38] Evatt's initial comments on the organization of post-war military security were similarly vague. He referred to 'a system of general security which will be as effective in the Pacific and Asiatic regions as in all other parts of the world. Pending the establishment of such a system', he continued, 'the aggressor must be disarmed'.[39] Although Evatt saw aggression in terms of the Japanese 'the only Pacific power which since 1931 has systematically employed its armed forces for the purpose of territorial aggrandizement',[40] he

37. C.P.D., vol. 172, 3 September 1942, p.82.

38. This was inserted at Churchill's suggestion. The generality of expression is a reflection of Roosevelt's reluctance to commit himself on the subject of post-war world organization. Gwyer and Butler, op. cit., p.121.

39. C.P.D., vol. 172, 3 September 1942, p.82. 'Asiatic' was the contemporary Australian usage. An example is the title of the journal of the Australian Institute of International Affairs, Victorian Division, from 1937-1946 - Austral.-Asiatic Bulletin.

40. C.P.D., vol. 172, 3 September 1942, p.82.

made no reference in this statement to any post-war Asiatic and/or Pacific regional defence and security zone. His statement that the general system would be effective in the Asiatic and Pacific regions does not imply that post-war world security would rest on a regional basis.

Evatt's comments on 'freedom from want' indicate his concern for the social and economic, and therefore political, future, in addition to the military security, of the peoples of South East Asia and the South West Pacific. He rejected the notion that the 'post-war order could be for the sole benefit of one Power or group of Powers.'[41] 'If freedom from want means anything it means that the age of unfair exploitation is over'.[42] Future Pacific policy, he argued, must be founded on the doctrine of trusteeship for the benefit of all Pacific peoples. He appeared to envisage an extension of the mandate system of the League of Nations, under which Australia had administered New Guinea.

> In short, we must found future Pacific policy on the doctrine of trusteeship for the benefit of all the Pacific peoples. That doctrine the Commonwealth has endeavoured to carry out in New Guinea under the Mandates system of the League of Nations. Japan's record as a mandatory power only proves that a solemn trust can be betrayed.[43]

41. Ibid.
42. Ibid.
43. Ibid., p.83.

In the course of these comments on 'freedom from want' Evatt had shown some awareness of the Pacific and indeed the South West Pacific as being particularly vital to Australia's post-war security but the idea was still germinal. And Evatt here had also, if only by implication, envisaged the continuance of some general world organization on the lines of the League of Nations.

Evatt developed these preliminary comments on the nature of the peace during his second mission abroad from April to August 1943. Before he left Australia, Parliament had, in February 1943, passed an Act[44] allowing conscripts to be sent to serve outside Australia in an area of the South West Pacific bounded by the Equator on the North, by the 110 meridian of East Longitude on the West and by the 159 meridian of East Longitude on the East.[45] This was an area considerably smaller than the South West Pacific command zone which had also included the portion of Borneo north of the Equator and the Phillipines. John Curtin had struggled to have the extension of conscription to even this limited area sanctioned by his Party. The Opposition, under R.G. Menzies, had initially urged the adoption of a wider area, but after sensing that,

44. Defence (Citizen Military Forces) Act, 1943.
45. C.P.D., vol. 173, 3 February 1943, p.264.

in view of Curtin's difficulties within his own party, such opposition might lead to the complete failure of his scheme, were content to support it.[46] That the area which was approved was seen as vital to Australia's war-time security - a necessary condition for her territorial impenetrability[47] in the then state of aircraft technology[48] - was made clear in a letter which John Curtin sent to President Roosevelt through the Australian Legation in Washington, on 18 March 1943.

The commencement of this letter and part of an accompanying note are quoted as illustrations of a continuous consultative friction between Curtin and Churchill arising from their different strategic priorities. Curtin was, as usual, arguing for the Pacific.

Curtin's letter began

46. Sawer, op. cit. pp.138-9.

47. 'Impenetrability' is used here with the significance attributed to it in John H. Herz, International Politics in the Atomic Age, New York, 1959.

48. A table giving the maximum range in miles of a bombing plane in 1943 (1,200 miles) may be found in Harold and Margaret Sprout, Foundations of International Politics, Princeton, 1963, at p.253.

> On 19 January I addressed to Washington for transmission to Mr. Churchill and yourself a cablegram urging, in view of the lessons of the use of air power in the New Guinea campaign, that 1,500 additional operational and 500 additional transport aircraft be made available to the South West Pacific Area as soon as possible in 1943. Mr. Sumner Welles undertook to transmit the messages to both of you but I have had no reply from either Mr. Churchill or yourself.[49]

A.S. Watt, First Secretary of the Legation, in an accompanying note which he had written to Sumner Welles explaining references in Curtin's letter, made the problem of consultation even more obvious.

> You will no doubt remember that, on 20 day of January, Sir Owen Dixon handed to you copies of messages from the Australian Prime Minister to the President and Mr. Churchill. At that time it was not known that the President and Mr. Churchill were meeting at Casablanca and the Australian Government forwarded the message to Washington on the assumption that Mr. Churchill had come to the United States. I understand you informed Sir Owen Dixon that you would be glad to transmit the two messages immediately. Sir Owen Dixon passed on this information to Australia.[50]

The relevance of Curtin's letter to the delineation of an area of vital strategic concern to Australia in the war is clear from the following extracts.

49. Franklin D. Roosevelt Library, Hyde Park, New York. P.P.F. 8459. Roosevelt had returned to Washington from Casablanca on 31 January.

50. Ibid.

> Intelligence reports have recently indicated that the Japanese are intensively consolidating an arc of air bases extending through the Netherlands East Indies, Portuguese Timor, New Guinea, Rabaul and the North Solomons to the Marshall Islands. .... the renewal of attacks on Darwin and reconnaissance of the North West Coast indicate the paramount importance of sufficient strength being available to ensure air superiority along the whole line of contact with the enemy.[51]

Dr. Evatt showed a similar Australian concern for this island arc in two statements made in New York in April and June 1943. But for Evatt the significance of the arc was not merely related to immediate strategy and defence: he was led to assumptions about the post-war settlement and its application to the Pacific.

Evatt's statement to the press in New York on 19 April 1943[52] dealt firstly with strategic problems of the war. After remarking that he found in the United States a far deeper interest in the Pacific than he had found one year before, he regretted that little was known of Australia and

51. Ibid.

52. 'Post-War Pacific Policy', C.N.I.A., vol. 14, no. 6, 15 June 1943, pp.214-5.

New Zealand, except their great war efforts.[53] Evatt's object was to stress the importance of the Pacific war in relation to the war being fought against Germany. The war against Japan, he argued, should not continue to be merely a holding and defensive war; offensive campaigns were necessary to prevent Japanese consolidation and a consequent spread of 'Japanese "culture"' throughout the territories which she now occupied.[54]

53. Ibid. p.214. For similar, though earlier, comment on this theme by an Australian academic see Fred. Alexander, 'What Americans think about Australia', Austral-Asiatic Bulletin, vol. 4, no. 5, December-January 1940-1, pp.6-7. For doubts as to the extent to which Australian war efforts were recognized see C.E.W. Bean, 'The "Christmas Books" of our Fighting Services, 1915-1943', Australian Quarterly, vol. xvi, no. 2, June 1944, pp.70-6. At p.72 Dr. Bean comments on events in 1943. 'Possibly the Australian forces as a whole have never fought more constantly and vigorously, certainly they have never been more effective in action. But the eyes of the great world have been concentrated on other events, and even when the Australian effort has been achieving some of its more important results, those results are comparatively seldom in the world news, or when they get there, are not generally recognized as due to Australia's efforts.'

54. C.N.I.A., vol. 14, no. 6, 15 June 1943, p.214.

Japanese culture, Evatt urged, was at least as great a threat to 'our civilization'[55] as German culture:

> The beat Hitler first policy is a strategic policy. It does not mean that Germany offers the more dangerous threat to the European or the Australian or the American way of life. On the contrary, in such respect, the greater threat comes from Japan.[56]

In the fight against Japan, Australia and New Zealand should be regarded as 'the trustees for democratic civilization in the South Pacific'.[57] This specific reference to the South Pacific rather than to South East Asia and the Pacific, and in a military rather than the social and economic context of September 1942, is significant.

55. Ibid.

56. Ibid.

57. Ibid. When he reached London Evatt spoke of Australia and New Zealand as 'trustees for the United Nations, particularly for the British Commonwealth of Nations.' He made this reference to relation to fighting 'in the Pacific'. As will be shown below, Australian emphasis on the South and South West Pacific was primarily relevant to her post-war relations with the United States. The London speech is reprinted as 'The War in the Pacific', B.B.C. Postscript Broadcast, 27 June 1943, C.N.I.A., vol. 14, no. 7, 15 August 1943, p.238. Admiral Ernest J. King in a memorandum to the President dated 5 March 1942 had given a different reason for Australia's and New Zealand's importance - 'Australia and New Zealand are "white man's countries" which it is essential that we shall not allow to be overrun by Japanese because of the repercussions among the non-white races of the world.' Ernest J. King and Walter Muir Whitehill, Fleet Admiral King, A Naval Record, London 1953, p.176.

When he turned to the problem of the post-war settlement, Evatt followed a restatement of his September 1942 arguments on the applicability of the Atlantic Charter with a restatement of his imprecise views on the nature of the proposed World organization envisaged by Article Eight of the Charter.

> Accordingly, in keeping with the eighth principle of the Charter, there should be established a system of systems of general or regional security which will be as effective in these Pacific and Asiatic regions as in others.[58]

But he had now added to his September views on post-war security the idea of regional security even if he had not made his notion of the relationship of regional security to the world organization at all clear.

This renewed reference to 'Pacific and Asiatic regions', the language of his September 1942 statement, although now with obvious relation to regional security, was followed, in this press statement of 19 April 1943, by a reiteration of his awareness of the importance of the South West Pacific to Australia in his comments on the concept of 'freedom from want'.

> Therefore Australia, as a leading nation of the South West Pacific zone, will have a very special concern in economic, as well as in strategic arrangements in that zone.[59]

58. C.N.I.A., vol. 14, no. 6, 15 June 1943, p.215.
59. Ibid.

Thus in this Press statement Evatt had not only referred to a post-war 'system or systems of general or regional security' but had spoken of a South West Pacific strategic and economic zone, in which Australia was to play a special part. Trusteeship for democratic civilization in the South Pacific, it would seem, conferred a right to protect in the post-war world as well as to be protected in the war then raging against Japan.

If it was possible to draw from Evatt's September reference to 'a system of general security'[60] and advocacy of a mandate system for the Pacific the inference that he favoured a post-war general security organization similar to the League of Nations, the same reading cannot be given to these comments of April 1943. Indeed the increased imprecision of his views on post-war world security was indicative of the growing strength of regional security concepts in his thought. Evatt had, in these comments, made specific reference to post-war regional security. What he had not made clear was whether

60. 'A system of general security which will be as effective in these Pacific and Asiatic regions as in all other parts of the world.' See above p. 14.

he saw these regional groups as a 'substitute for a world plan'[61] or as 'an application of a world plan',[62] and, if the latter, whether the world plan was to rest primarily on regional security groups or alternatively use them as adjuncts to a collective security system.

On 28 April, in a second address in New York,[63] Evatt's increasing interest in the post-war settlement was reflected in the fact that his entire talk was devoted to this subject. It was centred on 'some fundamentals of the post-war settlement, particularly so far as the Pacific is concerned'.[64] Australia's special part in such a settlement was reaffirmed.

> It has needed the war to force upon the Australian people the full consciousness of the fact that their responsibility and rights are primarily those of a key Pacific nation.[65]

61. W. Macmahon Ball in his introduction to H.V. Evatt, op. cit., p.xii.
62. Ibid.
63. Delivered at the Overseas Press Club. Reprinted as 'The Post-War Settlement in the Pacific', C.N.I.A., vol. 14, no. 5, 15 May 1943, pp.145-152.
64. Ibid. p.145.
65. Ibid.

Post-war world security, Evatt urged yet again, would be based on the universal application of the Atlantic Charter.[66] And again, his primary emphasis was clearly upon military security - 'The first and outstanding principle which must be applied is that of security'.[67] After stating that a post-war system of security must be universal 'or everyone would be insecure', Evatt, while now removing any suggestion that he favoured a multiple and regional 'substitute' rather than a single world-wide international organization, left no doubt as to the value he placed upon regional security within a universal system.

66. Ibid. pp.145-6.

67. Ibid. p.146. There is a noticeable overall consistency and continuity - one might even say repetitiveness - in Evatt's foreign policy statements in the years 1942-5. Hasluck tends to give an opposite interpretation. 'A close and analytical reading of his published speeches will often reveal contrasts in emphasis. One example is found in speeches delivered abroad in April-August 1943 and the speech to the Australian Parliament in October, 1943'. Paul Hasluck, 'Australia and the Formation of the United Nations: Some Personal Reminiscences', Journal and Proceedings, Royal Australian Historical Society, vol. XL, part III, 1954, p.148.

> This does not mean however, that within a system of general world security there will not be ample scope for the development of regional arrangements both for the purpose of the preservation of that security and for the handling of ordered change within the region.[68]

A region of crucial Australian interest was then identified.

> When an adequate general plan is prepared for security against aggression, the United Nations in the Pacific will have to be assured of their own security. In this respect, Australia will naturally regard as of crucial importance to its own security the arc of islands lying to the north and north-east of our continent. <u>While Australia will be anxious to build a universal international system of security and to play its part in the general and regional organization of such a system</u>, it will, particularly before such a system is established and proved to be in good working order, be vitally concerned as to who shall live in, develop and control these areas so vital to her security from aggression.[69]

It was thus made quite clear, in addition, that the post-war regional security zone in the South West and South Pacific, in which Australia would have a crucial interest, was not seen merely as a supplement to the proposed general world security organization. It was, at least until the general organization was successfully established, the necessary if not the sufficient condition for the effective defence of Australia. And Evatt's reference to who should 'live in, develop, and control' these island areas clearly indicated his interest in questions of territorial settlement and

68. <u>C.N.I.A.</u>, vol. 14, no. 5, 15 May 1943, p.146.
69. Ibid. pp.146-7. Emphasis added.

sovereignty in this crucial South Pacific region.

It was in keeping with these developments in Australian foreign policy that a start was made at this time (mid 1943) in the Department of External Affairs, in association with the Department of Defence, upon a systematic study of problems associated with the peace settlement and the armistice.[70] Although there had been previous planning for the peace in Australia,[71] it had been predominantly concerned with domestic post-war reconstruction[72] and, in the international sphere, with an economic policy based upon world-wide full employment.[73] A post-war section had been established in the Department of External Affairs early in 1942. It was initially staffed by P.M.C. Hasluck who concurrently continued

70. Hasluck, op. cit., p.146.

71. 'On September 25 [1941] a despatch was received from our Legation at Canberra enclosing a document on Australian preparations with respect to "reconstruction" with a request for any similar material on United States "Post-Defence Planning".' United States Department of State Post-war Foreign Policy Preparation. 1939-45 Publication 3580, General Foreign Policy Series 15, Washington, 1949, p.57.

72. Evatt was closely involved in the constitutional aspects of this policy in his additional office of Attorney-General. On domestic reconstruction 1942-5 see L.F. Crisp, Ben Chifley, Melbourne, 1961, ch. XIII, passim.

73. See below Chapter IV.

to perform other duties within the Department. Hasluck was joined later in the year by W.D. Forsyth[74] whose interest in South East Asian and Pacific affairs had been reflected in his membership of the editorial board of the Austral-Asiatic Bulletin. Forsyth was especially interested in post-war colonial policy.

On 3 June 1943, Evatt, who was then in Washington forwarded the following message from Australia's Prime Minister, John Curtin, to President Roosevelt.

> I would like to convey to you on behalf of the Australian people our appreciation of the deep significance of your joint decision, as announced by Mr. Churchill, that the war in the Pacific will be prosecuted with the same vigour as the war in Europe. We trust that it will not be so very long before final victory is in sight.[75]

74. Hasluck, op. cit., p.141.

75. On 8 June Roosevelt asked Evatt to convey the following message to Curtin, 'Thank you for your message conveyed to me by Dr. Evatt. Our aim has always been to hit each of our enemies as hard as we could whenever we could. As you know the trend of the war now makes it possible to hit each of those harder and oftener. We share your confidence!' Franklin D. Roosevelt Library, Hyde Park, New York. P.P.F. 8459. Churchill had spoken on this theme in his address to a Joint Session of Congress, 19 May 1943. Congressional Record, vol. 89, part 4, p.4619.

On his return from this second mission, Evatt was able to devote a major portion of his statement on International Affairs made on 14 October 1943 to the problem of the post-war settlement. The increasingly favourable course of the war from Australia's viewpoint had been established by the Governor-General in his speech at the Opening of the newly elected[76] Seventeenth Parliament on 23 September 1943.[77]

Evatt began with an assertion and a question.

> Australia's right to take part in all aspects of the post-war settlement being undoubted, the question is, what general views should we favour?[78]

76. Curtin's narrow majority in the previous parliament appears to have disturbed Roosevelt. On 11 February 1943 he wrote to Rev. A. Phelps Stokes 'I am writing to you very confidentially, of course, but the fact is that Australia at the present time is for us in a somewhat difficult position. Unlike most countries in the war they have no coalition or national government. The Labour Party is in power by a very narrow margin and only members of that party are in charge of prosecution of the war.' Franklin D. Roosevelt Library, Hyde Park, New York, P.P.F. 3329. As a result of the elections held on 21 August 1943 Labor gained outright majorities in both Houses.

77. C.P.D., vol. 176, 23 September 1943, pp.8-11.

78. C.P.D., vol. 176, 14 October 1943, p.570.

A general world security organization - 'a strengthened League or Association of Nations',[79] Evatt argued, should succeed the League of Nations. Strengthened Allied support for the new organization would ensure the effective use of force against states breaking their international obligations. The League had failed because its members had failed it.

> In my opinion, nothing has been more unfair, or more superficial than the stream of criticism to the effect that the League of Nations failed becuase it did not prevent the outbreak of the present war. Some critics speak of the doctrine of collective security as though it were something outside the purview of the League. But the theory of collective security was contained in the Covenant of the League. The League Covenant clearly provided for the use of force by the League against states breaking their international obligations under the Covenant.[80]

Evatt left no doubt of his support for the theory of collective security.[81] Australia, he added, had retained full membership of the League and was still paying the annual subsidy required by the rules. He then, however, after stating Australia's claim to participate in the European peace settlement, asserted her special position in the broad South-East Asia-Pacific area. He was looking, again, to regional security but in a new context.

79. Ibid, p.572.
80. Ibid, p.571.
81. For a critique of collective security, a critique which questions the type of argument used by Evatt that the League 'contained' the theory of collective security see Inis L. Claude Jr. Power and International Relations, New York, 1962, Chapter 5.

> Because of Australia's special geographical position and our growing responsibility and power, we can, and should, make a very special contribution towards the establishment and the maintenance of the peace settlement in South East Asia and the Pacific.[82]

At the commencement of his reference to the post-war settlement in this October statement, Evatt referred to 'all aspects of the peace settlement'. It would seem that, in that reference, unlike these references in the paragraph just quoted to Europe and South East Asia and the Pacific, Evatt was using 'peace settlement' in a wide sense to include both the establishment of a general world security organization on the one hand, and the distinct armistice and peace settlement discussions on the other. In his second New York statement on 28April 1943, Evatt had shown a particular interest in questions of South and South West Pacific sovereignty. This tendency towards a concern, based on a strong regional security consciousness, with matters of territorial sovereignty, matters touching the armistice and peace settlement in the Pacific, rather than with problems of the new world security organization, becomes fully evident in the detailed analysis which Evatt next proceeded to make of Australia's strategic relationship to specific neighbouring islands in the South Pacific zone.

82. C.P.D., vol. 176, 14 October 1943, p.572.

A vital and immediate interest in the Pacific armistice and the peace settlement as distinct from the proposed world security organization is a major characteristic of Australia's post-war foreign policy preparation. It is one which is easily overlooked.

Without referring specifically to an 'arc of islands', Evatt argued that as a result of her wartime experiences, Australia must show a particular interest in the welfare and system of control 'of those islands and territories which lie close to our shores'.[83] In his subsequent references to the individual constituent islands of this group, it becomes clear that Evatt's thinking in regard to Australia's future relations with her South Pacific neighbours was governed primarily by security and strategic considerations. Yet security for Evatt was not merely a matter of arms and alliances; he saw and urged in his emphasis upon 'freedom from want' in April 1943 that a lasting peace could only be built upon economic and social progress.[84] Freedom from want, nonetheless, always appears in these speeches to be subsidiary to freedom from fear. As he put it in this October statement -

83. Ibid.
84. C.N.I.A., vol. 14, no. 5, 15 May 1943, p.147.

> In short the guarantee of security against aggression is the necessary condition precedent to the attainment of such objectives as improved standards of living in all the countries of the world.[85]

Of the administration of the Solomon Islands Evatt spoke strongly and scathingly:

85. C.P.D., vol. 176, 14 October 1943, p.572. In this same statement Evatt also commented 'Realizing that satisfactory economic relations and a planned development will greatly strengthen mutual defence and help to secure the mutual welfare of the peoples of this region, the Commonwealth Government contemplates a general understanding covering commercial matters, transport and general reconstruction in the post-war period.' Ibid. p.574. In New York in April, although he urged that peace could only be built on social and economic progress, he was clearly conscious of the need for military security. 'And yet the primary problem of the post-war world will be that of freedom from fear - i.e. fear of aggression - in short the problem of security.' C.N.I.A., vol. 14, no. 5, 15 May 1943, p.150. Hasluck, however, takes a contrary view of Evatt's position. He writes of Evatt's views on world organization in late 1942 as follows ' .... ministerial interest was not in the great international questions of power and military security and the composing of the interests of national states, but with what was termed "economic security" and "social justice".' After recognizing that Evatt was at this time primarily concerned with domestic reconstruction Hasluck continues 'What I want to suggest, however, is that this outlook persisted nearly three years later when Australia had to give her attention to proposals of rather a different kind. When the Dumbarton Oaks Conference presented us with a plan for an international organization, which was essentially an organization to maintain the security of the nations by the use of power, we heard the echoes of earlier ministerial argument about post-war reconstruction in Australia'. Hasluck, op. cit., pp.139-40.

> When war broke out, the Solomons actually became a menace to Australia, and there was a lack of adequate contact between the Australian and British administration in relation to defence.[86]

Australia therefore, he continued, had a definite interest after the war in seeing that these islands should maintain sufficient bases and be developed along lines which would make them not a liability but an asset in the defence of the South West and South Pacific.

The New Hebrides, administered jointly by Great Britain and France, were referred to in similar terms. Before the war, these islands, like the Solomons, were

> a defence liability because of the lack of development. The system of condominium or joint control was considered in many quarters as not conducive to the progress of the group .... Their future is a matter which concerns Australia in particular and the South West Pacific region as a whole.[87]

New Caledonia, likewise, was 'of vital concern'[88] to Australia. Its resources and strategic position, Evatt claimed, made it 'an important place'[89] in the future security of the South

86. C.P.D., vol. 176, 14 October 1943, p.573. For similar sentiments, see W.C. Groves, 'The British Solomon Islands', Australia-Asiatic Bulletin, vol. 4, no. 3, August-September 1940, pp.15-16. At p.15 Groves comments 'Indeed, it appears to have been regarded, officially as well as popularly, as a tropical Colonial backwater'.

87. C.P.D., vol. 176, 14 October 1943, p.573.

88. Ibid.

89. Ibid.

West Pacific. Australia, he added, 'envisaged the restoration of full French sovereignty in New Caledonia'.[90]

It is extremely unlikely that this reference to the restoration of French sovereignty was gratuitous. Dr. Evatt measured the words of his major speeches with the eye of an eminent constitutional lawyer. Although he invariably worked from a basis of drafts prepared by his departmental officers, these frequently underwent total transformation in the course of three or four redrafts to meet the Minister's intentions.[91] This reference to sovereignty and Evatt's earlier reference to a vital Australian concern as to who should 'live in, develop, and control' the islands of the security arc should be seen in the context of President Roosevelt's anti-colonial views[92] and, in particular, his suggestion to the British

90. Ibid.

91. Hasluck, who himself wrote drafts, is inclined to emphasize the influence which departmental drafts had on Evatt. Hasluck, op. cit., p.148.

92. Foster Rhea Dulles and Gerald E. Ridinger 'The Anti-Colonial Policies of Franklin D. Roosevelt', Political Science Quarterly, vol. LXX, March 1955, passim. That Evatt was aware of Roosevelt's views is probable in the light of his reported comments to the New Zealand High Commission in Canberra in the same month (see below p. 55. ) and in the light of the examples of Roosevelt's comments at meetings of the Pacific Council in March and September 1943 subsequently cited by the Australian Government (see below p. 62. ).

Foreign Secretary, Mr. Eden, in Washington during March 1943 concerning the future placing of French colonies under international trusteeship and the possibility of an international trusteeship for Timor.[93] It should also be seen in the light of Roosevelt's plans for a ring of internationalized strategic air and naval bases encircling the globe with the possibility of a base in the Solomons.[94]

An Australian concern for Timor was to be expected. 'If properly placed within the zone of Australian security, it would become a bastion of our defence'.[95] Similarly, Dr. Evatt placed the Netherlands East Indies within the arc of special concern to Australia.[96] His reference to these islands - Solomons, New Hebrides, New Caledonia, Timor and the Netherlands East Indies - was followed by a general declaration.

93. Woodward, Sir Llewellyn, History of the Second World War, British Foreign Policy in the Second World War, London, H.M.S.O., 1962, pp.440-1. See also United States Department of State, Foreign Relations of the United States (hereafter F.R.U.S.), 1944, vol. III, The British Commonwealth, Eastern Europe and the Far East, Washington, 1963, p.39.

94. Cordell Hull, The Memoirs of Cordell Hull, New York, 1948, vol. II, pp.1305 and 1596. William D. Leahy, I Was There, New York, 1950, p.314.

95. C.P.D., vol. 176, 14 October 1943, p.573.

96. Ibid.

> All of these adjacent islands, together with Australia and New Zealand, form a zone of mutual interest. It would be blindness not to recognize their complementary relationship. As in the case of New Caledonia we visualize the restoration of former sovereignty. Here again it will be essential that the islands should be grouped in the same defence zone as Australia and that special efforts within the zone shall be made in relation to air transport and economic betterment.[97]

A close reading of the remainder of Evatt's statement supports the previous suggestion that it whould be seen as discouraging United States sponsored internationalization and United States claims to sovereignty in this narrow arc of crucial Australian concern.

Evatt first of all went on to refer to New Guinea, which he, of course, also included in his defence zone.

> I visualize New Guinea, both Australian and Dutch, as an integral part of the Pacific zone with which Australia will be vitally interested in collaboration with Britain and New Zealand on the one hand, and the Dutch, French and Portuguese on the other. The Commonwealth Government is convinced that, in order to prevent future aggression, measures should be concerted for the permanent defence of this area as one of the zones of security within the international system that must be erected.[98]

The ommission of the United States in this context of area collaboration could hardly have been accidental.

97. Ibid. p.574.
98. Ibid.

In this zone of crucial concern to Australia, co-operation between Australia and New Zealand would be 'pivotal'.[99]

> Other authorities concerned in what I have called the Australian defence zone are the British Colonial Administration, theNetherlands and Portuguese Governments and a French National Committee of Liberation.[100]

Then comes reference to the United States.

> As well as our immediate neighbours, there are other powers in North and South America, and on the Asiatic mainland, concerned in the future of the Pacific. Our great ally, the United States of America, is playing, and is destined to play, a major part. On many Pacific battlefields, Americans and Australians have borne the brunt of the fighting against Japan. It is certain that our collaboration with the United States will be extremely close. Similarly the Dominions of Canada and Australia have many common interests both as fellow members of the British Commonwealth and as 'small nations'.[101]

But 'extremely close collaboration' with the United States and, similarly, Canada did not necessarily imply that these two countries were seen by Evatt as closely involved in the Australian South Pacific zone of crucial interest. This reference to 'extremely close collaboration with the United States' has been taken by an American scholar as one of the three overall characteristics of Australia's approach during

99. Ibid. p.575.
100. Ibid.
101. Ibid.

1943-5 to post-war security in South East Asia and the Pacific.[102] He is led, as a consequence, to minimize Australia's reservations with regard to American participation in the South and South West Pacific zone.[103] Evatt's October statement suggests, and this reading is supported in

102. H.S. Albinski, Australia's Search for Regional Security in Southeast Asia, unpublished Ph.D. dissertation, University of Minnesota, 1959, p.106.

103. Ibid. pp.120, 129. A similar view is held by Starke. Both these writers tend to look backwards from the close Australian-American relations of the 1950's and 60's. J.G. Starke, The ANZUS Treaty Alliance, Melbourne, 1965, pp. 9, 11, 12. Speaking generally of Evatt's proposals for a Pacific security pact from April 1943 until he ceased to hold office in 1949, Starke wrote on p.9 '.... there was at all times to be collaboration with Britain, and particularly, with America; the participation of the United States was regarded as essential to any general Pacific regional security arrangement, and American leadership in the Pacific was specifically acknowledged, in time of peace as in time of war.' More recently John J. Dedman has supported this interpretation. He maintains that co-operation between Australia and America from December 1941 until the end of the war 'was of the closest and more intimate character and operated at all levels from the Presidency and Prime Ministership downwards'. J.J. Dedman, 'Encounter over Manus', Australian Outlook, vol. 20, no. 2, August 1966, p.137. Broad, brief, but generally accurate comment on wartime Australian-American relations is contained in a pre-Anzus Treaty study by the American scholar, Werner Levi. Werner Levi, American-Australian Relations, Minneapolis, 1947, pp.159 sq.

the following chapters of this thesis, that these comments should be taken as applying to co-operation in the Pacific north of the equator and in South East Asia; and that within the area of crucial concern to Australia - the South and South West Pacific - the notion of 'extremely close collaboration' would extend only to matters not directly involving any additional territorial or strategic (in the sense of military base) presence for the United States which already had a base at Tutuila in Western Samoa. The force and ambition which marked Australia's concept of her post-war security role and interest in the South Pacific region thus begin to become clear.

The remainder of Evatt's October statement was concerned with the problem of Commonwealth consultation. It is significant that Evatt in this October statement which was primarily concerned with <u>questions related to the future peace settlement</u>, should have dealt in such detail with this question of consultation.

Broadly speaking, Evatt argued, there were two means open for the expression of the Australian Government's views on international affairs. One was by consultation within the British Commonwealth with a view to joint action. The other

was by the exercise, when that was thought appropriate, of Australia's distinct international status. 'Both these means of expression', he added, 'have to be used to ensure that reasonable Australian requirements are satisfied'.[104] The dissatisfaction which Evatt then expressed with the former method was a portent of his increasing reliance on the latter. After allowing that there was 'undoubtedly, a considerable degree of communication between Canberra and London',[105] that information was readily forthcoming, and that 'as a general rule',[106] there was an opportunity for Australia to explain her views in advance of decisions taken, the lack of enthusiasm for the consultation system inherent in these comments became quite plain in his further analysis of the working of the system. The British Government, he said, would place a certain proposal before each of the self-governing dominions. Each dominion would then express its opinions on the proposal and forward it, through the Dominions Office, to the appropriate ministry in London, or, on occasion, to the Cabinet. Yet there were times, Evatt continued, when the Dominions were bound to differ among themselves.

104. C.P.D., vol. 176, 14 October 1943, pp.575-6.
105. Ibid. p.576
106. Ibid.

> In the result, the final action has often been taken by the British Government on its exclusive responsibility. There is an easily understood tendency towards acquiescence and conformity. General consultation of the Dominions on the political level is usually out of the question, especially in the emergency of war, when time presses and great decisions may have to be taken with despatch.[107]

Evatt said that he was not complaining but merely describing the background against which the question of closer consultation would have to be considered.

* * *

Dr. Evatt's first statement as Minister for External Affairs in November 1941 had given preliminary indication of three emphases which were to continue or reappear when he was able to turn his thoughts from the immediate conduct of the war to development of a post-war foreign policy towards the end of 1942. His brief argument for and approval of the Atlantic Charter and Roosevelt's Four Freedoms in November 1941 were indicative of an attachment to the social and economic principles of the Australian Labor Party - principles which had partially led him subsequently to advocate trusteeship for the peoples of the Pacific. A second preliminary indication had been the problem of Anglo-Australian consultation, and, to a lesser extent, of Allied consultation in general. Just as Evatt's interest in consultation in

107. Ibid.

November 1941 had sprung from regionally oriented strategic divergences between Australia and the United Kingdom and between Australia and her Allies in general, so also when the problem of consultation reappeared in a context of post-war planning it was to indicate the increasing prominence which Evatt was giving to post-war South and South-west Pacific regional security in which, he argued, Australia would play a major role. The fact that regional security was seen as ultimately subordinate to and supplementary to a general world security organization founded on the theory of collection security did not lessen the force of Evatt's ambitions for Australia's post-war role in the region. These ambitions, in their turn, gave a vital importance to the Pacific peace settlement.

Evatt's preliminary reference to dominion status in November 1941 and his subsequent insistence on the legal forms of Australia's status had been seen by the Opposition as having similarly nationalistic overtones. As R.G. Menzies was to put it in January 1944.

> A Dominion that carries the Balfour Declaration to the ultimate and contracts independently on the issues of peace and war with foreign powers runs

> the risk of destroying the Empire or at least of driving itself out of that Empire.[108]

Menzies no doubt also had in mind the fact that Evatt had successfully urged adoption by Australia of sections 2-6 of the Statute of Westminster in December 1942,[109] although, as the Australian correspondent of the Round Table reported, Evatt's action was in full accord with the principles of Dominion Status as understood in Canada and South Africa.[110]

In October 1943, Evatt had set out the two means, which, in his opinion, were available for expressing Australia's foreign policy. One was the use of Commonwealth consultation, the other was the distinct assertion of Australia's international status. In the following months a major failure in Commonwealth and Allied consultation on a matter affecting the Pacific peace settlement and, because it dealt with the peace, free from the mitigating circumstances of strategic urgency which Evatt was prepared to recognize in military

108. R.G. Menzies, 'Post-War International Relations. The Nature and Importance of the Problem', in D.A.S. Campbell (ed.), Post-War Reconstruction in Australia, Sydney, 1944, p.25.

109. Sawer, op. cit., p.132.

110. Round Table, vol. 33, March 1943, p.176.

matters, was to be followed by increasing Australian resort to assertion of her distinct international status. International status was to become a central concern in Evatt's foreign policy and was to remain so both before and at the San Francisco Conference.

# CHAPTER II.

## AUSTRALIAN REACTIONS TO ALLIED PEACE PLANS

## 1943-1944.

1. The Moscow Conference.

The strong emphasis upon regionalism which had been apparent in Evatt's statements on post-war world security from September 1942 until October 1943 had not led him to advocate a post-war system of world security which would consist of, and function through, a number of regional security associations. Although Evatt saw Pacific and especially South West Pacific security zones as vital to Australia's defence until a new world organization was effectively established and as one of the instruments which that world body might subsequently employ for the preservation of peace, his emphasis on regionalism was within the framework of a firm commitment to a universal world organization. This world body would be similar to the League of Nations in breadth of membership, yet would be supplied with effective military power to enforce its collective sanctions.

It was by no means certain during the early months of 1943 that Churchill and Roosevelt would favour a single universal post-war world organization. Churchill, particularly, showed marked enthusiasm for a system of three regional councils, of Europe, the American Hemisphere and the

Pacific, which would be linked by a presiding council of the Big Three.[1] Churchill sent his views to Roosevelt on 2 February 1943 in a paper entitled Morning Thoughts[2] which he amplified during a luncheon speech in Washington on 22 May 1943.[3] In March 1943 Roosevelt's ideas, as conveyed to Eden in Washington, embodied a similar predominance for the Great Powers and regional councils although he envisaged a world organization to discuss non-security matters.[4]

The influence of Cordell Hull's ideas became increasingly obvious in State Department planning during the latter half of 1943. In August a departmental memorandum, prepared under his guidance, stated strong general objections to the use of regionalism as a basis for international organization. This memorandum stated, inter alia,

1. The prominence of regionalism in Churchill's early plans for post-war security has been emphasized in G.L. Goodwin, Britain and the United Nations, New York, 1957, pp.4 sq.
2. Winston S. Churchill, The Second World War, vol. IV, London, 1951, pp.636-7.
3. Ibid. pp.717-8.
4. F.R.U.S. 1943, vol. III, British Commonwealth and Europe, p. 39.

(1) that the basis of international organization should be world wide rather than regional;

(2) that there were grave dangers involved in having the world organization rest upon the foundations of previously created, full fledged regional organizations; and

(3) that while there might be advantages in setting up regional arrangements for some purposes, such arrangements should be subsidiary to the world organization and should flow from it.[5]

Subsequently the Department obtained Presidential approval for a Tentative Draft of a Joint Four-Power Declaration. This draft stated in article 4

> That they [the signatories] recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all nations, and open to all nations, large and small,

and in article 5

> That for the purpose of maintaining international peace and security pending the re-establishment of law and order and the inauguration of a general system of security they will consult and act jointly on behalf of the community of nations.[6]

Hull took this draft to the Quebec Conference and there handed it to Eden on 21 August. Eden and Churchill agreed that it

5. Quoted in Ruth B. Russell and Jeannette E. Muther, A History of the United Nations Charter The Role of the United States, 1940-1945, Washington, 1958, p.121.

6. Post-war Foreign Policy Preparation, p.553.

was acceptable as a basis for negotiations with Russia.[7] Subsequently, Australia and New Zealand were 'consulted during September on the draft of the declaration'.[8]

Five days after Evatt's 14 October statement to the Australian parliament, the foreign secretaries and military leaders of the United Kingdom, the United States and the Soviet Union met at the Kremlin. In the words of Secretary of State Hull to a Joint Session of Congress on 18 November 1943 following his return, they met to 'hasten the end of the war, to plan for its immediate aftermath, and to lay the foundations of the post-war world'.[9] At the Moscow Conference Russia was interested above all in hastening the end of the war.

7. Hull, op. cit., pp.1238-9.
8. F.L.W. Wood, The New Zealand People at War, Political and External Affairs, Wellington, 1958, p.312. Professor Wood's volume of the Official History of New Zealand in the Second World War 1939-1945, is based on 'liberally administered' access to a 'vast mass of official documents (p.v.). There is no corresponding volume of the official Australian History, Australia in the War of 1939-1945, although Paul Hasluck's projected second volume in the Civil Series may devote more space to foreign policy than that given to it in his first volume, The Government and the People, 1939-1941, Canberra, 1952.
9. Leland M. Goodrich and Marie J. Carroll (eds.) Documents on American Foreign Relations, vol. VI, July, 1943-June 1944, Boston, 1945, p.12.

Her Foreign Minister, Molotov, who arrranged that the question of the proposed date for the British and American invasion of Northern France should be first item on the agenda,[10] seemed satisfied with the assurance he received from these powers that the landing would take place in the spring of 1944.[11] Britain's interests, on the other hand, centred on the immediate aftermath of the war in Europe and the proposed surrender terms for Germany. Churchill's strong interest in European regional security had been indicated by the length at which he discussed it during his vist to Washington in May 1943.[12] Early in 1943 the British Foreign Office had also considered in some detail plans for a new World Organization as well as proposals for the future of Germany. Here again post-war European regionalism predominated.

10. "Record of the Second Meeting of the Tripartite Conference held at the Guest House of the People's Commissariat for Foreign Affairs, Moscow, October 20, 1943, 4.00 p.m.", F.R.U.S., 1943, vol. I, General, pp.583-8.
11. Ibid. p.588.
12. Churchill, op. cit. pp.717-8.

> The general tendency, however, in the Foreign Office and in the War Cabinet, was to concentrate upon the more immediate question of obtaining agreement with the Russians and Americans on the form of an armistice with Germany, the means of putting it into effect, and the machinery for maintaining order in Europe.[13]

At Moscow it was the Americans who had a particular interest in post-war world organization and a fear of premature involvement in the details of European settlement.[14]

When Australia had been consulted, by Britain, in September, her general views on the draft declaration are reported to have included an objection to China's participation as a signatory to the proposed declaration, and the desire that the British Commonwealth, rather than the United Kingdom alone, should participate as one of the resultant Big Three.[15] At the Moscow Conference, Russia also objected to Chinese participation in the declaration arguing that China was not represented at the Conference, but American views were so strongly held on this point that the Soviet representatives yielded.[16] Indeed Roosevelt and Hull had agreed before Hull's departure for Moscow that 'the four-power concept should be preserved even at the cost of getting no agreement at this time'.[17] Australia's desire for Commonwealth signature

13. Woodward, op. cit., p.443.
14. Hull, op. cit., pp.1279-1283, F.R.U.S., 1944, vol. III, p.194.
15. Wood, op. cit., p.312.
16. Hull, op. cit., p.1281.
17. Ibid. p.1265.

of the Declaration, like her objection to Chinese participation, failed to influence the course of the Conference. Though permitted to pledge her support for the objectives of war in the Declaration by the United Nations of January 1942, Australia now found herself excluded, as were most of the United Nations, from the Declaration which was setting the course of the peace.

It is significant that Australia's detailed comments on the articles on the Tentative Draft in September, as these comments have been reported, centred upon article 5 which dealt with interim peace keeping arrangements; significant because the ordering of an interim peace, like the specific questions of territorial disposition which had engaged Evatt in October, was related more to the armistice and peace settlement than to the planning of a universal security organization. Australia's interests in the peace were, like Britain's, being conditioned, though not in an identical fashion, by a preoccupation with post-war regional security.

Australia's desire to participate in the interim peacekeeping proposals envisaged by draft article 5 may have been at least partly responsible for an alteration which was made in the wording of this draft article at Moscow. Australia's comments on draft article 5 have been reported thus -

> If they were to agree to the clause foreshadowing joint action to maintain security, argued the Australian Government, Australia should be included as one of the parties to act on behalf of the community of nations, either separately, or as part of the British Commonwealth. Nor would they rest content were this merely achieved in practice; they asked that it be formally recognized as well.[18]

Draft article 5 had proposed that the four signatories should 'consult and act jointly on behalf of the community of nations',[19] to maintain peace after the cessation of hostilities pending the restoration of law and order and the establishment of a general system of security. At Moscow, the British Foreign Secretary claimed that the small nations and in particular the Dominions especially Canada felt that the wording 'consult and act jointly on behalf of the community of nations' was open to the interpretation that it would establish an indefinite four power security dictatorship until the new organization was functioning.[20] Article 5 of the Moscow Declaration of Four Nations on General Security, signed on 30 October 1943, took account of this British Commonwealth objection and declared

18. Wood, op. cit., p.312.
19. See above p.48.
20. "Summary of Proceedings of the Third Session of the Tripartite Conference, October 21, 1943, 4.00 p.m.", F.R.U.S., 1943, vol. I, p.598.

'that the sponsoring powers 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'.[21]

That this Australian interest in transitional post-war security arrangements was clearly related to her preoccupation with post-war regional security in the South-West Pacific, is shown in a telegram which Australia, jointly with New Zealand, forwarded to the United Kingdom following the Moscow talks. In this telegram, the two countries stated their wish that, in the arrangements which would immediately follow the ejection of the Japanese, Australia should have full responsibility for policing Portuguese Timor and the Solomons and a share in the policing of the Dutch East Indies and the New Hebrides. The two Pacific dominions further declared

> As regards Pacific islands in general south of the Equator we believe that responsibility for policing should primarily be with the United Kingdom, Australia and New Zealand, though it is realized that regard must be paid to the position of the United States which already has a naval base at Tutuila.[22]

21. The text of the Moscow Declaration is printed in C.N.I.A., vol. 14, no. 9, p.315.

22. Wood, op. cit., p.313.

While this telegram demonstrates a definite Australian interest in the policing of the South Pacific, and is consistent with the argument of the previous chapter that Australia had strong reservations with regard to post-war American territorial presencein the South and South West Pacific, it appears to yield precedence if not primacy in these policing operations to the United Kingdom. The telegram would thus appear to contradict Evatt's claim on 14 October 1943, that Australian and New Zealand cooperation would be 'pivotal' for the post-war security of the area.

This telegram should be read, however, in the light of Evatt's reported remarks in October 1943 to the New Zealand High Commissioner in Canberra.[23] By Wood's account,

> When Evatt launched a series of talks between the two governments in October 1943, he told the New Zealand High Commissioner that 'Australia and New Zealand in cooperation should be the foundation of the British sphere of influence in the South and South West Pacific. The future prosperity of the two Dominions depended on their having a decisive voice in those areas'. He was also 'inclined to suggest that it would be wise for Great Britain to transfer all British colonies in these areas to Australia and New Zealand, Australia gradually to take the Solomons area, and New Zealand to take

23. Referred to in 'Aust. Minister for External Affairs to New Zealand Minister of External Affairs", 25 Jan 1944. Quoted by Wood, op. cit., p.313.

> Fiji, etc.'. At the same time he frankly expressed 'some uneasiness as to the future possibilities of the American policy in the Pacific'.[24]

That Australia and New Zealand's decisive voice was to be obtained not only at the expense of the United States, for Evatt spoke of a British sphere of influence, but also at the expense of the United Kingdom, is an indication of Australia's post-war ambitions within this security zone and of the importance which she attached to it.

The Moscow Declaration announced in article 4 the agreement of the four Great Powers to the establishment of 'a general international organization based on the principle of the sovereign equality of all peace-loving states, and upon the membership of all such states, large and small, for the maintenance of international peace and security'.[25] Evatt's support for such a body had been clearly indicated, as has been already seen, in his 14 October statement.[26] He also made reference on that occasion to proposals which had been put forward for a Three or Four Power management

24. Wood, op. cit., p.312.

25. C.N.I.A., vol. 14, no. 9, p.315. "Peace-loving" was inserted during the Conference at Eden's suggestion. F.R.U.S., 1943, vol. I, pp.597-8.

26. See above p.30

of the peace 'a post-war settlement carried into effect exclusively as a result of a treaty of alliance between the three great military powers .... to which "Big Three" may subsequently be added China'.[27] Evatt thought that an amalgamation was possible.

> It may, however, be possible to combine the two concepts, which do not seem to me to be in necessary conflict. The experience of the League of Nations shows the necessity for clarification and amendment of some of the important provisions after which the leadership of the League would naturally be assumed by the three Great Powers mentioned.[28]

Evatt's acceptance of the principle of three or four power privilege and leadership within the new organization was to remain unmodified until the month before the San Francisco Conference. But if he was to accept three power privilege in the new world security organization he was, at most, reluctant to acknowledge it in respect to the European armistice and peace settlement, and, as will be seen, strongly opposed to it in the Pacific armistice and peace settlement preparations. The extent to which the Great Powers intended to make the European peace had been indicated at Moscow, both by the form of the Declaration and by the decision to establish the European Advisory Commission.

27. C.P.D., vol. 176, 14 October 1943, p.572.
28. Ibid.

The Anglo-Soviet-American Communique of 1 November 1943, issued at the conclusion of the Moscow Conference, referred to a decision to set up machinery 'for ensuring the closest cooperation between the three Governments in the examination of European questions arising as the war develops'.[29] A European Advisory Commission was therefore to be established in London 'to study these questions'[30] and to make joint recommendations to the three Governments. The nature of the 'European questions' was made slightly more clear by Cordell Hull in his address to Congress on 18 November 1943.

> It is to deal with non-military problems relating to enemy territories and with such other problems as may be referred to it by the participating Governments. It will provide a useful instrument for continuing study and formulation of recommendations concerning questions connected with the termination of hostilities.[31]

In fact, the Commission, which first met in London on 15 December 1943,[32] made recommendations for the terms of Germany's unconditional surrender, for the zones of occupation in Germany and Austria, and for the inter-allied control

29. The text of the Communique is printed in C.N.I.A., vol. 14, no. 9, November 1943, pp.313-4. This quotation is on p.314.
30. C.N.I.A., vol. 14, no. 9, November 1943, p.314.
31. Goodrich and Carroll (eds.), op. cit., p.11.
32. The Times, 16 December, 1943.

machinery in those countries.[33] It was at Hull's insistence that the purview of the Commission was limited, immediately following its establishment, to questions of the armistice and surrender.[34] The British, who had proposed the establishment of the Commission, reflected their interest in European regional security by the contention at Moscow that the Commission, in addition to considering the European armistice and surrender, should be able to make recommendations for the general political settlement of post-war Europe.[35]

In his Ministerial Statement of November[36] on the results of the Moscow Conference, Evatt welcomed the establishment of the Commission by what he saw as perhaps 'the most significant decision of the conference'.[37] After having warned that 'the advisory character of the Commission is a fact on which other United Nations not represented in the Commission are entitled to insist', Evatt continued

33. Woodward, op. cit., pp.476-7.
34. 'The Secretary of State to the Ambassador in the United Kingdom', 23 December 1943, F.R.U.S., 1943, vol. I, pp.812-4.
35. F.R.U.S., 1943, vol. I, p.605, p.620.
36. C.N.I.A., vol. 14, no. 9, November 1943, pp.317-8.
37. Ibid. p.318.

> In accordance with the realities in Europe, the decisions of the Moscow Conference have been made by three Governments only, but made essentially in the name of all the United Nations who are at war with Germany. They are not to be taken as indicating an intention to set up an exclusive three-power management for Europe, and other United Nations, including other members of the British Commonwealth, have certainly the fullest right to expect that the final execution of the Moscow agreements will not be undertaken without prior reference to them and agreement by them.[38]

Australia's rights to participate in the European settlement were therefore maintained, yet in an analysis in which Evatt, though apparently unaware of the limitations on the Advisory Commission's range of discussion,[39] seemed prepared to defer to 'the realities in Europe'.[40] The fact that Australia had been consulted prior to the Moscow talks, however, presumably made Evatt's insistence on future prior reference and agreement something more than the expression of a pious hope.

38. Ibid.

39. Thus he referred to 'consultations covering the whole range of practical questions which now confront the United Nations in Europe, and which will rapidly increase as the war progresses. An important point to note is that no area or so-called sphere of interest is excluded from the range of consultation'. Ibid.

40. Ibid.

The strength of Australia's interest in the Pacific, as compared to the European, armistice and peace settlement was to be indicated by her reaction to the Cairo Conference.

2. The Cairo Conference.

At their meeting in Cairo from 22-26 November 1943 'to consider war and peace problems in the Far East', Roosevelt, Chiang Kai Shek, and Churchill agreed that Japan should be stripped of all the islands in the Pacific which she had seized or occupied since the beginning of the First World War, and that all the territories which Japan had 'stolen from China', such as Manchuria, Formosa and Pescadores, should be restored to the Republic of China. Korea, in due course, was to become free and independent and Japan was to be expelled 'from all other territories she had taken by violence or greed'.[41] Decisions were taken at Cairo, therefore, which would directly affect the peace settlement in the Pacific.

41. 'Statement issued following the Conference of President Roosevelt, Generalissimo Chiang Kai-Shek and Prime Minister Churchill', Goodrich and Carroll (eds.) op. cit., pp.232-3.

What is more, they were decisions on detailed questions of territorial disposition, questions which at the Moscow talks America had argued should be left to a general peace settlement, yet in which she was known to be strongly interested as regards the Pacific. The Australian Government subsequently listed some examples of this American interest during 1943 to the Secretary of State on 25 February 1944.

> For instance at the Pacific Council on March 31, 1943 the President said he had discussed with Mr. Eden different island territories in the Pacific. The President expressed opinions not only as to sovereignty, but as to proposed economic coordination. The President added that he had also discussed with Mr. Eden the question of Japanese mandated islands and of Timor.
>
> Subsequently, on 29 September 1943, also at the Pacific Council, the President referred to the Marshall and Caroline Islands and other islands east of the Phillipines. He indicated the existence of plans to determine what post-war policy should be adopted for the maintenance of peace in that part of the Pacific.[42]

Australia's strong interest in territorial disposition in the South and South West Pacific has been established. While it is true the decisions taken at Cairo related to the settlement in the Pacific north of the Equator, the possibility that similar decisions would be taken on a three-power basis affecting the South Pacific must have seemed very real to Australia. The great power approach applied to the European

42. F.R.U.S., 1944, vol. III, p.187.

peace at Moscow, was transferred to the Pacific at Cairo. In this Pacific region in which Australia had claimed the right to 'make a very special contribution towards the establishment and maintenance of the peace settlement',[43] Australia was not only uninvited to talks affecting the settlement; she had received no prior consultation and had learnt of the conference decisions from the newspapers. As Evatt, on behalf of the Australian Government, complained to the Secretary of State on 25 February, 1944

> We feel strongly that Australia and New Zealand are entitled to the fullest degree of preliminary consultation, especially in relation to Pacific matters. At the recent Cairo conference decisions affecting the future of certain portions of the Pacific and vitally affecting Australia and New Zealand were not only made but publicly announced without any prior reference to either the Australian or New Zealand Government. Actually the first news the Australian Government received of the Cairo decisions was through the medium of the press.[44]

43. See above p. 31.

44. F.R.U.S., 1944, vol. III, p.187. This recalls W.M. Hughes' comment to Lloyd George at the 1921 Imperial Conference, 'I think I ought to tell you, Sir, that it is rarely that one does not read in the newspapers, sometimes a day, sometimes more than a day, before receiving your telegrams, a very good imitation of their substance', quoted in H. Wolfsohn, 'The Evolution of Australia in World Affairs', Australian Outlook, vol. 7, March 1953, p.20.

Evatt's recation to the Cairo Conference is embodied in the Australian New Zealand Agreement of January 1944.

3. The Australian-New Zealand Agreement.

From Monday 17 January until Friday 21 January a New Zealand delegation headed by the Prime Minister of New Zealand, Peter Fraser, and an Australian delegation headed by the Prime Minister, John Curtin, met at Parliament House, Canberra, to discuss common problems of foreign policy. On the final day of the talks both delegations signed the Australian-New Zealand Agreement, 1944.[45]

Although Curtin presided over the Conference and made the major public statements of Government policy, the proposal to hold the Conference,[46] the content of the agenda and the drawing up of the subsequent Agreement all centred upon Evatt and officers of his Department of External Affairs.[47] Indeed,

45. The text of the Agreement may be found in C.N.I.A., vol. 15, no. 1, January 1944, pp.2-9.

46. Ibid. p.12.

47. The Address by John Curtin at the signing of the Agreement on 21 January contained the following references to Evatt's role. 'I also consider that the success of the conference and the high degree of agreement which has been reached is not only a tribute to what I shall describe as the common sense which has marked our deliberations, but has been materially aided by the very great ability which marked the preparatory work performed by the Minister for External Affairs of the Commonwealth in arranging for the conference'. Ibid. p.18.

there were doubts among Evatt's officials as to how Curtin would react to the detailed conference agenda when it was presented to him and consequently some 'very great activity ... on the eve of the Conference, after the New Zealanders had actually reached Canberra, to make sure that he would be in favour for what it was intended to do. In fact he received the ideas for the agenda quite readily and delivered an eloquent opening speech'.[48]

When the New Zealand delegation reached Canberra on 15 January it was presented with papers setting out the Australian views.[49] Two days later, when the Conference opened, New Zealand felt that seventy-five per cent of the Australian proposals could be agreed to without discussion and that of the remaining twenty-five per cent the matters which would call for discussion were largely concerned with detail.[50]

In his Opening Address the Australian Prime Minister

48. Hasluck, op. cit., p.150.

49. Wood, op. cit., p.314.

50. 'From the time the agenda was circulated and preliminary submissions were compared, it was apparent that 75 per cent of unanimity already existed and of the other 25 per cent, matters calling for discussion were largely those of detail.' Press Statement by the Prime Minister of New Zealand at the closing of the Conference, C.N.I.A., vol. 15, no. 1, January 1944, p.22.

stressed the relation of the talks to Australia's post-war foreign policy preparation.

> The pattern of international relations after the war is being already delineated by decisions on current matters, while current decisions themselves are being, or should be, influenced by accepted post-war objectives. From the standpoint of the Australian Government, this conference will be an important stage in the elaboration of post-war political plans which have been under study here, particularly in the Department of External Affairs, for a period dating back even to the time when sheer defence of this country from attack was the overriding necessity.[51]

Evatt said of the Conference, at its close, that it had discussed 'the foreign policy of both Governments and their future plans for the peace, order and good government of the region to which they belong'.[52] In diplomatic correspondence the Australian Government expressed the view that 'all matters covered by the Australian-New Zealand Agreement have post-war relevance and some will form the main content of the post-war settlement in this part of the world'.[53]

The Agreement, as might be expected, renewed Australia's commitment to a universal world organization. Under Article 14 the two governments declared that they regarded it 'as a

51. C.N.I.A., vol. 14, no. 1, January 1944, pp.12-3.
52. Ibid. p.24.
53. F.R.U.S., 1944, vol. 3, p.186.

matter of cardinal importance that they should both be associated, not only in the membership, but also in the planning and establishment, of the General International Organization referred to in the Moscow Declaration of October 1943 which organization is based on the principle of the sovereign equality of all peace-loving States and open to membership by all such States, large or small, for the maintenance of international peace and security'.[54] The preceding Article 13, furthermore, established that regional security was seen as linked to the new world organization.

> The Two Governments agree that, within the framework of a general system of world security, a regional zone of defence comprising the South-west and South Pacific areas shall be established and that this zone should be based on Australia and New Zealand stretching through the islands north and northeast of Australia, to Western Samoa and the Cook Islands.[55]

Article 34 announced the intention of the two governments to call, as soon as practicable, a conference of properly accredited representatives of the Governments with existing territorial interests in the South-west Pacific Area, or in the South Pacific, or in both, namely, in addition to the two governments, the governments of the United Kingdom, the United States of America,

54. C.N.I.A., vol. 15, no. 1, January 1944, p.4.
55. Ibid. pp.3-4.

the Netherlands, the French Committee of National Liberation and the government of Portugal, to allow a frank exchange of views on the problems of security, post-war development and native welfare.[56]

The emphasis on regionalism inherent in these articles led Cordell Hull, in a message to John Curtin on 1 February, to express the fear that the Australian proposals for regional security would prejudice the establishment of a general security system. He took particular exception to the proposed conference under Article 34.

> In our opinion, it is necessary to agree upon arrangements for a general international security system before attempting to deal with problems of regional security. Any attempt to deal with regional security in the Southwest Pacific in advance of agreement on a general security system might well give rise to efforts on the part of other regional groups to make their own exclusive arrangements for security. Thus such a conference as is proposed might in the end result in a number of independent regional systems and seriously interfere with efforts to achieve a general system of world security.[57]

The Australian Government's reply to Hull, sent over Evatt's signature, makes Australia's views of the relationship of regional planning to the general international organization plain:

56. Ibid.
57. F.R.U.S., 1944, vol. 3, p.177.

> The message under reply rather assumes that Australia and New Zealand wished problems of regional defence to be dealt with prior to and irrespective of arrangements for a general international security system. This is not so. The agreement between Australia and New Zealand makes the position very clear. Article 13 speaks of a regional zone of defence 'within the framework of a general world plan of security'. Further, the obvious intention both of Australia and New Zealand was that any discussions of regional defence should be related at all times to plans for the General International Organization referred to in the Moscow Declaration of October 1943. With that organization Australia and New Zealand desire to be associated at the planning stages and before any definite proposals are formulated, vide Article 14.[58]

Yet while Evatt and the Australian government were committed to the general world body and saw regional security as subordinate to it, the predominant emphasis in the Agreement is nonetheless upon problems related to regional security - regional security which Evatt had indicated in the previous

58. Ibid. p.186. The view of the New Zealand Government had been clearly and publicly expressed by Peter Fraser at the opening of the Canberra Conference. 'Lack of moral resolution was the fundamental weakness, and not any technical or mechanical fault, which caused the failure of the League to prevent wars of aggression of the nineteen thirties. We see no reason to modify in any fundamental sense the proposals the New Zealand Government put forward at Geneva in 1936 for the effective operation of the League. I should like to stress at the outset of this Conference that we entertain considerable doubts as to the practicability of regional bodies for the preservation of world peace, though we are entirely in accord with the idea of a system of regional defence. It has always been our viewpoint that, just as peace is indivisible so the machinery for the preservation of peace should also be world-wide .... In particular there is everything to be said for a world organization ... C.N.I.A., vol. 15, no. 1, January 1944, p.16.

April was vital to Australia 'particularly before such a [general international] system is established and proved to be in good working order'.[59]

Thus questions of sovereignty had been referred to specifically as one of the subjects which would be discussed at the regional conference proposed under Article 34; and the strong interest which Evatt had in regional territorial issues at the time had been further indicated in a number of clauses of the Agreement.

Both governments stated, in Article 16, that they accepted as a recognized principle of international practice that the construction and use, in time of war, by any power, of naval, military or air installations in any territory under the sovereignty or control of another power, did not, in itself, afford any basis for territorial claims or rights of sovereignty or control after the conclusion of hostilities.[60] Articles 26 and 27 maintained that the interim administration and ultimate disposal of enemy territories in the Pacific was of vital importance to Australia and New Zealand, and that any such disposal should be affected only with their agreement and

59. See above p.26.
60. C.N.I.A., vol. 15, no. 1, January 1944, p.4.

as a part of a general Pacific settlement.[61]

Although it is not clear from these articles themselves that they were intended to limit American territorial expansion in the South and Southwest Pacific, and although Evatt and Curtin denied, both during and after the talks, that these provisions were aimed at any particular power, the likelihood that they were aimed at the United States is increased by the fact that the Australian Government had received new evidence, in the days before the Canberra talks, of continued Presidential interest in the Pacific islands when Evatt, it will be recalled, had expressed in this context in the preceding October, 'some uneasiness as to the future possibilities of the American policy in the Pacific'.

> Very recently, at the meeting of the Pacific council on January 12 last, the President communicated his views regarding the future of the Pacific Islands both north and south of the equator. With reference to the latter, he spoke of the possibility of 'some arrangement' for their future allocation.
>
> In the course of the meeting of January 12 the President referred specially to the question of what should be done with the French islands. The President stated that he had told Mr. Churchill that the French should not have New Caledonia back under any conditions and that he believed that the people of Australia and New Zealand would back him up.
>
> It is realized that the President may not have been speaking definitively on these matters but they are

61. Ibid. p.5.

> cited as illustrations of the fact that, in matters of tremendous consequence to Australia and New Zealand, post-war arrangements are under consideration by the United States government. We fear that they may be dealt with in a way which can prejudice harmonious Pacific settlement.[63]

The evidence available strongly supports the conclusion that these Articles (26 and 27) of the Agreement were intended to limit or restrain American territorial expansion in the South and Southwest Pacific. The official New Zealand war historian states that in their report to Britain on the results of the Canberra talks, the two dominions, with New Zealand as the moderating influence, decided not to say in so many words that they would 'under no circumstances agree to the establishment of a condominium with the United States as a party in New Ireland, New Britain, the Solomons, New Caledonia, the New Hebrides, the Cook Islands or Western Samoa'.[64] It may be felt that Australia's objection here was to the administrative device of the condominium as such rather than to an American territorial presence per se, and that the association of America with condominiums was based on Roosevelt's preference for a system of international administration of colonies.[65] While Australia probably did regard

63. F.R.U.S., 1944, vol. III, p.187.
64. Wood, op. cit., p.315.
65. See below p. 149.

the device of the condominium as unsatisfactory, there is evidence that she was prepared, at this time, to assume the responsibility for the British share of the condominium with France in the New Hebrides.[66]

Evatt's notion 'that Australia should, with New Zealand, have 'a decisive voice' in the South and Southwest Pacific regions had already led him, as has been shown above, to seek a reduction of the United Kingdom's territorial presence in the area. Evatt had spoken, in October 1943, of transferring 'all British colonies in these areas to Australia and New Zealand, Australia gradually to take the Solomons area, and New Zealand to take Fiji etc.'.[67]

Evatt continued to pursue this objective also at the time of the Canberra talks. It is reported that, in the course of discussions on the contents of their joint report to the United Kingdom on the results of the Canberra talks, New Zealand refused to support an Australian suggestion that the administration of the Solomon Islands should be transferred to Australia, together with the British share, or possibly the whole, of the Franco-British condominium of

66. See below p. 74.
67. See above pp. 55-6.

the New Hebrides.[68] This report is confirmed by the Australian Conference Papers. From these papers it can be established that, in addition to the above proposals, Australia also felt that Australia and New Zealand should take up with the United Kingdom the question of obtaining complete control of the New Hebrides either by purchase or by exchange of territory, after the war.

> It is submitted that agreement might be reached as follows:
>
> (1) That Australia should offer to undertake responsibility for the administration of the British Solomon Islands.
>
> (2) That Australia should offer either
>
> (i) to undertake the British share of responsibility under the condominium in the New Hebrides, either jointly with New Zealand, or alone, or
>
> (ii) that Australia and New Zealand take up with the United Kingdom government the question of obtaining complete control of the New Hebrides either by purchase or exchange of territory after the war.[69]

That there is evidence of Australia's desire at this time, to assume the territorial responsibilities of the United Kingdom in the Southwest Pacific suggests that Evatt's objections to an increased American territorial presence in the area was not wholly anti-American qua American. For

68. Wood, op. cit., p.315.
69. P.W.R. 44/735/168/4, Pacific Conference Papers, Agenda.

Australia's proposed post-war acquisition of British territories in the region involved more than a recognition of Britain's inability to participate fully in the future security of the area - a resultant, as it were, of the notion that 'for many years prior to 1942 Britain was heavily over-committed in this part of the world. that her responsibilities were much greater than her resources'.[70] It involved in addition Evatt's view that Australia should have a dominant voice in the region. Just as dissatisfaction with the strength of British interest in the Pacific undoubtedly influenced Evatt's attitude, so also, in the case of America, there were possibly Australian fears of a return to isolationism and a definite dissatisfaction with recent trade negotiations.[71] But there was an additional factor in

70. W. Macmahon Ball in his introduction to H.V. Evatt, op. cit., p.xi.

71. 'To my remark that China looked upon Formosa as Chinese territory occupied by Japan, Evatt replied that, nevertheless, he felt Australia should have been invited to participate in a conference which discussed such a matter. Evatt then entered upon a long series of complaints regarding the treatment of Australia. He referred to his disappointment that Australia had been put off in regard to its desire to negotiate a trade agreement with the United States.' 'The Minister in Australia (Johnson) to the Secretary of State', 22 January, 1944, F.R.U.S., 1944, vol. III, pp.174-5 at p.175. For earlier trade difficulties see Raymond A. Esthus. From Enmity to Alliance, U.S.-Australian Relations, 1931-41, Melbourne, 1965.

Evatt's attitude to the post-war presence of both countries in the Southwest Pacific and that was an ambitious small-power nationalism, a 'positive Australianism', springing from his own outlook and the continuing experience of a Pacific war. That Evatt and the Australian government had stronger objections at this time to an American than to a British post-war presence, however, reflects not only the fact that it was the Americans, after all, who were <u>building</u> bases in the Pacific but also the continuing strength of that very system of Commonwealth or Empire relations with which Australia was now dissatisfied. As regards Australia's attitudes to both countries on this question of territoriality it must be said that although these attitudes reflected difference it was clearly difference between friends and allies, if it was not, in Australia's view, difference between prospective Southwest Pacific neighbours.

The fact that Evatt had such an assertive and expansionist (in a conservative rather than imperialist sense) interest in territorial disposition in the South and Southwest Pacific is an indication both of his nationalism and, more significantly, of the fundamental importance he attached to post-war regional security.

A similar assertiveness is evident in the references to interim post-war regional policing arrangements in the Australian-New Zealand Agreement. Evatt's comments at the time of the Moscow Conference had urged that South and South-west Pacific policing should be primarily in the hands of the United Kingdom, Australia, and New Zealand, though with some regard being paid to the position of the United States; had referred to a 'British sphere of influence' in the South and Southwest Pacific; had expressed 'some uneasiness as to the future possibilities of American policy in the Pacific'; and had claimed a decisive voice for Australia and New Zealand in the security of the area. Under Article 15 of the Australian-New Zealand Agreement, the two governments declared that pending the re-establishment of law and order and the inauguration of a system of general security, they were vitally interested in the action on behalf of the community of nations contemplated in Article 5 of the Moscow Declaration of October 1943. The two governments claimed, furthermore, that it would be proper for Australia and New Zealand to assume full responsibility for policing or sharing in policing such areas in the South and Southwest Pacific as

might be agreed upon.[72]

While there is no evidence of any Australian desire to exclude other countries from participating in these policing activities and in the general security of the area, there is evidence that Australia desired overall responsibility for policing arrangements therein. At the time of the Canberra talks the Australian papers suggested that a note might be sent to London presenting the case for the assumption by Australia of initial responsibility for policing arrangements in the South and Southwest Pacific zone.[73] After the talks the two dominions are reported to have 'decided not to say in so many words that they objected to the United States being given the duty of policing the Pacific south of the equator'.[74]

Australia's ambitious concept of her future policing role in the South and Southwest Pacific indiates, like her territorial assertions, the strength of regionalism in her approach to post-war security.

Just as a strong British interest in European regional

72. C.N.I.A., vol. 15, no. 1, January 1944, p.4.
73. P.W.R., 44/735/168/4, Pacific Conference Papers, Agenda.
74. Wood, op. cit., p.315.

security was accompanied by a preoccupation with matters related to the European armistice and peace settlement at Moscow, so the Australian-New Zealand Agreement shows the centrality of Australia's interest in the Pacific armistice and peace settlement. Some years later Evatt, speaking of this period, stressed the relationship of the armistice to the peace settlement.

> The conditions of surrender and armistice terms would plainly have a big influence on the later stages of the peace negotiations. If the terms were too specific or too limited it would be difficult if not impossible to introduce changes at the peace-treaty stages.[75]

The Australian-New Zealand Agreement in Articles 7-11 sets out a strong general claim for Australian participation in all armistice and peace settlements. Under Article 7 the two governments declared that they had 'vital interests in all preparations for any armistice ending the present hostilities or any part thereof and also in arrangements subsequent to any such armistice, and agreed that their interests should be protected by representation at the highest level on all armistice planning and executive bodies'. Under

75. H.V. Evatt, Australia in World Affairs, Sydney, 1946, p.126.

Article 8, the two governments claimed that the final peace settlement should be made in respect of all enemies after hostilities with all of them had been concluded;[76] while Article 9 announced their intention to seek agreement with each other on the terms of any armistice to be concluded.[77] In Article 10 the two governments declared 'that they should actively participate in any armistice commission to be set up'[78] and Article 11 announced that each of the two governments would establish armistice and post-war hostilities planning committees.[79]

These clauses, it is true, maintain Australia's claim to participation in all armistice arrangements, i.e. European and Pacific, rather than emphasize her claims to special consideration in the Pacific armistice and peace settlement discussions. That these Articles in fact reflected Evatt's special concern with the Pacific may be inferred from the strongly regional emphasis of the Agreement as a whole; and from the fact that the claims made here for 'representation at the highest level on all armistice planning

76. C.N.I.A., vol. 15, no. 1, January 1944, p.3.
77. Ibid.
78. Ibid.
79. Ibid.

and executive bodies' and for active participation in 'any armistice commission' to be set up far exceed the claims which Evatt had made in those comments on the Moscow Conference in which he acknowledged 'the realities in Europe'.[80] Australia's special concern with the Pacific settlement was made explicit, furthermore, in a letter which John Curtin sent to the New Zealand Prime Minister, Peter Fraser, during the Canberra talks to inform him officially, of recent decisions of the Australian War Cabinet.

The following principles were reaffirmed:-

(a) It is of vital importance to the future of Australia and her status at the peace table in regard to the settlement in the Pacific that her military effort should be on a scale to guarantee her an effective voice in the peace settlement.

(b) If necessary, the extent of this effort should be maintained at the expense of commitments in other theatres. In the interests of Australia and the British Empire in the Pacific, it is desirable that this view should be understood by the U.K. and the other dominions, especially New Zealand and Canada.[81]

Evatt's prescriptions for 'freedom from fear' in the post-war world, as these were embodied in the Australian-New Zealand Agreement, were given the approval of the Australian

80. See above p. 60.

81. 44/735/168/8. A.N.Z. Conference. Drafting of Agreement.

Government when the Agreement was ratified at a meeting of Full Cabinet in Canberra on 24 January 1944. Although acknowledging the necessity for a universal security organization, Australia in this Agreement was preoccupied with problems of regional security in the South and Southwest Pacific. If Australia's post-war regional security zone was seen as closely related and subordinate to the proposed world organization, there was, nonetheless, allied to this pre-occupation with regional security, a concentration on problems of regional territoriality and interim post-war policing. Strong and assertive regional and territorial interests were accompanied by a correspondingly strong interest in Pacific armistice and peace settlement arrangements rather than by an active interests in preparations for a universal world security organization.

* * *

Articles 1-4 of the Australian-New Zealand Agreement do not expand the exposition, given in other articles of the Agreement, of Australia's view on post-war security. But they

do show, although only when placed in historical context, the extent to which these views were accompanied by a dissatisfaction with the process by which the United Kingdom formulated British Commonwealth foreign policy. To a lesser extent, they also show Australian dissatisfaction with Great Power consultation in general as it had functioned in respect to planning for the peace.

An indication of Australia's dissatisfaction with the manner in which the United Kingdom consulted the dominions when formulating policy on behalf of the Empire had been given by Evatt in his statement on 14 October 1943. In this statement, which was otherwise devoted to, and is therefore taken to imply a connection with, problems of post-war security, he had commented on the process whereby the Dominions Office, in the formulation of joint Commonwealth policy, had on occasions, when Dominion opinions differed, taken the final decision on its own responsibility.[82] That Evatt made this complaint in October, after the British Government had consulted Australia on the contents of the Moscow Declaration, is, furthermore, an indication that his prime interest was in

82. C.P.D., vol. 176, 14 October 1943, p.576.

securing recognition for Australia and New Zealand's regional view-points in planning for the Pacific peace. Britain's subsequent failure to consult Australia and New Zealand prior to the Cairo Conference would, therefore, have made a further statement of Australian policy on this subject of consultation not at all unlikely. It might also have been expected to have led to an assertion of her distinct international status.

In Article 1 of the Agreement, the two governments agreed to a fuller exchange of information between themselves in matters of common interest. Articles 2-4 read as follows:-

> 2. The two Governments give mutual assurances that, on matters which appear to be of common concern, each Government will, so far as possible, be made acquainted with the mind of the other before various views are expressed elsewhere by either.
>
> 3. In furtherance of the above provisions with respect to exchange of views and information, the two Governments agree that there shall be the maximum degree of unity in the presentation, elsewhere, of the views of the two countries.
>
> 4. The two Governments agree to adopt an expeditious means of consultation by which each party will obtain directly the opinions of the other.[83]

These articles, and indeed the Agreement as a whole, were publicly interpreted by Curtin, Evatt, and Fraser during and after the talks, as embodying the desire of both governments

83. C.N.I.A., vol. 15, no. 1, January 1944, pp.2-3.

to improve their mutual consultation and coordination of policies as neighbouring members of the Commonwealth. The emphasis, that is, was placed on the desire for mutual consultation rather than on the object of that consultation - the 'maximum degree of unity in the presentation, elsewhere, of the views of the two countries'.

Thus, the United States Minister in Australia reported to the Secretary of State on 22 January 1944, the day after the talks had ended -

> All the publicity had been centred upon the negotiations as an effort to set up machinery for mutual consultation on matters of mutual interest.[84]

John Curtin had indeed given adequate grounds for such a view in his speech at the Opening Ceremony.

> Above all, I hope the conference will be the means of instituting some improved arrangement for consultation and exchange of opinions and information between our two countries. In this respect it may well prove to be of deep interest in the history of British Commonwealth relations. The normal processes of consultation have applied between us for a period of several years, consisting in the main of governmental telegrams exchanged either direct or through London, and of occasional ministerial visits. To this has recently been added an exchange of High Commissioners both of whom, in the persons of Mr. Berendsen and Mr. D'Alton are here today.
>
> It will be among the most important tasks of the conference to decide whether the facts require these

84. F.R.U.S., 1944, vol. III, p.175.

> existing means to be supplemented by some machinery enabling continuous collaboration at all administrative as well as political and ministerial levels.[85]

The comments of the New Zealand Prime Minister at the Opening Ceremony reinforced Curtin's remarks.

> In view of the many common problems which confront us, both in this area and in relation to world affairs, it is obviously essential that our two countries should maintain the closest relationships with each other.
>
> The objective of this conference is to define those common problems and to lay down, if possible, agreed principles of permanent cooperation both for the present and for the immediate post-war period. We must not only understand each others' viewpoint, but machinery should be devised for continuous consultation for supporting each other in matters of common interest.[86]

It is hardly surprising therefore that the Agreement was favourably received by the British press and by the British government. The Secretary of State for Dominion Affairs, in a telegram to the New Zealand Minister for External Affairs on 12 February 1944 welcomed 'any steps which might lead to a strengthening of ties between members of the British Commonwealth'.[87] SirAlexander Cadogan, British Secretary of State for Foreign Affairs, when consulted by the United States

85. C.N.I.A., vol. 15, no. 1, January 1944, p.12.
86. Ibid. p.14.
87. Quoted in Wood, op. cit. p.317.

Embassy in London was reported on 18 February 1944 to have said that -

> The British Government's attitude toward the agreement was that in general they welcomed many of the provisions of the agreement itself as they supposed was the case with the American Government.[88]

An official of the Division of British Commonwealth Affairs in the State Department noted in a memorandum on 1 February 1944 that it seemed 'all too likely that the British may heartily support the Australian and New Zealand proposals contained in their agreement'.[89] He also noted that 'for some time it has been evident that the British Government is apprehensive lest Australia and New Zealand come too closely under American influence'.[90] Some academics have claimed that the Agreement touched (and by implication that it justifiably touched) American sensitivity on the question of British Commonwealth representation in international affairs. These commentators argue that the Agreement foreshadowed to the Americans an increasing exercise of Dominion status on international bodies which would give the United Kingdom additional votes and support on these bodies. The assertion

88. F.R.U.S., 1944, vol. III, pp.184-5.
89. Ibid. p.178.
90. Ibid.

of Dominion status as embodied in the Agreement was therefore seen by Americans, these writers suggest, as a device by which the United Kingdom could strengthen its voice in international affairs.[91]

The fact that the Agreement was favourably received in Britain, and consequently seen from the United States as pro-British, was possibly related to the publicity which John Curtin's views on the post-war Commonwealth had received in Britain between August 1943 and January 1944 when the Canberra talks were held. For to the extent that

91. A contemporary example is E.A. Olssen, 'The Australian-New Zealand Agreement', Australian Quarterly, vol. 16, September 1944, pp.18-9. 'American statesmen have long been suspicious of the Statute of Westminster. They have seen in it a constitutional device by which members of the British Commonwealth of Nations will outvote America at international conferences, and to guard against this have insisted that members of that Commonwealth should arrive at a common understanding on international matters and vote as a single Commonwealth. In the Canberra Pact, America probably detected a practical assertion of sovereign rights on the part of two Dominions, and she no doubt feared that this might be the prelude to further claims in post-war settlements.' For a recent re-statement of this view see Trevor R. Reese, 'The Australian-New Zealand Agreement, 1944, and the United States', Journal of Commonwealth Political Studies, vol. IV, no. 1, March 1966, p.12. 'The Agreement as a whole touched American sensitivity on the question of the British Commonwealth which the United States Government viewed with suspicion and feared might become a British device for outvoting the United States at international conferences'.

Curtin's interests at this time moved beyond the conduct of the war and domestic post-war reconstruction they centred on the post-war nature of the British Commonwealth.

In a speech given in Adelaide on 14 August at the height of the 1943 Australian election campaign, Curtin predicted that an imperial consultative body would emerge from wartime international relationships. He believed that 'the Mother Country could not manage the Empire on the basis of a Government sitting in London'. These remarks, when published in The Times of London on 14 August, provoked a considerable and distinguished correspondence during the remaining weeks of August and the early days of September.

On 8 September The Times published an amplified version of Curtin's Adelaide remarks. This amplification, in which Curtin expanded his plan for an imperial consultative body, had been obtained by the newspaper's own correspondent in Canberra. Curtin proposed that the council would be a means 'through which representatives of the Dominions could regularly consult representatives of the United Kingdom Government. The Dominions' representatives could be the High Commissioners who could be replaced at appropriate intervals by Ministers of

the Dominion Governments'. The council was to be served by a permanent secretariat. The long first leader in the same issue of The Times discussed Curtin's 'remarkable speech' of 14 August and noted with approval that 'Mr. Curtin ... gives his formal adhesion to the principle of consultation for the determination of a joint foreign policy and for providing its necessary sanction, a joint system of defence'.

On 3 November Curtin's views were raised in a debate in the House of Lords. The discussion there showed more awareness than that in The Times of the implied criticism of existing Commonwealth consultation inherent in Curtin's 14 August reference to the Mother Country governing the Empire from London. Curtin's emphasis had, however, been overwhelmingly on his proposed solution which clearly envisaged the survival of joint Empire policy in the post-war world. Australia's loyalty to the Empire had been further illustrated in November 1943 when the newly elected Curtin Government welcomed the appointment of the Duke of Gloucester as the next Governor-General.[92] Then in December at the

92. F.R.U.S., 1944, vol. III, p.179.

Federal Conference of the Australian Labor Party Curtin renewed his call for an Empire council and secretariat in a speech which the Leader of the Opposition, R.G. Menzies, a staunch supporter of the Imperial connection, derided as being merely an attempt 'to restate at great length the principles on which Empire relations had been based for many years'.[93]

Evatt's Australian-New Zealand Agreement, must, however, be seen despite any impression created by Curtin's Commonwealth speeches as embodying and expressing not only dissatisfaction with Great Power consultation in general but also Australia's particular annoyance at the manner in which Britain had been conducting Dominion consultation, most notably in relation to the Cairo Conference. The extent to which the Agreement was critical of British management of Commonwealth consultation can be established by an examination of the manner in which it was concluded; its provisions, in context; and its form.

In an important signed article on 14 February 1944, the Editor of the Melbourne Herald, Sir Keith Murdoch, criticised the Agreement for its effects on Commonwealth relations.

93. Ibid. pp.175-6.

Murdoch claimed that the British people were 'puzzled by Mr. Curtin's assertion of unilateral Anzac Policy'; he referred to the 'well-kept secret of the Australia-New Zealand Conference. This was introduced as conforming with the Empire pattern of the future, but no other country, Murdoch continued, 'was consulted about its convocation or agenda'. Murdoch returned to this point in the same newspaper on 24 February when he wrote that there had been no known expression of the British Government's view at the conference and that it was not informed of the proposals to be made.

The United States Chargé near [sic] the Netherlands Government in Exile in London reported to Hull on 1 February 1944 that he had been told by the Dutch Foreign Minister, Van Kleffens, that the Netherlands Government had not been 'approached in any way by the signatories prior to or since the conclusion of the Agreement. He referred to the assertiveness of Australia in matters of foreign policy towards Britain particularly, and said Australia had of course taken the initiative in this matter. The agreement was a sort of "declaration of independence" in foreign affairs by Australia and New Zealand and he was not sure it was not ultra vires.' The American Minister in Canberra reported to Hull on 22

January 1944 that the

> Conference opened 17 in utmost secrecy and at no time were we officially informed of agenda or intentions although we had easy access to superficial knowledge of some of the general subjects. I was informed by the Netherlands Minister, who showed his resentment of the whole procedure by refusing to attend the public signing ceremony, that he had not been informed or consulted on any point although he knew or felt they were discussing territory and peoples over which the Netherlands Government claimed complete sovereignty. British representative apparently also not consulted.[93]

Although it cannot be established that Britain was not consulted prior to these talks there thus are definite indications that she was not.

Articles 1-4 of the Australian-New Zealand Agreement, even if read only in conjunction with Evatt's critical comments on Commonwealth consultation in his 14 October statement can reasonably seem to express more than a desire for improved mutual consultation between Australia and New Zealand. For this improved consultation was associated in the Agreement with an objective, 'the maximum degree of unity in the presentation, elsewhere, of the views of the two countries'.[94] This impression has been strengthened by an examination of the circumstances of the conference. It is placed beyond doubt by Australian Conference Papers and by

93. Ibid. pp.175-6.
94. C.N.I.A., vol. 15, no. 1, January 1944, p.3

Evatt's ministerial brief at the Conference.

In the Australian Conference Papers the following were included as objectives of Australian-New Zealand cooperation:

4. A more expeditious means of correlation than the present round about procedure whereby one government frequently learns the opinions of the other via the Dominions Office.

5. Based on the above exchange of views and information the maximum degree of unity in the presentation of views by the two governments at London, Washington and elsewhere.95

Evatt's conference brief Agenda Items in Detail for use of Minister expands these points in a list of the general objectives of the talks which includes:

2. There have been plenty of instances in which the presentation of a view in London by New Zealand without reference to Australia has weakened the presentation of our view, either by anticipation or more often, by revealing a difference of opinion which has enabled London to discount both.

3. The essence of our case is that there should be in general no reason for difference on matters of external policy between two countries so nearly identical in outlook and with local and world interest so closely similar.

4. It is necessary that approximation of views should be attained generally under Australian lead and initiative. This process will probably look after itself if New Zealand can be got to accept view in paragraph three above.

4. A strong reinforcement of the case for full Australian-New Zealand consultation with a view to joint presentation of views is to be found in strong evidence of

95. P.W.R. 44/735/168/4, Pacific Conference Papers, Agenda.

(a) strong tendency on part of United Kingdom Government to overlook or omit Dominion consultation in many current matters;

(b) marked trends in the last six months towards Big Three (U.K. - U.S. - U.S.S.R.) or Big Four (U.K. - U.S. - U.S.S.R. - China) handling of affairs allegedly as a preliminary stage but in fact often tantamount to decision taken without reference to other members of the U.N. The Australian Government has strongly resisted these tendencies. It is in the obvious interest of New Zealand to resist them also. Such resistance will clearly be the more effective the more closely Australia and New Zealand themselves think in concert.[96]

Thus, not only was the overriding importance of the objective of the mutual consultation (as distinct from the mutual consultation itself) made clear but that objective was shown to arise primarily from a dissatisfaction with the manner in which the United Kingdom conducted Empire consultation. It arose, also, it is clear, from failures on the part of the Great Powers in general to consult with other members of the United Nations especially during the preceding six months. The brief subsequently made specific reference to the Cairo Conference.

That Australia's feelings as embodied in the Australian-New Zealand Agreement amounted to dissatisfaction with Britain

96. P.W.R. 44/735/168/9/1, Notes for the Minister.

was indicated by contemporary allegation that Australia failed to consult Britain in advance of the talks; has been confirmed by Evatt's brief; and is further confirmed by the very form of the Agreement itself. The significance of the Agreement as an agreement in the field of inter-Dominion relations was set out in a contemporary opinion by Julius Stone

> The treaty-making power of the Dominions is, of course, well-established. Nor is there anything novel in inter-Dominion agreements which have even become commonplace during the present war. It is not novel for two Dominions to make agreements without the participation of the Mother Country. Nor is it any longer spectacular, since the outbreak of the present war, to find members of the Commonwealth taking political decisions independently of the Mother Country, even to the point of peace and war. What is more striking is that the Australian-New Zealand Agreement deals with political matters of first import, extending to some of the terms of peace-making, in a war engaging virtually the whole Commonwealth, and in some of which the United Kingdom and other Dominions were deeply concerned; and that on such matters the two Cominions, independently of Commonwealth or even United Kingdom action, formally took a position *vis a vis* not only the United Nations as a whole but *vis a vis* the United Kingdom and the other Dominions as well. It is no doubt to be presumed that the other members of the British Commonwealth who might be concerned were informed.[97]

97. Julius Stone, 'Harmonies and Disharmonies in Intra-Commonwealth Relations', *Austral-Asiatic Bulletin*, vol. 6, September 1945, p.25.

It could be presumed today, on the contrary, that they were not.

Evatt in his 14 October statement had spoken of the two ways open to Australia for participation in international affairs. One was Commonwealth consultation with a view to joint Commonwealth action; the other was the assertion of her distinct international status. The annoyance which Australia now felt with the fountainhead of the Commonwealth is indicated by the fact that it was against that fountainhead that she dramatically exercised her distinct international status through the Australian-New Zealand Agreement.

It would seem probable, furthermore, that Evatt's strong dissatisfaction with the manner in which the United Kingdom consulted other members of the Commonwealth in the formulation of post-war Empire policy would be followed by a continued reliance, in his future planning for the peace, on direct assertion of international status. For a concern for Pacific armistice and peace settlement arrangements, based on an acute awareness of Australia's need for post-war regional security, albeit within the ambit of the proposed world organization, had made it imperative that Australia's independent voice be heard and heeded at the highest international levels. That Evatt's dissatisfaction with Commonwealth,

American and Allied consultation was directly related to problems of the peace rather than to questions of military strategy and planning is inferred from the prominence given to this question of consultation in an Agreement otherwise devoted to planning for the peace, just as attention had been given to it, in a similar context, in his statement of 14 October 1943. This inference is supported by a report from the United States Minister in Canberra, of the annoyance which Evatt had expressed to him at Australia's exclusion from the Cairo Conference. The Minister's interview with Evatt took place on the final day of the Canberra talks. In the course of the interview 'he made it abundantly clear that the Commonwealth Government had been extremely irritated because it had neither been consulted nor invited to attend Cairo Conference'.[98]

While continuing differences of emphasis between the Australian and British governments on military and strategic questions rather than on matters related to post-war foreign policy might have been sufficient to explain Evatt's, and therefore Australia's, aggressive posture towards the Great

98. F.R.U.S., 1944, vol. III, p.174.

Powers in the Australian-New Zealand Agreement and later at San Francisco, the history of the Agreement suggests that it was not to difficulties in military consultation that Evatt was reacting, although his attitude was no doubt reinforced by those difficulties, when he chose to assert, through the Agreement, Australia's distinct international status. Indeed Curtin, who was primarily concerned with immediate defence and strategy, had, despite his continuing differences with Churchill, maintained a more moderate position on the Commonwealth relationship than had Evatt.[99] Hasluck, it has been noticed, was apprehensive of Curtin's reaction to the Conference agenda. That Curtin apparently

99. For example, the New Zealand High Commissioner in Canberra, after he had visited Curtin to tell him of New Zealand's intention to keep her troops in the Middle East, wrote to his own Prime Minister on 17 May 1943 'The Prime Minister obviously felt strongly on this matter as indicated by incidental remarks during the discussion, for example 'That is precisely the line that Churchill and Roosevelt took with me, and if I had listened to them we would have lost NewGuinea' and 'it's tough that we should be asked to supply munitions to New Zealand while New Zealand troops are still in the Middle East', Documents Relating to New Zealand's Participation in the Second World War, vol. II, Wellington, Government Printer, 1951, pp.289.

accepted it and lent his presence to the Conference suggests, in combination with his emphasis on the armistice in his letter to Fraser, that he also attached considerable importance to Australia's post-war Pacific security even if he was not led, as a consequence, as was Evatt, to modify the external image of Australia's Commonwealth connection.

# CHAPTER III

## THE WELLINGTON CONFERENCE.

In May 1944 John Curtin attended the British Commonwealth Prime Ministers' meeting in London. By his own account, the talks while primarily concerned with the conduct of the war also included discussion of 'post-war problems of an Empire or international nature'.[1] At the strategic level Curtin heard assurances from Churchill on an increased British role in the war against Japan. Although the transfer of the main British effort would have to await the defeat of Germany, Curtin told the House of Representatives following his return from London, large and powerful forces would become available 'this year' while the 'planning of the whole British effort' was being 'vigorously pursued'. Curtin quoted Churchill's summary of the projected British Pacific strategy.

> Though we might have to begin in a small way, we intend to pour all our forces into that struggle to which we are pledged by honour and fastened by interest.[2]

Curtin's imperial sentiments could scarcely have been weakened by these avowals. Indeed Curtin's reported statements in London on the post-war nature of the British

1. C.P.D., vol. 179, 17 July 1944, p.32.
2. Ibid. p.34.

Commonwealth show that same emphasis on a common Empire policy which had marked his speeches during the previous twelve months. On May 4, during the London talks, Curtin reportedly told a press conference that

> although Australia has the right to say whether it should come into a war or not, if the King is at war then the enemy may decide for us. As a practical matter, when any part of the Empire is at war the Commonwealth as a whole is involved.[3]

It was precisely this view of the Commonwealth which Evatt's Australia-New Zealand Agreement had seriously challenged.

Curtin's emphasis during the London talks was again upon improved Commonwealth consultation. Towards this end he proposed the creation of an Empire Council and Secretariat[4] - a proposal which won no sympathy from Canadians suspicious of Imperial centralization.[5] Although,

3. Manchester Guardian, 5 May 1944.

4. He had outlined this scheme at a dinner in Adelaide in August 1943, The Times, 16 August 1943. See also The Times, 6 September 1943 - 'A Council for the Empire! Mr. Curtin's Plan - Adelaide Proposal Amplified'.

5. Mansergh, Survey, p.183. Curtin 'remarked in evident allusion to Canadian opposition, that it was better to go forward with three brethren than with none'.

as Mansergh observes, Curtin's proposal was most probably made with the intention of strengthening Australian and dominion influence on Commonwealth policy in the face of separatist tendencies,[6] the fact remains that his proposals envisaged the continuance of common Imperial policy. An 'official British spokesman' is reported to have told the Press during the London talks that agreement among the Dominions as to how the world could and should be organized was one of the most essential preliminary steps towards the peace. 'We are trying to avoid five or more British voices speaking at the peace conference advocating five different kinds of organization,' he said, 'If we can get together on one pattern it will be an example and a model for others'[7]. The Times had as a question of the hour 'Is the Commonwealth to speak as a recognized team in world councils - a team with a single policy on major problems?'[8] Curtin's answer could surely have been deduced from his proposals for Commonwealth consultation. It was duly given

6. Ibid. p.169.
7. New York Times, 2 May 1944.
8. The Times, 5 May 1944.

in his report on the London talks to the Australian House of Representatives on 17 July 1944.

Curtin's comments on proposed world organization, in this report, stressed both the important role of a General Assembly and the need for 'armed force to be at the disposal of the world body'. Australia's role in the proposed body was seen in terms of her membership of the Commonwealth.

> .... it is as an integral part of the British Commonwealth that Australia can most influentially express itself in world organization, and I have no doubt whatever that unity of the British Empire will, in the problems of the future, give to His Majesty's subjects everywhere an authority in their consultation with other countries that will enable our concept of life to influence greatly the decisions which have to be made so that all we have fought for can be achieved. .... Our readiness to associate in a world organization does not lessen the realism of our membership of the British Commonwealth. It is requisite for all the Dominions, and also for the Mother Country, that the subjects of the King should find not only means of consultation and agreement, but also the unity of declaration which will maintain for the British Commonwealth that range of influence we believe it should have.[9]

The problem of whether Curtin's privately expressed official views on Commonwealth unity were as pro-Imperial as those he supported publicly must await its solution through

9. C.P.D., vol. 179, 17 July 1944, p.41.

the eventual publication or availability of confidential sources. That there was in fact a real as well as a publicly expressed difference of viewpoint on this question between himself and Evatt is indicated, however, both by his suggested institutional innovation and by his choice of advisers for this London trip. Curtin's choice of Sir Frederick Shedden, Secretary of the Department of Defence, and General Sir Thomas Blamey, Chief of Staff, could be explained in terms of the predominantly military nature of the talks. What is not explicable is Curtin's failure to take any advisers from the Department of External Affairs. Curtin's action was seen at the time by Paul Hasluck, then one of Evatt's External Affairs advisers, as a

> studied disregard by the Prime Minister of his Minister for External Affairs and that impression was confirmed both by the annoyance of the Minister for External Affairs at the time and by some remarks made to me on a subsequent occasion by Mr. Curtin.[10]

Hasluck is further of the opinion that

> most of Curtin's advice came from and the chief influence on his mind was the Secretary of the Department of Defence, Sir Frederick Shedden, and the statements which Mr. Curtin made during and after the Prime Ministers' meeting were along what might be called orthodox lines .... The gist of

10. Hasluck, Journal and Proceedings, p.154.

> Curtin's statements at the Prime Ministers' meeting was that Big Three co-operation was necessary for an effective security system, the British Commonwealth was an outstanding example of an effective association for security, and continued co-operation within the British Commonwealth would help effective membership of a world security system.[11]

And all this was in a context in which the Defence Department, as contrasted with the Department of External Affairs was 'the stronghold of orthodoxy in Australian foreign relations'.[12]

If Hasluck was clearly pointing to differences in policy rather than in personality there is the additional circumstance that relations between Curtin and Evatt had been strained from the moment Evatt entered Federal Labor politics. L.F. Crisp records an early instance of friction. In the 1940 elections it became highly probable, during the counting of votes, that Curtin would be defeated in his Fremantle electorate. While the issue was still unresolved there were daily

11. Ibid.
12. Hasluck suggests that this was the prevalent 'External Affairs' view of 'Defence', although he did not share it. Ibid.

> soundings and solicitings of aspirants for the leadership which would be vacant if the final count went against Curtin in the West. The most ebullient and vocal of these aspirants was Evatt who had not yet been sworn in as a new member of the House of Representatives. He was receiving nation-wide publicity for statements on policy of a sort which are normally made by the Leader of the Party.[13]

Shortly after the Canberra talks, on 3 February 1944, the United States Minister in Australia, Nelson Johnson had reported to the Secretary of State an incident which is at least consistent with strained Curtin-Evatt personal relations.

> I presented text of message to Prime Minister Curtin at noon today. Apparently Minister External Affairs had not informed Prime Minister of my conversations with him on January 21 communicating our ideas.[14]

While Curtin was travelling to the London meeting he had talks with Cordell Hull in Washington on 24 April 1944. Hull's notes of a discussion which centred on the Australia-New Zealand Agreement include the following

> I once more said that we frankly did not appreciate the attitude of Dr. Evatt on this and other matters and I referred particularly to Dr. Evatt's action in recording in a formal document a private conversation with the President. The Prime Minister referred to persons with ambitions in a vague sort of a way.[15]

13. L.F. Crisp, op. cit., p.131.
14. F.R.U.S., 1944, vol. III, p.180.
15. Ibid. p.194.

If distrust of an ambitious colleague was not all that distanced Curtin from Evatt, it must, to a man of Curtin's nervousness and sensitivity,[16] have been a Promethean irritant.

Evatt's comments in the debate which had been initiated by Curtin on July 17 certainly showed that he differed from the Prime Minister in the importance which he attached to the British Commonwealth's role in the proposed general security organization. He ignored that role completely. His speech referred to the fact that two days previously the United States Secretary of State had announced that a conference of the Great Powers would be held to undertake preliminary planning of the general world security organization to be established in accordance with Article 4 of the Moscow Declaration.[17] Instead of remarking on a Commonwealth

16. 'Curtin's nerves frayed more readily than those of many less sensitive and imaginative men. He had shown in Canberra as early as May 1940 (during the previous Parliament), that he reacted very sharply and emotionally to what he felt to be undue or unfair pressure upon himself, or unconcerted and unauthorised moves, in or out of Parliament emanating from within his Party. He was far from well and had been under recurrent pressure from Evatt since the election in September.' L.F. Crisp, op. cit., p.131.
17. C.P.D., vol. 179, 19 July 1944, p.230.

role Evatt reiterated the importance of regional security in conjunction with the world body.[18] But although he made this reference to regional security he did not develop the arguments, familiar in his speeches before the Australian-New Zealand Agreement and in the Agreement itself, for Australian post-war prominence and territorial interest in a South West Pacific region, though he was careful to note, after denying that the Agreement had been 'aimed against the United States', that 'in the demarcation of post-war authority in the Pacific, it has always appeared to me that in the post-war period, the United States interests will lie predominantly in those islands, formerly Japanese, which lie north of the Equator'.[19] The problem of the Pacific Armistice received only passing reference. Evatt did emphasize, however, the importance of social and economic bases for a lasting peace - and theme which was to gain increasing attention in his speeches until the time of the San Francisco Conference.

The views of the United Australia Party Opposition were

18. Ibid. p.235.
19. Ibid. pp.235-6. Emphasis added.

expressed by its leader, R.G. Menzies, in the same debate. Menzies stressed the importance of power - 'there must be power in international politics'.[20] After apparently supporting the concept of a new world organization on the pattern of the League of Nations, but an organization in which power would form a real component of a collective security system 'power politics, which have been rather contemptuously treated by some debaters, must now be given a collective quality'[21] - Menzies appeared to doubt whether the new League should be seen as the foremost guarantor of Australia's post-war security. He was not at all sure that the League of Nations had not tried 'to run before it had learned to walk'.[22] Although a revived and strengthened League was an ideal worth striving for, the basic world organization, from Australia's viewpoint, was the one then in existence - the British Empire.

> I believe that after the war a strong British Empire will be more than ever vital to Australia .... A strong chain which is to bind the world to peace

20. Ibid. p.103.
21. Ibid. pp.104-5.
22. Ibid. p.105.

> must have strong links, and for us the first and strongest link is with the British Empire, the link which joins us to the other British countries of the world.[23]

Thus whereas Curtin spoke in terms of Empire policy within a world body, Menzies conceived of the Empire as an alternative to that body. Evatt had spoken only of the relation of Pacific regional security to world organization. Pacific regionalism was evident also in Evatt's comments that 'Australia and New Zealand were the two Great Dominions which must uphold British civilization in this part of the world'.[24] As the Australian-New Zealand Agreement had indicated, and as he was to make fully explicit in London on the eve of the San Francisco Conference,[25] Evatt saw the notion of upholding British civilization in the Pacific, not as the regional promulgation of a common Empire policy, but as the right to act and speak on behalf of the Commonwealth on matters affecting the Pacific region.

On 12 August 1944 in an address given aboard a destroyer in the Puget Sound Naval Yard at Bremerton, Washington, President Roosevelt, who had just returned from a visit

23. Ibid.
24. Ibid. p.235.
25. See below pp. 258-9.

to Hawaii and Alaska, made it clear that the United States, although decidedly interested in the acquisition of post-war 'forward bases nearer to Japan than Hawaii lies', did not contemplate claiming any possessions of the United Nations in the South Pacific. There were, he said

> hundreds of islands in the South Pacific that bear the same relation to South America and Central America as Hawaii bears to North America. These islands are mostly in the possession of the British Empire and the French. They are important commercially just as they are from the defence point of view, because they lead to New Zealand and Australia, the Dutch Islands and the South Philippines. With all these places we are going to have a growing trade. We have no desire to ask for any possessions of the United Nations.[26]

This Presidential statement supported remarks which Cordell Hull had made to Curtin in Washington in April 1944.[27]

The fact that Evatt's speech of 19 July contained, by constrast with the Australia New Zealand Agreement, only

26. Goodrich and Carroll (eds.), Documents on American Foreign Relations, vol. VII, July 1944 - June 1945 Boston, 1946, p.821.

27. 'I said that any casual or any informal remarks on this subject [allotment of territory] by officials of this Government naturally related to the post-war period and were not intended to bring up such question for consideration or for final decisions during the fighting period. I said that this Government has not been a party to any proposed local or regional plans or movements relating to the Pacific area, especially in the area of Australia and New Zealand.' 'Memorandum of Conversation, by the Secretary of State', F.R.U.S., 1944, vol. III, p.193.

passing references to Australia's position and territorial interests in the South Pacific and to the problem of the Pacific armistice, should be seen as a reflection of this progressive clarification of America's post-war territorial intentions. On 19 July, although he presumably knew of Hull's assurances to Curtin, Evatt, while welcoming American post-war co-operation in Pacific security, had been careful to emphasize, in a prescriptive sense, that he saw American post-war territorial interests as being predominantly north of the Equator.

In his Ministerial Statement of 8 September 1944, Evatt not only referred to Roosevelt's Puget Sound address, but did so in a context which illustrates that, since he now had Presidential denial of any American post-war territorial claims in the South Pacific, he could welcome American post-war co-operation in the Pacific in almost fulsome terms.

> Both in development of the Pacific region and its security further British and United States participation will be absolutely essential. For this reason we have warmly welcomed President Roosevelt's important statement made at Puget Sound in which he indicated how wide a region the United States contemplates in considering arrangements for the future security of the Pacific from the American point of view. These arrangements would cover the use of bases over a large

> area, including the former Japanese mandated islands captured by the United States by some remarkable and heroic feats of arms. The concern both of Australia and New Zealand is that the arrangements finally made should give a sure and certain hope of a long period of stability in the Western Pacific.[28]

This speech of 8 September 1944 therefore maintained the lack of emphasis, evident in Evatt's July comments, on questions of South West Pacific territoriality and the Pacific armistice. Evatt spoke, however, at considerable length, on the nature of the proposed world organization. His increasing interest in this subject, which representatives of the Great Powers had been discussing at Dumbarton Oaks, Washington, since 21 August, was shown both in his comments and by the collection of relevant speeches and statements by Allied powers which formed an annexe to his statement.[29] Evatt spoke, as he had in July, of the importance of small powers to the new body even though there must be Great Power leadership. Curtin in July had sought to give the small powers influence through the General Assembly and would presumably, although he did not say this, have been content to allow Britain to represent the Commonwealth interest at the executive level.

28. C.P.D., vol. 179, 8 September 1944, p.612.
29. Statement, Ibid. pp.601-12. Annexe, ibid. pp.612-28.

Evatt, in September, developed an argument for small power representation on the executive council. A so-called small power, Evatt said, may in certain areas and in special circumstances possess great, if not decisive, influence. Therefore within the world organization almost every power would have a significant contribution to make 'at any rate in relation to regional matters or to particular subjects'.[30] After noting that the proposed organization would comprise, in addition to an assembly representative of all member states, an executive authority consisting of the larger powers together with a selected number of smaller powers, a permanent secretariat, and a permanent court of justice, he dwelt at length on the composition of the executive authority.

> One important point is that the representatives of the smaller powers on the executive authority should be adequate to ensure a balanced outlook on world affairs and so increase confidence in all executive decisions. Further the executive should be so constituted that no distinct region of the globe and no important group of nations should be left unrepresented on it.[31]

The implication that Australia might represent the Pacific

30. Ibid. p.604.
31. Ibid.

or South Pacific region is not difficult to draw. Dr. Evatt was thus again concerned, as he had been in the Australian New Zealand Agreement, with the assertion of Australia's distinct international status. As he had commented on 19 July,

> Whether or not one agrees with every clause of the Agreement, it is necessary to get rid, once and for all, of the idea that Australia's international status is not a reality, and that we are to remain adolescent forever.[32]

But it has been the argument of this thesis that Evatt's assertion of Australia's status had been largely the product of a failure of Commonwealth and Allied consultation on questions related to the armistice and peace settlement in general and, above all, on questions related to the Pacific armistice and settlement. Evatt's assertion of Australia's territorial claims in the South West Pacific, and consequent reservations with regard to an American, and to a lesser extent, a British presence in the region, have been taken as evidence both of the importance which he

32. C.P.D., vol. 179, 19 July 1944, p.229.

attached to the South West Pacific in Australia's post-war security and of his interest in questions related to the armistice and peace settlement. Dr. Evatt's continued assertion of Australia's international status in September 1944, on this occasion with respect to membership of the executive council of the world body, had not been accompanied by any emphasis in his speeches on questions of Pacific territoriality or on the Pacific armistice. That the Australian and the New Zealand Governments had a continuing and vital interest in the Pacific armistice and a continuing dissatisfaction with Great Power consultation on armistice preparations is made clear by a close examination of the Wellington Conference, which has hitherto not been the object of scholarly attention.

The fact that a continuing preoccupation with the Pacific armistice had similarly not been evident in the public statements of the New Zealand Government at this time is evidenced by a report from the United States Minister in New Zealand, Kenneth S. Patton, to the Secretary of State on 25 October 1944, informing Hull of the discussions which were about to begin between Australia and New Zealand in Wellington. Patton said that there was no formal agenda but it was understood that discussions would concern chiefly

> (1) Pacific Welfare, health, etc.
> (2) Dumbarton Oaks proposals.
> (3) the Australians wish discuss joint schemes of industrial development under Article 35 (c) of the Canberra agreement but I am confidentially and frankly informed New Zealand has no such plans or schemes to discuss so wishes to minimize this.[33]

Apparently unknown to Patton, the two Governments had agreed between themselves on a significantly different agenda.

Proposals for holding the Wellington talks and a preliminary exchange of agenda items took place in September and October 1944, that is scarcely more than six months prior

33. F.R.U.S., 1944, vol. III, p.196.

to the San Francisco Conference. Article 37 (a) of the Australian-New Zealand Agreement had provided that there should be 'conferences of Ministers of State to be held alternately in Canberra and Wellington, it being the aim of the two Governments that these conferences be held at least twice a year'.[34] It was, therefore, the prerogative of the New Zealand Prime Minister, Peter Fraser, who was to be subsequently chairman of the New Zealand delegation at San Francisco and of Committee II/4 (Trusteeship) of that Conference, to suggest the convening of such talks between the two countries. On 4 September 1944 Fraser suggested to Curtin that a meeting might be held in November. Fraser cabled that because of the rapid development of events both in Europe and in the Pacific during the preceding months such a meeting was desirable in the near future. November was the earliest convenient time because he would not be clear of the current session of Parliament or of the Labor Party Conference until then. Fraser's tentative suggestions for a conference agenda were as follows:

34. C.N.I.A., vol. 15, no. 1, January 1944, p.8.

(a) Armistice and post hostilities planning particularly in the Pacific.

(b) Collaboration in matters affecting the welfare and advancement of the native peoples in the Pacific.

(c) Co-operation in security and defence.

(d) Development of trade and joint planning of industrial development.[35]

From the first, Dr. Evatt handled the Australian end of the negotiations. He told Fraser on 9 September, the day following his [Evatt's] Ministerial Statement, that he welcomed the invitation but felt that, in view of the urgency of the matters which it was proposed to discuss, he was giving further consideration to the question of the most suitable date for the talks.[36] Two weeks later he suggested to Fraser that the meeting might be held in the week commencing on 9 October.[37] On the following day he cabled Fraser -

> We feel that three questions are too urgent to be postponed, viz.
>
> (a) measures to ensure Australian and New Zealand participation in Armistice and post hostilities arrangements in the Pacific
>
> (b) the reaching of agreement on our objectives in, and procedure for obtaining an early employment conference.

35. 44/630/5/1/11/8. Preliminary Arrangements.

36. Ibid.

37. 23 September 1944. Ibid.

(c) definition of objectives at British Commonwealth Aviation Conference.[38]

It will be at once apparent that both countries gave priority to the question of the Pacific armistice. It is significant also that both countries gave prominence to matters affecting the economic and social foundations of a post-war world. In New Zealand's case there was a strong interest in trusteeship whereas Australia proposed full employment. On both of these subjects Australia and New Zealand, acting in concert, were to make a substantial contribution at the San Francisco conference. It is therefore intended to examine separately the development of Australia's ideas in these fields in some detail in the following chapter.

Evatt required that there should be at least the appearance of a formal conference whereas Fraser would have been content with Ministerial talks.

As Patton told Hull

> Am definitely informed by Secretary for External Affairs that although this may be played up as a formal conference such would be only 'window dressing' as it actually will be only talks for a

38. Ibid.

> day or two, that is informal exchange of views only with no definite formal agreements anticipated.[39]

Evatt's desire to have at least the semblance of a formal conference again reflects his concern for international and dominion status. That the Wellington Conference was not in fact to lead to a publicly announced and signed Agreement; that the British and Canadian High Commissioners were invited to and did attend the opening and closing proceedings; that there was a moderation in Evatt's public assertions on questions of territoriality and the Pacific armistice subsequent to the Canberra talks; all these indicate the extent to which the Cairo Conference and fears of American territorial claims in the South West Pacific had disturbed Evatt and the Australian Government immediately prior to the January Canberra talks and had provoked them to dramatic diplomatic action in which they successfully enlisted the support of New Zealand. But if the Wellington talks were to be conducted in an atmosphere of greater calm and restraint there was still a real concern and fear on the part of both countries for their role in the Pacific armistice.

39. On 25 October 1944, F.R.U.S., 1944, vol. III, p.196.

The Australian High Commissioner in Wellington had told Evatt on 22 September that 'New Zealand could not agree to conference before November. I would emphasize again,' the High Commissioner continued, 'the importance placed by the New Zealand Prime Minister on discussions with yourself of the matters of Pacific policy at the earliest possible date.'[40] Dr. Evatt held out for formal discussions. Fraser in due course suggested that the Civil Aviation talks could be held separately in Wellington during the week beginning on 9 October.[41] These talks, at which Australia was represented by the Minister for Air and Civil Aviation, A.S. Drakeford, duly took place as suggested and resulted in complete agreement between the two countries.[42]

On 12 October a member of the diplomatic staff at the Australian High Commission in Wellington cabled Evatt -

> it is the wish of the Prime Minister to have general conversations rather than detailed technical discussions. In fact he says that he wants mainly to talk to Dr. Evatt. Hence suggested proposals do not call for any large staff party.[43]

40. 44/630/5/1/11/8. Preliminary Arrangements.
41. Ibid.
42. Sydney Morning Herald, 13 October 1944.
43. 44/630/5/1/11/8. Preliminary Arrangements.

The fact that Dr. Evatt was handling the Australian arrangements for the talks and that reports from New Zealand were stressing Fraser's desire to speak to Evatt reflects Curtin's inability to attend these discussions. It was formally announced in the Australian press on 5 October than Curtin was unable to go to the talks and that he would be represented by the Deputy Prime Minister, F.M. Forde. Dr. Evatt, it was announced, would also represent the Australian government. As the Argus had it

> Mr. Forde, Deputy Prime Minister and Army Minister will lead the Australian Delegation to New Zealand at the end of this month for a resumption of the talks which resulted in the signing of the Anzac Pact some months ago. He will be accompanied by Dr. Evatt, Minister for External Affairs.

In the same newspaper four days later, the Canberra correspondent Crayton Burns, who was subsequently to write distinguished reports from the San Francisco Conference, set out his understanding of the reasons for Curtin's inability to attend the talks.

> All through the recent Parliamentary sittings and the Premiers' Conference Mr. Curtin was so absorbed with the developments taking shape in the Pacific that he was prepared to subordinate all internal political considerations to them. Mr. Curtin has made it clear that he cannot personally spare the time to attend the British Commonwealth Convention on Civil Aviation at Ottawa or the Anzac Pact discussions in New Zealand. He will be represented in Canada by Mr. Drakeford and in New Zealand by Mr. Forde, who

> will deputize for him as Prime Minister, and Dr. Evatt, who will conduct the discussions as Minister for External Affairs.

On 19 October the Australian press announced that the Wellington Conference would be held from 30 October.

By his decision not to attend the Wellington talks, Curtin had prepared the way for Dr. Evatt's control of the Australian delegation at San Francisco. In the first place, by giving priority to his interest in immediate defence matters - on 17 July he had described the war as 'the predominant and overriding preoccupation of the country'[44] - even though he had recently attended talks in London which dealt, in part, with proposals for post-war world organization, Curtin made it not unlikely that he would take a similar decision at the time of the San Francisco Conference. Secondly, even if Curtin had decided to attend San Francisco in company with Smuts, MacKenzie King and Fraser, and if he had continued his policy of relying on advisers distinct from those of the Department of External Affairs, it is highly unlikely, following the Wellington talks, that he would have been any match for Evatt and his team of post-war experts at San Francisco. The January Canberra talks had taken their

44. C.P.D., vol. 179, 17 July 1944, p.31.

inspiration and organization from Evatt's department, as Curtin himself acknowledged. Although these talks had centred on problems of post-war foreign policy, it has been seen above that they paid limited attention to international organization. At Wellington, greater, if still preliminary, consideration was to be given to this subject of international organization in addition to the questions of trusteeship and full employment which were to interest Australia strongly at San Francisco. It is possible that if Curtin had attended the Wellington talks with his separate officials, who both there and subsequently would have developed interest and expertise in the necessary range of post-war international policy, he might have felt more able, if he had been interested to do so, to attend the San Francisco talks.

At San Francisco, as will be shown below, a dispute was to arise as to the leadership of the Australian delegation.[45] At San Francisco, as at Wellington, Australia's two ministerial delegates were F.M. Forde and H.V. Evatt, yet at Wellington there was no sign or report of ministerial discord. Forde at

45. See below pp. 297 sq.

Wellington, however, was not merely Deputy Prime Minister, he was clearly deputizing for his Prime Minister. Curtin, by attending the Canberra talks, had established with Fraser the precedent of formal discussion between the two countries at Prime Ministerial level - a fact recognized by Fraser's initial invitation to Curtin and by the way in which Forde was welcomed at the Wellington talks as Curtin's deputy. Forde was, however, Minister for the Army and like Curtin primarily concerned with defence. He was furthermore a man of limited political capacity. Don. Whitington, a Canberra political journalist of long experience has described him as an amiable, friendly, but uninspired professional politician.[46] L.F. Crisp has a similar impression - 'An able, likeable politician, he had neither the intellectual power and range nor the ready command of the various branches of Government business to compare with Curtin or Chifley.'[47] In Hasluck's view, Forde at Wellington was 'quite innocent of the subject matter of the meeting, went visiting defence establishments and factories, and, being accompanied by his own public relations officer, Mr. Ken Hardy, got nearly a

46. Don Whitington, The House Will Divide, Melbourne, 1954, pp.57-8.

47. L.F. Crisp, op. cit., p.219.

column in the local papers every day.'[48] The records of the Conference indicate that Forde did not take a major part in private discussions. Fraser's great interest in having talks with Evatt is therefore not surprising.

Forde at Wellington, as at San Francisco, was a figurehead. At Wellington, however, once he had read the requisite formal public opening address as Curtin's representative, he could quietly leave discussions to Evatt and his experts. The San Francisco conference made no provision for figureheads. The Chairmen of national delegations were not only titular heads, they were also, by virtue of their office, members of the Steering Committee of the Conference and potential candidates for the prestigeous Executive Committee. At San Francisco it thus became vital for Evatt to establish himself if not as leader, at least as co-leader of the Australian delegation. It was thus that conflict was to arise at San Francisco; and it was to arise in a situation in which Forde's leadership of the Australian delegation rested more on party and cabinet seniority than upon a clear mandate from his Prime Minister.[49]

48. Hasluck, op. cit., p.156.
49. See below pp. 207-10.

The Wellington talks commenced on the morning of Wednesday 1 November, in the presence of the full New Zealand Cabinet, and the British and Canadian High Commissioners, in the Cabinet Room of Parliament House, Wellington. Forde and Evatt were joined by the Australian High Commissioner, the Hon. T.G. de L. D'Alton, as an additional member of the delegation. The advisers to the Australian party included three young post-war experts from the Department of External Affairs, Dr. John Burton, who had a strong interest in full employment policy and trusteeship, W.D. Forsyth, now head of the department's Pacific Section and principal adviser on trusteeship policy, and Paul Hasluck who had taken a close interest in post-war organization and regional security. These three men were to be subsequently among Dr. Evatt's closest advisers at San Francisco.[50]

The final agenda for the talks incorporated a number of additions to Fraser and Evatt's original proposals.

1. World Organization.
2. Exchange of views on armistice and post-hostilities.
3. Pacific Questions.
4. Future of Mandates and Colonial Policy.
5. Establishment of South Seas Regional Commission - Objectives, Procedures and Tactics.

50. C.N.I.A., vol. 15, no. 11, November 1944, p.313.

6. Economic Relations.

(a) International Economic collaboration including discussion on an employment conference.

(b) Economic co-operation between Australia and New Zealand including means for attaining objectives of 35 C of A.N.Z. Agreement.

(c) Means of continuous collaboration on economic matters.[51]

The publication of the Dumbarton Oaks proposals on 7 October, rather than a sense of immediate importance may explain the presence and position of 'World Organization'. This subject was not to be discussed in detail or at length during the talks. On the other hand the diplomatic correspondence surrounding the September proposals for an agenda suggests that the priority accorded to the Pacific armistice in those proposals reflected the immediate interest of both countries in discussing that question urgently and in detail.

Forde's public opening address to the Conference foreshadowed the emphasis which was to be given to the Pacific armistice in private discussion.

> When we met in Canberra in January, for example, the German grip on Western Europe had not been broken by the invasion which has since freed France and Belgium, and carried the forces of the United Nations into the very territory of Germany itself .... It is only a matter of time before Germany must submit. Already there have been

51. 44/630/5/1/11/9, Agenda.

> armistices with lesser enemy states. The settlement with Germany must soon be worked out between the United Nations.[52]

Forde then placed his major emphasis on the Pacific armistice. In the Pacific as in Europe, he said, the aggressor was being thrown back. The Australian and New Zealand governments, while still maintaining a total war effort, would have to prepare to face the questions which would govern their relations with Pacific and Asiatic states and which would arise as soon as discussions began on the Pacific settlement. 'I need not labour the fundamental importance of these questions to both countries.'[53] The influence of Australia and New Zealand in the peace and post-war settlements should be commensurate with their contribution to the victory which was within the grasp of the United Nations.[54]

Fraser, in his opening address, spoke of the value of co-operation between Australia and New Zealand who, in his opinion, had never been closer together. 'It is also true that never were we closer to our Mother Country and the other Dominions than we are at the present moment, and we believe

52. C.N.I.A., vol. 15, no. 11, November 1944, p.326.
53. Ibid. p.327.
54. Ibid.

that our thrashing out of the Pacific problems and of the world problems will be helpful to our sister Dominions and the United Kingdom.'[55] While the latter half of this quotation no doubt reflected the sentiments of the Wellington talks, the first half was hardly applicable to the British Commonwealth of Nations in regard to post-war planning, however much it might have been true of current military developments. For in private ministerial talks at the Conference it soon became clear that the questions of Pacific regional security and the Pacific armistice were not only of central concern; they also continued to give rise to dissatisfaction with Commonwealth and Allied consultation and a consequent further movement to direct assertion of international status.

At the first private meeting of the full Conference, before it separated into a number of sub-committes, Evatt made some general comments on Australia's views.[56] His recorded comments on the world organization were on the need for small power influence in the new body, the importance

55. Ibid. p.323.

56. The following account of Evatt's and Fraser's and Nash's comments is taken from 44/630/5/1/11/17, Proceedings.

of Russian membership, and the need for a greater role for the General Assembly. Of Pacific security he said that one result of the Australia-New Zealand Agreement was that America did not appear to seek changes in sovereignty south of the Equator. It seemed to be accepted that American control would be limited to ex-Japanese mandated islands. He feared that the example of an ineffective Australian voice in the European armistice would be followed by a similar occurrence in the Pacific unless Australia and New Zealand worked together. He felt that there was a definite chance of the Dominions having less real say in the peace settlement than they had under Lloyd George in 1919. On commonwealth relations Evatt commented that action must be taken to prevent the development of a tendency by the United Kingdom not entirely to bypass the Dominions but to reach decisions and to inform the Dominions when it was no longer possible for their views to be taken into account.

Fraser's comments on world organization referred to the importance of Russian membership of the proposed body. On the question of the Pacific armistice Fraser suggested that Evatt might visit the United States to press Australia and New Zealand's case for participation in discussions. Dr. Evatt, he felt, would do more good in Washington than

any other man from the Pacific. Fraser felt in agreement with Evatt on Commonwealth consultation. While there was some justification for the Dominions being overlooked when the United Kingdom representative had to act without even consulting his colleagues, he felt that when it came to a series of events that meant practical exclusion the time was ripe for protest by Dominion governments. Walter Nash of New Zealand said he had no doubt that the Australia-New Zealand Agreement had decided the Americans to withdraw from the South Pacific. Fraser and Evatt agreed that the Agreement had been successful in this. Fraser said that Cordell Hull had dismissed any notion of changes in sovereignty of the Pacific Islands without consultation.

Fraser's reference to the need for Evatt to visit Washington was directly related to Australia's proposals for ensuring adequate representation in the drafting of the Pacific armistice. The Australian conference paper[57] showed that Dr. Evatt had proposed exercising Australia's distinct international status in the cause of the post-war regional security. Fraser's suggestion was by way of a counter proposal. The Department of External Affairs, which authorized

57. Approach to Peaceful Settlement, 44/630/5/1/11/16, Conference Papers, Agenda Papers, Conclusions.

the Australian conference papers,[58] felt that since the Anzac Agreement had been signed in the previous January the trend towards the handling of United Nations affairs on a three or four power basis had continued even more markedly than before. In Europe the result had been the effective exclusion of any countries except the United Kingdom, United States, and the U.S.S.R. from most of the significant aspects of the European settlement, in particular the Armistice and post-armistice control of Germany. 'If the same thing happens in the Pacific region, Australian and New Zealand policy over the last year would lose meaning in probably its most vital aspect.'[59]

The Department had reasons to believe that some technical post-hostilities planning for the Pacific region had commenced in London and probably also in Washington. Experience with Europe and the Cairo Conference had shown that even if it were possible for Australia and New Zealand agencies to take part in preliminary technical planning for the Pacific armistice there was still far from adequate assurance that arrangements would not be agreed on at any time, with little warning, between the principal governments.[60]

58. Ibid.
59. Ibid.
60. Ibid.

It was thus that Australia, in this conference agenda paper, proposed the establishment of a Pacific equivalent to the European Advisory Commission. The Pacific body should have a broader membership than the European but could not include 'all the belligerents in the Japanese war.'[61] It was thus proposed that, on the basis of a real war contribution, such a Commission could be limited to eight members - Netherlands, France, India, Australia, New Zealand, U.K., U.S. and China. 'Better still would be a commission of U.K., U.S. and China with Australia representing the smaller powers, and for this in fact a strong case could be made out.'[62]

The Australian paper further suggested that the proposed South-west and South Pacific Regional Conference, envisaged under Article 34 of the Australia New Zealand Agreement, should now be convened for the purpose of establishing such an Advisory Commission. It was admitted, however, that it was possibly too early to make such a move and that 'direct and if necessary personal representations in London and Washington could be initiated without delay, as a preliminary to the holding of such a conference.'[63] Fraser, in effect, had seized on this suggestion of personal representation and

61. Ibid.
62. Ibid.
63. Ibid.

was to be successful at the talks in having this method adopted as the means by which both countries would seek representation in Pacific armistice discussions - not, as the Australians had intended, as a means of arranging the calling of a Pacific Conference which would lead to the establishment of an Advisory Commission.[64] New Zealand's lack of enthusiasm for the latter schemes was perhaps in part the result of a shrewd assessment of the minor role she would play within them.

Section II of the Conference conclusions consequently reads as follows:-[65]

64. The Australian High Commissioner had warned Evatt, on Evatt's arrival in Wellington, that New Zealand would be likely to follow this course. 'The New Zealand Government would probably feel that a special United Nations body such as a Pacific Advisory Commission might not be necessary and that a direct approach to the United Kingdom and the United States would be a preferable way of expressing our views.' Notes on the Agenda for the forthcoming Conference prepared by the Australian High Commissioner, Wellington, 44/630/5/1/11/9, Agenda.

65. 44/630/5/1/11/16, Conference Papers, Agenda Papers, Conclusions. In the text of the Conclusions handed to the British and Canadian High Commissioners at the close of the Conference on 6 November and, between 11 and 17 November to the American Minister in Canberra for transmittal to Washington, Articles II 4 and Section III were appropriately omitted.

II. Armistice Arrangements.

1. The conference has noted the communications which have been exchanged on the subject of Armistice arrangements in Europe. It considers that the Dominions and other nations which have been actively engaged from the beginning in the war against the Axis powers, and have contributed materially to their defeat both on the European fronts and in other theatres of war, are entitled to an effective voice in the conclusion of the European Armistice and thepreparation for the Peace Settlements and participation in their own right in the control of armistice machinery.

2. In the interests of the solidarity of the United Nations, both Australia and New Zealand have felt obliged to acquiesce in their exclusion from these arrangements in Europe even though settlements of vital concern have been involved, but they cannot acquiesce in a similar situation in the Pacific and the Far East.

3. Australia and New Zealand are agreed that they should take the strongest possible action to ensure that their governments are consulted in regard to

the drafting of armistices with Japan and Thailand and that they have the right of participating in armistice control arrangements.

4. As a step in promoting this agreed policy the New Zealand representatives proposed and the Conference approved that the Australian Minister for External Affairs should visit the United States and the United Kingdom for the purpose of making personal representations on this matter in appropriate quarters.

5. Noting clauses 7 to 11 of the Australian New Zealand Agreement and the work already done, the two governments agree that they will proceed further with the co-ordination of their armistice and post-hostilities planning.

Part III of the Conclusions referred to the South and South West Pacific Conference envisaged under Article 34 of the A.N.Z. Agreement. This was to retain its original purpose and to remain a South and South West Pacific Conference rather than be expanded, as the Australian paper had implied, to cover the area of the Pacific Armistice.

III. Pacific Questions.[66]

The Conference has considered the procedure for summoning the International Conference relating to the South and South West Pacific provided for in clause 34 of the Australian New Zealand Agreement. The New Zealand representatives proposed and the Conference approved that in the first instance the Australian Minister for External Affairs should take the earliest opportunity of discussing in Washington and London the convening of the Conference at an early date.

On 26 March 1945 officials in the State Department in Washington concluded the preparation of a loose-leaf volume containing Comments and Suggestions of Other Powers on the Dumbarton Oaks Proposals.[67] This volume was based on the period, therefore, before the powers had formally submitted their proposed amendments for consideration at the San Francisco Conference. Every extract relating to

66. Ibid.

67. United Nations Archives, New York. UNCIO-General File, Box 5, Dumbarton Oaks - Comments, Proposals and Amendments.

Australian comments and suggestions comes from Section I of the Wellington Conference Conclusions with the significant exception of one extract from Evatt's Ministerial Statement of 8 September 1944 which epitomized his argument for small power and regional representation on the executive authority of the world organization. That the Wellington conclusions on World Organization did not contain this important aspect of Australia's policy at San Francisco can be easily explained in terms of the limited immediate appeal of such a proposal to New Zealand. It is also a useful caution against regarding the Wellington proposals as anything more than a very preliminary statement of some elements of Australia's policy at San Francisco.

The Wellington conclusions on General International Organization were as follows:

I. General International Organization.

1. Australia and New Zealand desire to play their full part in establishment of a General International Organization for the purpose of preserving peace and security and promoting human welfare.

2. In order that such Organization may bring into being an effective and lasting system of collective

security, all the members should pledge themselves to co-operate in carrying out by force, if need be, the decision of the Organization for the preservation of the peace.

3. The Charter of the Organization should make clear to the peoples of the world the principles on which the action of the Organization is to be based.

4. It should be a positive principle of the Organization, openly declared and binding on all members that the territorial integrity and political independence of members should be preserved against change by force or threat or force from another power. Provision should be made by the Organization for facilitating the orderly change of situations, the continuance of which might endanger the peace of the world.

5. The Charter of the organization should embody the essential principles of the Atlantic Charter and the Philadelphia Declaration.

6. The Organization should be open to all sovereign states subject to approval of their admission by the Assembly.

7. The success of such an Organization will depend upon the leadership of the Great Powers, but it is essential that all members should actively participate in the general control and direction of its affairs. To this end, the powers and functions of the Assembly should be such as to enable it at any of its meetings to deal with any matter within the sphere of action of the Organization, subject only to the executive powers of the Security Council in regard to the settlement of disputes and the action to be taken against an aggressor.

8. There should be the maximum employment of the International Court of Justice for the ascertainment of facts which may be in dispute.

9. The Security Council should be limited in numbers, while being as representative as possible, and for the purpose of preserving security, should be vested with wider powers.

10. The specialized bodies set up separately for various purposes of international welfare should be brought within the framework of the Organization.

11. Powers responsible for dependent territories should accept the principle of trusteeship, already applicable in the case of mandated territories. In such mandated territories the purpose of the trust is the welfare and advancement of the native peoples. Colonial powers should undertake to make regular reports to an international body analagous to the Permanent Mandates Commission, set up within the framework of the General Organization. This body should be empowered to publish reports of its deliberations and to inspect dependent territories.

12. For the new Organisation to fulfil its task, the condition underlying all others is that members should fully honour the obligations they assume.[68]

Evatt was later to speak of these conclusions 'as a valuable basis for the international policy to be applied at

68. Parliament of the Commonwealth of Australia, United Nations Conference on International Organization Held at San Francisco, U.S.A. from 25 April to 26 June, 1945. Report of the Australian Delegates, The Right Honourable F.M. Forde M.P. (Deputy Prime Minister and Minister for the Army), and the Right Honourable H.V. Evatt, K.C., M.P. (Attorney General and Minister for External Affairs) Canberra, 1945, (hereafter Australian Report on U.N.C.I.O.) p.60.

the international conference at San Francisco'[69] but subsequent to this assessment of 22 February 1945 there were to be a number of fundamental additions to Australia's policy as finally argued at San Francisco. Perhaps his most accurate appraisal was made in a Ministerial Statement on the Wellington Conference tabled in the House of Representatives on 30 November 1944.

> At the Wellington Conference attention was given to the general principles implied in the [Dumbarton Oaks] proposals. The Conference was able to agree on matters which the two Governments felt should form part of the broad planning for a general international organization, of which the two objects will be, first, to maintain peace and security, and second to promote human welfare.[70]

But in this Statement, as in his radio broadcast to the people of New Zealand from Wellington on the night before the talks had ended,[71] Evatt's greatest emphasis was upon the problem of the Pacific peace settlement and armistice. Barely five months before the San Francisco Conference was to open Evatt asserted to the Australian Parliament that

69. C.P.D., vol. 181, 22 February 1945, p.66. A similar assessment may be found in Norman Harper and David Sissons, Australia and the United Nations, New York, 1959, p.43. 'The resolutions of the Conference, adopted by the Australian Government on 10 November 1944, became the basis for Australian policy at San Francisco.'

70. C.P.D., vol. 180, 30 November 1944, p.2534.

71. The text of this talkis printed in C.N.I.A., vol. 15, no. 11, November 1944, pp.334-9.

> Whatever may be said in relation to Europe, we have a right to expect that the Australian and New Zealand Governments will have a full share in all the arrangements to be made at all stages of the planning for the armistice and post-armistice period of the war against Japan ... all must realize that the claim we have made to take a full share in all decisions and arrangements affecting the Pacific region is not only reasonable but incontestable.[72]

72. C.P.D., vol. 180, 30 November 1944, p.2536.

# CHAPTER IV.

## AUSTRALIAN POST-WAR TRUSTEESHIP AND INTERNATIONAL FULL EMPLOYMENT POLICY, 1942-1944.

1. Trusteeship.

The Atlantic Charter, of 14 August 1941, had affirmed, in Article 3, a respect for the right of all nations to choose the form of government under which they would live. It had also spoken, in the same Article, of a 'wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them'. Churchill's subsequent statement to the House of Commons on 9 September 1941 that this Article was not intended to apply to India and Burma but only to European nations occupied by the Nazis,[1] should perhaps be seen more as an illustration of Lord Hailey's claim, made in 1938, that British colonial policy 'is indeed characterized as a series of improvisations which depend for success not on a logical outlook, but on the exercise of a traditional skill in accommodating principles to circumstances',[2] than as an illustration of a British disregard for the interests of her colonies. Indeed the Colonial Welfare Act of 1940 had permitted an annual expenditure of five million pounds for a period of ten years

1. 374 H.C. Deb. 5s. cols. 67-9.
2. Lord Hailey, An African Survey, A Study of Problems Arising in Africa South of the Sahara, London, 1938, p.143.

on schemes of welfare and development in dependencies which had hitherto been largely expected to finance themselves. Churchill's statement did aptly characterize, nonetheless, British conservatism in the matter of progress towards colonial self-government or independence. It was this aspect, particularly, of British colonial policy which was to be severely challenged in the United States during 1942.

For the speed with which the Japanese had been able to establish control over Southeast Asian and Pacific colonies, notably Malaya, had given rise to substantial criticism of British colonial administration. As a contributor to the Round Table saw it in December 1942,

> incidents which have occurred in the course of the [Japanese] invasion [in the Far East] have brought into question not only the character of the administration of our possessions in the Far East and the Pacific, but the policy which has been followed in our Colonial Empire at large.[3]

Much of this criticism came from the United States where not only President Roosevelt, but also his Under Secretary of State, Sumner Welles, had strongly anti-colonial outlooks which were shared by influential sections of press and

3. Anon, 'Future of the Colonies', Round Table, vol. 33, no. 129, p.10.

university opinion. In May 1942, Roosevelt had indicated to Molotov, during Molotov's visit to Washington, that he had a strong interest in the post-war establishment of international trusteeship for various occupied dependencies in Southeast Asia. 'The President then pointed out that acceptance of this principle would mean the abandonment of the mandate system'.[4] Roosevelt here referred to his preference for joint international administration of these territories rather than administration by a single nation on behalf of an international body as was the case under the League mandate system. Roosevelt spoke to Molotov of this joint administration continuing for about twenty years until these detached colonies were ready for self-government, a state which he equated with independence. Roosevelt also mentioned during this conversation with Molotov that some islands and possessions, of strategic importance, might be held under international trusteeship for a longer period.[5]

4. Memorandum by Samuel H. Gross, Professor of Slavic Languages at Harvard University, who acted as an interpreter at the meeting. The memorandum is printed in Robert E. Sherwood, The White House Papers of Harry L. Hopkins, London, 1949, p.577.

5. Cross memorandum, Ibid., pp.577-8.

In the same month, Sumner Welles placed a similar emphasis on political independence, if not on international administration. In a public address he spoke of the end of the 'age of imperialism'.[6] 'Our victory must bring in its train the liberation of all peoples'.[7] This same emphasis was apparent in the Draft Protocol on Trusteeship prepared in the State Department under his direction in the summer and autumn of 1942. A trusteeship system would be applicable to all non-self-governing territories with a general international organ as the judge of when and whether any particular people was ready for independence or self-government.[8] The American 'Committee on Africa, the War and Peace Aims' according to the Round Table, at this time published views on the application of the Atlantic Charter to the future of the American colonies. 'The Committee seems to have been less impressed with the virtue of an immediate right of self-determination than with that of the international control of dependencies'.[9]

6. United States Department of State, Bulletin, vol. 6, 30 May, 1942, p.488.
7. Ibid.
8. Sumner Welles, The Time for Decision, New York, 1944, pp.383-4.
9. Anon. 'Future of the Colonies', Round Table, vol. 33, no. 129, p.11.

Evatt, in his first major statement on post-war aims in September 1942, had not spoken at length on the question of trusteeship although this would clearly be a subject of direct post-war interest to Australia, which since 1920 had administered the Territory of New Guinea under a League of Nations C Class Mandate. The territory was contiguous to Australia's own colony of Papua. Since 1942 both New Guinea and Papua had been under the unified military administration of the Australian-New Guinea Administration Unit, although a committee under F.W. Eggleston, had, in 1939, rejected joint administration as a peacetime possibility.[10] Eggleston's knowledge of trusteeship questions was to be at Evatt's disposal during the San Francisco Conference although he was, from 1941 until 1944 Australian Minister in Chungking. That Evatt in September 1942 said little on the subject may be explained by the fact that Papua and New Guinea had been in peace-time the concern of the Australian Department of External Territories. Evatt's chief trusteeship adviser, prior to and at San Francisco, W.D. Forsyth, did not join External Affairs until December 1942 after a period as a Coordinator of Intelligence in the Department of Information. From 1938-41

10. A.H. McDonald (ed.), Trusteeship in the Pacific, Sydney, 1949, p.34.

he had been Research Officer in the Australian Institute of International Affairs. Forsyth spent some time after he joined External Affairs preparing papers on the future of Malaya, Portuguese Timor, and Indo-China before concentrating his interest on the future of the colonial system. What Evatt did say on the subject in September 1942 was, however, significant. Firstly, he placed no strong emphasis on self-government or independence. He looked forward to Indian self-government[11] - but under the form of Dominion status at a time when Gandhi was leading, to the acute discomfort of the British Government, passive resistance campaigns for immediate full independence.[12] Secondly, Evatt stressed 'freedom from want' - 'if freedom from want means anything it means that the age of unfair exploitation is over'. Evatt then argued that if the attainment of a higher and better standard of life for all the Pacific peoples involved any changes in forms of government either as a means of progress or as a consequence of it, the United Nations must be prepared to make the necessary changes. 'In short we must found future

11. C.P.D., vol. 172, 3 September 1942, p.82.

12. See, for example, the comments of Cordell Hull, Memoirs of Cordell Hull, vol. II, New York, 1948, pp.1486-9.

Pacific policy on the doctrine of trusteeship for all the Pacific peoples'.[13] But what did Evatt mean by 'trusteeship'? Roosevelt equated it with a type of administration, similar to the League Mandate system in its responsibility to an international body, but going beyond that system with his proposals for joint international administration instead of administration by a single power. Evatt seemed to have in mind an extension of the League system whereby all Pacific colonies would be administered by single powers under international supervision. 'That doctrine of [trusteeship] the Commonwealth has endeavoured to carry out in New Guinea under the Mandate System of the League of Nations. Japan's record as a mandatory power only proves that a solemn trust can be betrayed'.[14]

What the wartime British government understood by the term 'trusteeship' became clear in the closing months of 1942. That it was most certainly not seen as involving the right to early self-determination was again emphasized by Churchill in his reaction to an article, advising Britain to divest herself

13. C.P.D. vol. 172, 3 September, 1942, p.83.
14. Ibid.

of the Empire, which appeared in Life magazine in October 1942. Churchill announced in November that he had no intention of presiding over the dissolution of the British Empire.[15] On 3 December, Lord Cranborne, who had been replaced by Oliver Stanley on 23 November as Colonial Secretary, had made direct reference in the House of Lords to the concept of trusteeship. 'In the nineteenth century the idea that as an advanced nation we had a moral responsibility for the welfare of backward peoples of the Empire came to be generally accepted as the basis of British Colonial Policy. Old ideas of exploitation had given place to a new doctrine of trusteeship.'[16] On 21 December Oliver Stanley spoke of an obligation to foster political development in colonies, to raise their standard of living, and to provide them with adequate social services. He added that he hoped to see in the colonial sphere the continuance of national sovereignty which should be combined with the principle of international co-operation of which he said the Anglo-Caribbean Commission might be taken as an example.[17] The British view of trusteeship, then, was centred on the voluntary benevolence of

15. The Times, 11 November 1942.
16. Quoted in C.N.I.A , vol. XIV, no. 1, January 1943, p.6.
17. Ibid.

colonial powers who would continue to maintain sovereignty over their territories. Political development was to be a long term and gradual process. No mention was made of the mandate system of the League to which Australian proposals were closely related. International supervision was to be replaced by international cooperation. What Stanley had foreshadowed in his reference to the Anglo-Caribbean Commission, he made explicit early in 1943 when he explained, as Lord Hailey had done at the Institute of Pacific Relations Conference in Quebec some months earlier,[18] that international cooperation was to operate through regional partnership.[19]

In January 1943, Current Notes, the official organ of the Australian Department of External Affairs, introduced a selection of the views of various governments on colonial questions with the comment 'Current discussion has already shown that the future of dependent territories will be one of the main questions of the post-war international settlement'.[20] It is hardly surprising, therefore, that the British

18. Institute of Pacific Relations, War and Peace in the Pacific, (A Preliminary Report of the Eighth Conference of the Institute of Pacific Relations on the Wartime and Post-War Co-operation of the United Nations in the Pacific and the Far East, Mont Tremblant, Quebec, December 4-14, 1942), New York, 1943, pp.12-5.
19. 391 H.C. Deb., 5s. cols. 47-9.
20. C.N.I.A., vol. XIV, no. 1, January 1943, p.17.

Cabinet had accepted (subject to the agreement of the Dominion governments) a draft declaration on future colonial policy.[21] They considered this declaration necessary, Woodward suggests, 'in view of opinion generally in the United States and of the President's large though somewhat vague ideas about trusteeship'.[22] The British had in mind a unilaterial declaration but Lord Halifax, the British Ambassador in Washington, reported that Cordell Hull favoured a joint Anglo-American statement possibly supported by other colonial powers.[23] Halifax handed a British draft text to Hull on 4 February 1943. Hull gave an American redraft to Anthony Eden at the end of Eden's visit to Washington (12-30 March) on 29 March 1943.[24] Hull's redraft entitled Declaration by the United Nations on National Independence, dated 9 March 1943, and forwarded to the President for approval on 17 March.[25]

21. Woodward, op. cit., p.440, footnote 2.

22. Ibid.

23. Ibid.

24. Ibid. See also 'Memorandum of Conversation, by the Secretary of State', 29 March 1943, F.R.U.S. 1943, vol. III, p.40.

25. Text in United States Department of State, Postwar Foreign Policy Preparation, 1939-45, Washington, D.C., 1955, pp.470-2.

although more moderate than Welles' Draft Protocol, contained a concept of trusteeship markedly different to that held by the British.

Under Clause I 1 (d) of the Hull Declaration the signatory nations undertook 'to fix, at the earliest practicable moments, dates upon which the colonial peoples shall be accorded the status of full independence within a system of general security'.[26] They also undertook to set up under Clause I 3, regional commissions which would provide for continuous consultation and collaboration between and among the nations which were directly responsible for various colonial areas and other nations which had substantial interests in the regions in which such areas are located'.[27] Such a proposal sounds not dissimilar to British proposals for regional colonial partnership. But in addition to these commissions, the Hull proposals provided in Clause II, 1 and 2 for an 'International Trusteeship Administration', to assume, in respect to detached territories of the previous war and of the war then being fought, 'a special responsibility analogous to that of a trustee or fiduciary'.[28] The Administra-

26. Ibid. p.471.
27. Ibid. pp.471-2.
28. Ibid. p.472.

tion, itself composed of 'representatives of the United Nations and of all other nations which now, or which may hereafter, cooperate in carrying forward and applying the provisions of the Atlantic Charter',[29] was to 'operate through regional councils composed of representatives of the nations having major interests in their respective regions'.[30] What is not clear from the text of the Hull proposal is whether the detached territories under the fiduciary care of the Trusteeship Administration were to be administered by a single nation, as in the Evatt and League concepts, or by a joint administration of the kind favoured by Roosevelt. Roosevelt had shown continuing interest in this administrative concept when he spoke to Eden on 27 March 1943. He suggested that international trusteeship be established for Korea, French Indo-China, and Timor.[31] 'Mr. Eden told the President that experience in the New Hebrides had shown the practical difficulties of international administration, even under trusteeship, and that it would be desirable to hand over administration to a single

29. Ibid.
30. Ibid.
31. Woodward, op. cit., pp.439-41. Hull, op. cit., p.1237.

trustee.'[32]

The Hull document is unclear, furthermore, on the question of whether the proposed regional colonial commissions under I 3 were to be independent of, or subsidiary to, the International Trusteeship Administration which was to have its own regional councils. There seems to be little doubt that, even if the regional colonial commissions were seen as independent of the Administration, they were not to be merely centres for cooperation and advice on the British regional model. When Hull gave his redraft to Eden he explained, by his own account, that it was intended to provide for extensive international observation of colonies still under the control of parent governments

> I remarked on that occasion that our draft contemplated international supervision over dependent peoples except in cases of parent governments and their colonies; and even in those cases we proposed that international agencies might observe the entire operations of the parent government relating to each colony and make public any and all facts that it would have the public know.[33]

It would seem that Hull was contemplating a degree of international supervision for colonies still under parent control which went beyond the degree of supervision exercised under

32. Woodward, op. cit. p.441.
33. Hull, op. cit., p.1234.

the League Mandate system. Observation of the 'entire operations' of the parent government would seem to imply the possibility of visits and inspection by an international body in addition to the reporting procedures required under the League system.[34] But whereas Hull's draft had provided for two types of supervisory bodies involving two types of trusteeship the Australian views while also, as will be seen, involving two types of trusteeship, were centred on one general international colonial commission.

In an address at the Overseas Press Club, New York, on 28 April 1943, Evatt gave a further public indication of Australia's views on post-war trusteeship. The League of Nations Mandate System had 'the germ of the right approach'.[35] It had not been entirely successful 'partly because of its limited application, partly because the undertakings given by the countries concerned were not sufficiently precise, and partly because, in some cases, the undertaking actually given was not carried out'.[36] As in his September 1942 speech,

34. Article 22 (7) of the Covenant of the League of Nations read 'In every case of mandate, the mandatory shall render to the Council an annual report in reference to the territory committed to its charge'.
35. C.N.I.A., vol. XIV, no. 5, May 1943, p.147.
36. Ibid.

Evatt in New York did not place emphasis upon political development.

> ... in analysing the application of this trusteeship to the actual problems of colonies, the major attention has up to the present been placed upon the political aspects of development, that is, it has been emphasized that the trustee country has an obligation to educate and develop the peoples under its control along the road to self-government. Australia feels that emphasis should also be placed on the economic factor. In short the principle of trusteeship also implies that the trustee power will ensure that the economic development of the colonial areas is conducted in a way which is not opposed to the interests of the peoples of the world.[37]

There are grounds to believe that the private views of the Australian government on the question of trusteeship in the early months of 1943 were, like the views expressed by Evatt, much closer to the American than to the British position. An Australian policy paper[38] at the Wellington Conference referred to Anglo-Australian exchanges of views on trusteeship in the first half of 1943.

37. Ibid. pp.147-8.

38. 'Colonial Policy and the Future of the Mandates System, Agenda Notes submitted by the Australian Delegation', 44/630/5/1/11/16. (Wellington Conference) Conference Papers, Agenda Papers, Conclusion.

> The exchanges between the United Kingdom and the Dominions at this time revealed some differences of opinion on the question of international supervision of colonial administration. The Australian government emphasized the importance of colonial powers being accountable to the general international community. The Australian view was that both the accountability of colonial powers and the expression of general world opinion and 'third party' interests of non-colonial powers in colonial questions should be provided for in the form of a general international colonial commission comparable to the Permanent Mandates Commission, the function of which would be to exercise a general supervision of administration of all non-self governing territories.[39]

On 25 March 1943, Sir Owen Dixon, who had succeeded R.G. Casey as Australian Minister in Washington, told Cordell Hull that

> his government had seen the British proposal to this government in regard to trusteeships in relation to dependent peoples. He said his government was in accord with the British proposal. He then added that his government would in fact be willing to go a little further and provide that a suitable international authority to oversee the mandate operations should also have authority to deal likewise with colonies and their parent governments. He said that a second more advanced position than the British, which his country favors, would be for an international authority to be clothed with more power to supervise backward peoples and the operation of the government authorities in relation to them. I thanked the Minister and said that I had submitted all the available data on the colonial questions to the President, who has the matter immediately in charge.[40]

While differing from the American emphasis on self-government and independence and on the desirability of joint international

39. Ibid.

40. 'Memorandum of Conversation, by the Secretary of State', 25 March 1943, F.R.U.S., 1943, vol. I, p.889.

administration of trusteeship territories, Australia, nonetheless, through its adherence to an extended Mandate system, which Evatt had now in New York made publicly and quite clearly central to his trusteeship policy, joined America in accepting the principle of universal international accountability. Australia believed that accountability of mandatory and colonial powers, the expression of general world opinion and 'third party' interests of non-colonial powers in colonial questions, should be provided for in the form of a general international colonial commission comparable to the Permanent Mandates Commission. The function of this general colonial commission would be to exercise a general supervision of administration of all non-self-governing territories.

That the British Government was 'unable to accept' Hull's Declaration of March 1943 apparently did not become known to the United States Government until August of the same year.[41] By the official British account, the United

41. Woodward, op. cit., p.440, footnote 2. "Mr. Eden gave Mr. Winant [United States Ambassador in London] an aide-memoire on the subject on May 26 1943. Mr. Winant promised a redraft of his own, but did not produce it. He also seems to have omitted to send the aide-memoire to Washington." Ibid.

Kingdom government 'was unable to accept this redraft since it called, e.g. for the fixing of dates, as soon as was practicable, for the grant of full independence to all colonies, and made no distinction between dependent territories and territories which had lost their independence'.[42] The latter objection is overlooked in Hull's account of his informal interview with Eden at Quebec. His words when Eden gave him news of the British rejection of the draft, stress the importance of the British objections to 'independence'.

> ... the Foreign Secretary said that, to be perfectly frank, he had to say he did not like the draft very much. He said it was the word 'independence' that troubled him, he had to think of theBritish Empire system which was built on the basis of Dominion and colonial status.[43]

But Woodward's reference to British objection to a lack of differentiation in the treatment of detached and dependent territories points to Britain's conservatism on the question of international accountability and supervision. It has

42. Ibid.

43. Hull, op. cit. p.1237. 'At the end of the long discussion that followed, Eden's position remained unchanged. His irremovable objection was to the word "independence".' p.1238.

already been noted that British statements on trusteeship had stressed national sovereignty and regional cooperation. This same emphasis was evident in Oliver Stanley's statement on Colonial policy to the British Parliament on July 13 1943.[44] Again Stanley made no mention of the Mandate System. In the United States, the Universities Committee on Post-War International Problems saw the implications of British policy.

> Great Britain will welcome advice, but will remain solely responsible for the development of her colonial domain. This attitude may reflect a stiffening imperial policy in the present world situation; it may also indicate a judgement that the mandate system was not in the judgement of the present British Government wholly satisfactory.[45]

Australian colonial policy during 1943 and 1944 developed largely in a context of British-Australian rather than Australian-American discussion. In circumstances where Australian views were not dissimilar to the British on the question of self-determination and political independence, the differences between the two countries centred on the problem of international accountability and an extension of

44. 391 H.C. Deb. 5s. cols.47-9.

45. Universities Committee on Post-War International Problems, Colonies and Dependent Areas, Boston, 1943, p. 21.

the mandate system. While an examination of Anglo-American colonial policies has revealed British sensitivity on the question of 'independence', the Anglo-Australian differences illustrate above all the conservatism of British policy on the question of international accountability. Australian colonial policy in these years (1942-mid 1944) in fact formed a middle way between the British and American positions of conservatism and reform respectively.

The Australian-New Zealand Agreement gave only small consideration to the problem of trusteeship. However, it did embody the first detailed public statement of Australian post-war colonial policy. In Article 28 of the Agreement the two countries declared

> that in applying the principles of the Atlantic Charter to the Pacific, the doctrine of 'trusteeship' (already applicable in the case of mandated territories of which the two governments are mandatory powers) is applicable in broad principle to all colonial territories in the Pacific and elsewhere, and that the main purpose of the trust is the welfare of the native peoples and their social, economic and political development.[46]

This statement clearly carried the application of 'trusteeship' beyond the Pacific. But just what was involved in the application 'in broad principle' of the mandate system is not at all evident. Because the two nations here speak of the mandatory

46. C.N.I.A., vol. 15, no. 1, January 1944, pp.5-6.

system in terms of administration as well as accountability - they referred to theirown status as mandatory powers. Did they intend that they and other parent nations should after the war hold their colonies as mandates, that they should administer them in addition to their existing mandates, as appointed trustees of an international agency, or did they merely mean that they should be liable as parent powers to a similar degree of international accountability as was now, and would be, required of mandatory powers?

British colonial policy, in April 1944, appeared to have moved closer to American proposals, which in turn, however, ceased to emphasize the general requirement of political independence.[47] Thus British foreign office officials and the Colonial Secretary in interviews with Stattinius in London, expressed willingness to accept a degree of international supervision through the regional colonial commissions. Stattinius reported that 'we and the British found ourselves much closer in our thinking at the end of our several talks than we could have hoped'.[48] He had extensive conversations

47. James N. Murray, Jr. The United Nations Trusteeship System, Urbana, 1957, pp.24-6.
48. 'Report on Conversations in London, April 7 to April 29 1944'. F.R.U.S. 1944, vol. III, p.21.

with Stanley in the course of which they decided not to proceed with the project for an Anglo-American declaration of colonial policy.

> At the end of the conversation, Colonel Stanley summarized under four heads the general situation, as he saw it, as follows:
>
> (1) Any statements of colonial policy should become part of a section on dependent peoples in the structure of world organization and should not be a joint declaration.
>
> (2) The principle of regional commissions is acceptable to the British if they are not executive in character but are set up to study, recommend and advise. On them should be represented not only parent nations but nations that have major economic and strategic interests in such areas.
>
> (3) Local branches of functional world organization should be linked up to the regional commissions in the fields of health, nutrition, labor, etc. The functional organizations would consult on the recommendations of the regional commissions.
>
> (4) A definite obligation to publish annual reports on each area should be assumed. This should be an obligation on all the colonial powers. Such reports should be sent to a control body where they would be available and interchangeable.[49]

Thus Stanley, while still showing no interest in mandatory administration and its concomitant of supervision by a single international body was prepared to allow for a degree of colonial accountability by reports to regional commissions.

49. Ibid. p.22.

The ambiguity in the Australian and New Zealand references to the mandate system under the Australian-New Zealand Agreement were removed with a major private clarification of colonial policy at Wellington in November 1944. Both countries reached agreement at Wellington on policies which would be the basis of Australia's draft chapter on colonial issues at San Francisco. Article 11 of Part I of the Wellington conclusions reads as follows:

> Powers responsible for dependent territories should accept the principle of trusteeship, already applicable in the case of mandated territories. In such dependent territories the purpose of the trust is the welfare and advancement of the native peoples. Colonial powers should undertake to make regular reports to an international body analagous to the Permanent Mandates Commission, set up within the framework of the General Organization. This body should be empowered to publish reports of its deliberations and to inspect dependent territories.[50]

This 'public' statement (the Wellington resolutions were not published at the time of the talks but were circulated to the Governments of the United States, the United Kingdom and Canada[51]) leaves the 'mandate' ambiguity unsolved.

50. The text of Part I only of the Wellington Conclusions is published in the Australian Report on U.N.C.I.O., p.60. Emphasis added.

51. See above p. 137 fn. 65.

Were colonies to be administered as mandates or were they only to be subject to a 'mandatory' system of international accountability? What was apparent in this record of Conference resolutions, however, was (a) a lack of emphasis upon political independence and (b) the empowering of the international body to inspect as well as receive reports on all dependent territories. This provision went beyond the supervisory powers of the League Mandate System which could only require reports. It clearly went beyond Oliver Stanley's requirements for regional commissions to merely study, recommend and advise.

In private discussions at Wellington it became clear that Australia and New Zealand were agreed in their continued support for an International Colonial Commission to replace the Permanent Mandates Commission as the supervisory body for mandated territories, old and new, as well as for all colonial peoples. Both countries agreed that the present mandates held by the United Nations should be confirmed and that the functions of the Permanent Mandates Commission in respect of mandated areas should be transferred to the International Colonial Commission. It was thus decided at

Wellington that the extension of the mandate system envisaged by Australia was to be primarily related to accountability rather than administration. Existing and new mandates were to be transferred to the administration (through a single trustee) and inspection by the new body; colonies were to be subject to the stringent requirements of inspection only by the same body.

The resolutions of the Wellington Conference sub-committee[52] on Colonial Policy were as follows:

Colonial Policy - Mandates.

The Australian and New Zealand Governments agree:

1. International Colonial Commission.

   (a) That the principle of trusteeship involves accountability to an international body.

   (b) That in pursuance of this principle an International Colonial Commission should be set up, under the authority of the world organization, having a general supervisory function in regard to administration and welfare in all dependent territories.

   (c) That the I.C.C. should as a general rule make public its reports and findings.

2. Regional Commissions.

   (a) That the security of dependent territories should be provided for as part of world

52. 44/630/5/1/11/16. (Wellington Conference) Proceedings.

security arrangements and should not be a responsibility of regional commissions.

(b) That regional commissions should be concerned with collaboration for purposes of welfare and economic development, but not with the supervision of colonial administration, which should be the function of the I.C.C.

(c) That regional commissions should make available their reports for the information of the I.C.C.

3. Mandates.

(a) That the present mandates held by the United Nations should be confirmed.

(b) That the functions of the Permanent Mandates Commission in respect of mandated territories should be transferred to the I.C.C.

Although Article 11 of Part I of the Wellington Conclusions had made no reference to regional commissions, the Conclusions had, in Section IV,[53] provided for the establishment of the South Seas Regional Commission, previously proposed in the Australian-New Zealand Agreement, which would perform the collaborative functions associated with health and welfare referred to by the sub-Committee. Regionalism therefore played a part, but a part that was clearly subsidiary, in Australia's post-war trusteeship policy.

53. 44/630/5/1/11/16. (Wellington Conference) Conference Papers - Agenda Papers Conclusions.

The public account of conference decisions on colonial policy was given in the closing statement on Monday, 6 November 1944 by the Prime Minister of New Zealand who in effect, paraphrased Article 11 of Part I of the Conclusions except that he substituted, at the request of the British High Commissioner,[54] 'visit' for 'inspect' in the reference to supervision of the dependent territories by the international body. 'This body should be empowered to visit dependent territories and to publish reports of its deliberations. We believe [Fraser added] that this is a natural implication of the spirit of 'trusteeship' for dependent peoples, and, for our part, we are willing to subscribe to a general undertaking to that effect as regards both Colonial and Mandated areas'.[55] On 14 November the Secretary of State for Dominion Affairs, Lord Cranborne, informed the Australian Government of British displeasure.

> We have learned with considerable surprise and concern of the statement issued on behalf of Australian and New Zealand Governments at the conclusion of the recent Conference on the subject of colonial administration in which they declare their support for the idea of an international supervisory body with power to visit dependent territories and

54. Wood, op. cit., p.321.
55. C.N.I.A., vol. 15, no. 11, November 1944, p.330.

publish reports on its deliberations. As you will be aware, from the discussion of the subject at the meeting of Commonwealth P.M.'s in May this year, the U.K. Government held strongly the view that such control by a central international body would be most undesirable and that its establishment must be contrary to the interests both of the dependent peoples and of parent nations and in particular of the British Empire. Indeed we understand from what passed at the meeting on 9 May that Mr. Curtin shared our view (see minutes of 10th meeting, p.5). Recent proposals of this character have been ventilated in the United States and in view of this we were about to address to the American Government a communication setting out our views in detail as to the future system of securing international cooperation in relation to colonial affairs in a form which we hoped would be acceptable to the Dominion Governments, and also to the United States government. This matter is of vital importance to the U.K. having regard immense extent of our Colonial responsibility. In our view, in a matter of this kind, all members of the British Commonwealth ought to take every care to coordinate as far as possible their respective views before entering upon public declarations of policy. We can only express our regret that this public announcement has been made on behalf of the Australian and New Zealand Governments without any prior consultation with or warning to us. We feel that it may well lead to serious difficulty and embarrassment in our discussions with the U.S. government and in the future treatment of the question. In view of what has occurred we fear that it may become necessary for us to make some public statement indicating our own attitude with regard to future policy towards colonial territories. This will necessarily imply, even if it does not directly state, our inability to accept the views put forward at the recent A.N.Z. Conference on this matter.[56]

Evatt, in a personal reply to Lord Cranborne, commented

56. 44/630/5/1/11/22. (Wellington Conference). Action (b). International Colonial Commission.

'Telegram 325 recalls Colonial Office despatches of the distant past'.[57] In a subsequent telegram[58] to the Dominions Office he sent a long, reasoned, answer to Cranborne's telegram of 14 November. In this he pointed out that Australian-New Zealand policy had been consistent. The United Kingdom government had been informed of Australian and New Zealand views in the terms of Article 28 of the Australian-New Zealand Agreement. This policy, Evatt claimed, had not been varied by either government since.

While Evatt's claim was true as far as the policy of his Department of External Affairs was concerned, Cranborne was on strong ground in his reference to Curtin's views in London in May 1944. The Australian High Commissioner in New Zealand, in a memorandum prepared for Evatt on his arrival in Wellington, had made the following observation.

> A point of difference in interpreting the principle of trusteeship appeared at the London Conference of Prime Ministers. Mr. Fraser took the view that trusteeship involved reporting to a supervisory authority. Mr. Curtin, on the other hand, apparently supported the British Colonial Secretary's view that the trust should be exercised by the Colonial power only, without reference to outside bodies.[59]

57. 18 November 1944, Ibid.
58. Exact date not known; but between 18/11/44 and 25/11/44 when Evatt informed Eggleston that he had sent the telegram and gave an account of its contents. Ibid.
59. 44/630/5/1/11/9. (Wellington Conference). Agenda.

John Curtin's own report to the House of Representatives on 17 July 1944 is consistent with Lord Cranborne's allegation.

> The discussion on colonial questions was primarily focused on the establishment of regional bodies along the lines of the South Seas Regional Commission provided for in the Australian-New Zealand Agreement. General agreement was expressed with the value of such bodies as an aid to Colonial administration, and in giving effect to the doctrine of 'trusteeship' which has as its aim the welfare of native peoples and their social, economic and political development.[60]

Cranborne might also have quoted to effect Fraser's comments in a press statement on the final day (21 January 1944) of the Canberra Conference, on the trusteeship clauses of the Australian-New Zealand Agreement.

> Both countries have made their position clear in regard to any changes in control orsovereignty of Pacific Islands. They have embodied in the Agreement their firm belief in the application of the principle of trusteeship. In this, their views are in the closest harmony with the policy and practice of the British Government with whom they will continue to give and receive utmost cooperation in the administration of the island territories of the Pacific.[61]

Evatt continued his reasoned reply by countering Cranborne's charge of lack of consultation with the assertion that the British government failed to consult the Australian government prior to Stanley's statement on British Colonial

60. C.P.D., vol. 179, 17 July 1944, p.40.
61. C.N.I.A., vol. 15, no. 1, January 1944, p.23.

policy to the House of Commons on 13 July 1943. Evatt also pointed out that the British High Commissioner in Wellington had been consulted before the release of Fraser's final statement at Wellington to the press. Evatt concluded by assuring Cranborne that although Australia and New Zealand did favour supervision by a general international body they favoured supervision and not control. 'We distinguish between internal "control" and "supervision". We favour supervision not control'. Such supervision 'would in no way interfere with the sovereignty ofparent states'.[62] The Secretary of State for Dominion Affairs' reply[63] to Evatt was conciliatory. He felt that there must have been a misunderstanding. He was sure that the countries were quite close to agreement on supervision.

An immediate result of this exchange with Britain appears to have been an attempt by Evatt to win United States support for the Australian predominantly non-regional mandatory approach. On 25 November he instructed the Australian Minister in Washington, Sir Frederic Eggleston, to hand a copy

62. 44/630/5/1/11/22. (Wellington Conference) Action (b). International Colonial Commission.

63. 27 November 1944, Ibid.

of the text of the Wellington Conclusions to the Acting Secretary of State drawing his attention to Article 11 which set out policy on dependent territories. 'I rely on you to support with him also the other important principles endorsed by the Australian and New Zealand governments in this document'.[64] This was despite the fact that a copy of the Conclusions had already been handed to the American Minister in Canberra who had sent them to the State Department on November 17.[65] The State Department had received on 8 November from the United States Minister in New Zealand a resume of Fraser's remarks at the conclusion of the Conference on 6 November. Patton concluded his covering remarks as follows:

> Editorial comment referred to expression of many admirable sentiments but no decisions. Considerable interest in proposed general international organization to which colonial powers should report on administration of their colonies.[66]

64. Ibid.

65. 'The Minister in Australia (Johnson) to the Secretary of State', 14 November 1944, F.R.U.S., 1944, vol. III, pp.198-9. Footnote 37 on p.198 reads 'A copy of the minutes of the Conference (not printed) was received by the Department asan enclosure to dispatch No. 943, November 17, not printed'.

66. F.R.U.S., 1944, vol. III, pp.197-8.

On 20 November, a State Department telegram to the Charge in the United Kingdom, gave the full text of Fraser's references to colonial policy on 6 November and appended as a departmental request.

> The Embassy is requested to keep the Department advised of any reactions in the United Kingdom to this declaration, which seems rather advanced in comparison with British Colonial policy. The reactions of the Colonial Office would be of particular interest.[67]

Eggleston in due course carried out Evatt's request though when he met Stettinius it was no longer as Acting Secretary of State. Stettinius had succeeded Hull on 30 November.[68] Eggleston reported to Evatt on 7 December as follows -

> The appointment with the Secretary of State was postponed for his convenience until this morning when I handed him confidential part of A.N.Z. statement. He read it and said did it mean that responsibility should be that of one power? I said 'Yes' but accountability to the general international authority. He said that this was in conflict with the President's views who thought that the Trusteeship should be in the United Nations and that they should govern jointly, I put the view that the single responsibility of a mandatory was a valuable principle as its prestige was involved securing satisfactory government and instanced the failure of a condominium in the New Hebrides. I said that our policy

67. Ibid. p.201.
68. Hull, op. cit., p.1719.

> differed from that of Britain which required Regional Councils without being clear where accountability rested. He took notes and said he would have a chat with the President and see me again.[69]

The significance of this despatch from Eggleston is the impression conveyed therein that United States trusteeship policy could be equated with Presidential views. State Department trusteeship policy had in fact undergone substantial modification during the latter half of 1944, largely as a result of pressure from the armed services which were anxious to preserve United States post-war strategic interests.[70] Stettinius alluded to these develop-

69. H/45/1021. Colonial Policy.

70. James W. Murray, Jr. op. cit., pp.25-6, summarizes these developments as follows 'By July 1944, the United States' position on a possible trusteeship system had undergone considerable modification. In preparation for the forthcoming Dumbarton Oaks Conversations, a series of 'Tentative Proposals for a General International Organization' was prepared by the State Department, and a section on 'Arrangements for Territorial Trusteeship' was included. These Arrangements differed from the original Hull proposals in three fundamental respects differed to the extent, indeed that they constituted almost a change in kind rather than in degree.

> First the scope of the system was now confined to ex-enemy territories and areas under mandate. Other territories were envisaged as possibly coming under the system "by action of the Assembly" but only "if requested by member states having control over such territories".
>
> Second, the objectives of the system, while otherwise about the same as originally, now did not include independence as a goal for the territories.

ments in a letter to Forrestal, Secretary of the Navy, on 30 December 1944.

> Dear Mr. Secretary: I refer to a letter to me of August 3 1944 from General Marshall and to my reply of August 5 1944, on the subject of international trusteeship. In deference to the wishes of the Joint Chiefs of Staff we were glad to eliminate this topic from the Dumbarton Oaks conversations.[71]

The British had, however, raised the subject at Dumbarton Oaks and were told that the United States had an exchange of papers in mind. The British said that they would be willing to participate in such an exchange.[72]

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70. Contd. .... Finally the organizational framework was considerably modified. Where the original proposals had provided for a decentralized administration operating through regional councils, the responsibilities of trusteeship were now to be placed in the Generally Assembly operating through a Trusteeship Council composed of representatives of states administering periodically by the General Assembly'. The documents referred to by Murray are printed in Postwar Foreign Policy Preparation at pp.595-606 and pp.606-7 respectively. A detailed account of the development of United States trusteeship policy is given in Ruth B. Russell assisted by Jeannette E. Muther, A History of the United Nations Charter, the Role of the United States, 1940-1945, Washington, D.C., Chs. IV, VIII, and XIII.

71. United States Department of State, Postwar Foreign Policy Preparation, 1939-1945, p.660.

72. Ibid.

As a result of this undertaking a major statement of British colonial policy was prepared by the Colonial Secretary, Oliver Stanley. The paper, International Aspects of Colonial Policy,[73] was circulated to the Dominions, for comment, on 27 December 1944.[74] It appeared to mark an important change in British thinking in that it embodied a move away from a purely regional system towards a degree of general international supervision through functional agencies to be attached to the general world body.

> His Majesty's Government in the United Kingdom recommend the adoption of a general system of international [colonial] collaboration (a) on a regional basis through Regional Commissions, and (b) by the creation of further central functional bodies, such as the International Labour Organization, attached to the World Organization.

Supervision by these central function agencies was provided for as follows:

> Every state member of the World Organization must agree in advance to publish periodical reports both in respect of its metropolitan area and in respect of any dependent territories for which it is responsible; and to forward copies to the agency concerned; these reports to cover points laid down as being essential to the proper discharge of that agency's functions.

73. CO. 14814/11/44 in H/45/1021. Colonial Policy.
74. Secretary of State for Dominion Affairs to Minister for External Affairs, 27 December 1944, Ibid.

This Stanley memorandum, however, provided, in addition, that the mandate system be abolished.

> Experience of the administration of mandated territories has convinced His Majesty's Government that the objectives which the mandate system sought to achieve can be better realized for the future under a comprehensive system, on the basis outlined in Part II and Part III of this paper, which would be applicable to all dependent territories and would not involve the creation of a special international status for some of them.

While Evatt was able almost to applaud this, albeit preliminary, move towards the Australian proposals for accountability by colonial and mandatory powers to one Colonial Commission under the authority of the world organization, he was concerned at the proposal to abolish the Mandate system. Nonetheless, his overall reaction to Stanley's paper can only be described as favourable. Thus he told the Dominions Office that

> Colonel Stanley's paper on the International aspects of colonial policy seems to mark a definite advance towards some of the main objectives set out in paragraphs 28-31 of the Australian-New Zealand Agreement of January 1944.[75]

* * *

75. Referred to in Evatt to Fraser, 31 January 1945, H/45/1021. Colonial Policy.

In February 1945, Evatt's understanding of United States trusteeship policy was most probably still in terms of Hull's Declaration of 1943 and Roosevelt's personal views. Eggleston in a despatch from Washington on 11 December 1944, four days after his report of his visit to Stettinius, gave a survey of American colonial policy as he understood it. His points included the following

> From the various conversations I have had and my reference to the files I would sum up the various views as follows
>
> American Policy
>
> Independence to be granted to dependencies wherever possible.
>
> The President evidently thinks it should be given to Malaya and Burma.
>
> A date to be fixed for the granting of future independence.
>
> An International Authority for governing countries inhabited by backward peoples liberated by the war. There is some doubt whether this is President Roosevelt's personal view or that of the public as a whole. Many think the public are becoming imperialistic.[76]

Stanley's memorandum combined with this limited knowledge of American policy could be expected to have given Evatt hope that Australia and New Zealand's proposals for accountability by all colonial parent powers to a Commission

76. Eggleston to Evatt, 11 December 1944, H/45/1021. Colonial Policy.

under the authority of the World Body would have some chance of being adopted at San Francisco, even if he may well have been apprehensive on the question of continuation of mandates.

At the Yalta Conference in February 1945 both the extent to which United States policy had been influence by pressure from the Armed Services and the chasm which separated Churchill's views on post-war colonial policy from those expressed in Stanley's memorandum became plain. Thus when Stettinius at Yalta referred to 'machinery in the World Charter for dealing with territorial trusteeship and dependent areas in a Plenary Session of the Conference, Churchill, in Stettinius' word, 'exploded'.[77] He said that 'under no circumstances would he ever consent to forty or fifty nations thrusting interfering fingers into the life's existence of the British Empire'.[78]

Stettinius then explained, in Roosevelt's presence, United States policy. This was by now so moderate that Churchill, after some assurances, as able to agree to what were to become

77. Edward R. Stettinius, Jr., Roosevelt and the Russians: The Yalta Conference, New York, 1949, p.236.

78. 'Yalta Conference, Sixth Plenary Meeting, February 9, 1945, Bohlen Minutes', F.R.U.S., 1945, The Conference of Malta and Yalta, Washington, D.C., 1955, p.844.

the Yalta proposals on trusteeship. These provided that territorial trusteeship would only apply to

(a) existing mandates of the League of Nations

(b) territories detached from the enemy as a result of the present war

(c) any territory which might <u>voluntarily</u> be placed under trusteeship.

(d) no discussion of actual territories is contemplated at the forthcoming United Nations Conference or in the preliminary consultation and it will be a matter for subsequent agreement which territories within the above categories will be placed under trusteeship.[79]

The text of these decisions reached Australia from the Dominions Office two days before Evatt left for the United States on 15 March 1945.[80]

79. 'Protocol of Proceedings of the Crimiea Conference', 11 February, 1945, Ibid., p.977.

80. Secretary of State for Dominion Affairs to Minister for External Affairs, H/45/1021. <u>Colonial Policy</u>. In a previous telegram the S.O.S.D.A. had told Evatt, on 24 February, that the subject of Trusteeship had been raised at the Crimea Conference. Ibid.

2. International Full Employment Policy.

If Australia's post-war trusteeship policy had, since Evatt's early statements, been developed in reference to a proposed general international organization, her post-war international full employment policy was related primarily to future world trade agreements. Australia was, nonetheless, to play a part in having the 'full employment pledge' incorporated into the United Nations Charter at San Francisco since her wider international economic strategy required the commitment of the nations of the world to policies of domestic full employment.

A concern for post-war domestic full employment in Australia was to be expected from a Labor Government coming to power in the long shadows of depression, even if it was not until 30 May 1945 that the White Paper Full Employment in Australia was to be presented to Parliament.[81] Late in

81. Parliament of the Commonwealth of Australia, Full Employment in Australia, presented by command 30 May 1945 in Commonwealth of Australia, Parliamentary Papers, General and Finance, Session 1945-46, vol. IV, pp.1139 sq.

1942, however, Evatt, as Attorney-General, arranged[82] for the holding of a Constitutional Convention in Canberra to allow representatives of State Governments to agree to support the reference of additional powers by the Parliaments of the States to the Commonwealth for post-war reconstruction. The case for post-war reconstruction was outlined by John Curtin at the opening of the Convention, when he spoke of the depression of 1930-3 'when one in every three of the working population of Australia was out of work'.[83] Article 5 of the Atlantic Charter, Curtin pointed out, had spoken of 'improved labour standards, economic advancement, and social security in the post-war world.'[84] It seemed

82. Commonwealth of Australia. Convention of Representatives of the Commonwealth and State Parliaments on Proposed Alteration of the Commonwealth Constitution held at Canberra, 24 November to 2 December 1942, Canberra, 1942. On page 2 Curtin said of Evatt 'up to the present, my colleague theAttorney-General (Dr. Evatt) has had the labouring oar in the preparations for this Convention. It is he who had endeavoured to focus attention upon the necessity for action now to strengthen our constitutional framework for the special crisis, or series of crises, which will face us during the post-war period'.

83. Ibid. p.4.

84. Ibid.

to him that Australia's post-war planning must centre on three similar objectives (1) Employment; (2) Development; and (3) Improved standards of living. 'It is only natural to place the greatest emphasis on employment. That is the matter in which our people are most concerned for the post-war period.'[85] Curtin also spoke of full employment

> In relation to employment, I think it is certain that there will be need for organization for full employment on a national scale. In one aspect the problem of full employment is the crux of the problem of post-war reconstruction.[86]

'Organization for full employment' aptly describes the emphasis of Labor's domestic post-war reconstruction plans.

But the Atlantic Charter had contained in Article 4 a most decided emphasis on international free trade -

> Fourth they will endeavour, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access on equal terms to the trade and to the raw materials of the world which are needed for their economic prosperity.

This same emphasis on free trade and consequent bias against tariffs and preference had reappeared in Article VII of the Mutual Aid Agreement between the United States and the

85. Ibid.
86. Ibid.

United Kingdom signed at Washington on 23 February 1942. This article provided, inter alia,

> In the final determination of the benefits to be provided to the United States of America by the Government of the United Kingdom in return for and furnished under the Act of Congress of March 11 1941, the terms and conditions thereof shall be such as not to hinder commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations. To that end they shall include provisions for agreed action by the United States of America and the United Kingdom, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures of production, employment and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 12 1941 by the President of the United States of America and the Prime Minister of the United Kingdom.[87]

It was in response to the problems posed in this projected post-war free-trade environment for Australia, a country highly dependent on trade and traditionally given to policies of tariff protection and Empire preference,[88] that

87. Text is printed Post-war Foreign Policy Preparation, pp.463-4.

88. For a brief account of pre-war trade policy see Members of the Canberra Branch, Australian Institute of International Affairs, 'Australian Commercial Policy in Relation to Article VII of the Mutual Aid Agreement', Austral-Asiatic Bulletin, Special Number, Problems of War and Peace in the Pacific, February 1943, pp.76-80. (This issue contained the Australian Data Papers presented at the Institute of Pacific Relations Conference, Quebec, December 4-14, 1942).

the full employment approach to post-war trade was formulated. The policy was first developed in a brief memorandum prepared by Dr. H.C. Coombs, an economist in the Commonwealth Treasury.[89] The memorandum was prepared for Dr. Roland Wilson, who from 1936-40 had been Commonwealth Statistician and economic adviser to the Treasury and, from 1940, Secretary of the Department of Labour and National Service, when Wilson went to the British Commonwealth talks in London on the economic implications of Article VII in October 1942. Coombs' views had apparently found great favour with his Minister, J.B. Chifley, Treasurer in the first Curtin Government. At all events, when a separate Department of Post-war Reconstruction was established under the second Curtin Government in 1943 Chifley added this portfolio to the Treasurership and Coombs became Director of Post-war Reconstruction concerned with domestic reconstruction, but it was in the very nature of Coombs' theory that the crux of the problem of Australian domestic reconstruction, full employment, was dependent upon the adoption of similar policies by other nations, particularly the major industrial nations.

89. L.F. Crisp, 'The Australian Full Employment Pledge at San Francisco,' Australian Outlook, vol. 19, no. 1, April 1965.

As Evatt was to point out on 8 September 1944 the Australian Government first advanced its international ful employment theory at the Hot Springs Conference on Agricul in July 1943.[90] Australia's principal representative at Hot Springs, Dr. Coombs, gave little indication in his Rep on the Conference either of the content of Australia's cas or of its success, or otherwise, at Hot Springs. Coombs' 1943 Report, which was tabled by Evatt as Appendix A to hi Statement on International Affairs of 14 October 1943, is little more than a brief summary of conference proceedings and decisions.[91] It is of interest, however, that two oth members of the Australian delegation at Hot Springs, J.B. Brigden, Financial Counsellor at the Washington Embassy, a Dr. John Burton, were to be subsequently in the Australian delegation at San Francisco.

An extended statement of Coombs' views is contained i an address The Economic Aftermath of War[92] which he delive

90. C.P.D., vol. 179, 8 September 1944, p.606.

91. Printed in C.N.I.A., vol. XIV, no. 1, October 1943, pp.263-6.

92. H.C. Coombs, 'The Economic Aftermath of War' in D.A.S Campbell (ed.) Post-War Reconstruction in Australia, Sydney, 1944, pp.67-99.

to the Australian Institute of Political Science in January 1944. Coombs argued that the transition of a wartime to a peacetime economy would be accompanied by difficulties, 'the problems of adapting a war-time economy to peace',[93] requiring the retention of substantial controls of prices and consumption. Among these domestic problems would be accumulated purchasing power which at the end of the war might be expected to result in a demand for goods and services greatly in excess of current production. 'In the absence of strict controls of prices and consumption this excess purchasing power could lead only to an inflationary rise of prices.'[94] This problem would be compounded by the fact that there had been, in the past, a close relationship between the level of imports and the level of national income which could be expected to continue in the post-war period.[95] Coombs was doubtful that, in the immediate post-period, demand for Australia's exports, particularly demand from the United Kingdom, would be sufficient to finance

93. Ibid. p.84.
94. Ibid. p.74.
95. Ibid. p.72.

increased imports. The necessary consequence would be 'a period of exchange stringency'.[96]

The kind of post-war Australian society envisaged by Coombs was the same as that described by Curtin in his address to the Constitutional Convention. Coombs agreed that 'any plan for a post-war world must, if it is to be based realistically upon the desires of the people, place a high and stable level of employment first among its objectives'.[97] And again

> Everybody's vision of the New Jerusalem is, of course, different from his neighbour's, but through them all, or at least through the vast majority of them run common themes which may be summed up in the objectives of employment, rising standards of living, development and security.[98]

The same arguments which he had previously used in regard to problems of the transition of a wartime to a peacetime economy were now related specifically to the problem of maintaining post-war domestic full employment, which was b implication, an end sufficient to justify otherwise arguab means. Thus he pointed out that full employment was a policy which could not be pursued by a trade dependent

96. Ibid.
97. Ibid. pp.78-9.
98. Ibid. p.78.

country like Australia without serious regard for its balance of trade, a balance which could not be expected to be favourably maintained in the likely post-war climate of excessive demand for imports without tariff and/or quota and/or exchange restrictions on those imports unless there was adequate demand on the part of the major industrial nations for Australia's exports.

> Our capacity to pay for imports of course depends on our sale of exports, which in turn depends primarily upon the level of employment and income in the great industrial countries of the world, such as the United States and the United Kingdom.[99]

Doubts about post-war demand in the United Kingdom 'the difficulties which the United Kingdom will experience beca of her lower overseas income may adversely affect their cap to buy our products'[100] related to his claim that

> as long as the fear of unemployment, spread from other countries remains a dominant influence in dependent economies, they will, I believe, insist on retaining whatever protective measures are necessary to insulate themselves from depression overseas.[101]

It would be possible to conclude from this line of argument that Australia's emphasis on the overriding impor ance of domestic full employment, when such an emphasis wa

99. Ibid. p.93.
100. Ibid. p.72.
101. Ibid. p.95.

made in relation to post-war international trade patterns, would be no more than an attempt to justify Australia's retention of tariff and/or quota controls on imports in the post-war world. Indeed, this was part of Australia's policy as was clearly indicated by Coombs' comments, in this address, on Article VII of the Mutual Aid Agreement. In these comments Coombs stressed what he called the 'positive' aims embodied in the Article at the expense of what he termed the 'negative' aims.

> ... by it [Article VII] the participating countries undertook to take agreed action (the form of which is still unspecified) to increase employment and the production, exchange and consumption of goods, and, secondly, to reduce trade barriers and to eliminate discrimination in international trade .... It has too readily been assumed that the means to achieve the positive aims of increased production, exchange and consumption are those indicated in what I call the negative aims, i.e. the reduction of tariffs and the elimination of discrimination, I believe that this approach is a wrong one, and that it will fail to fulfil the hopes of both world-wide economic relations which have been roused by the agreement to which I have referred.[102]

If these comments illustrate part of Australia's internatic full employment policy they also foreshadow another, fundamental, aspect of that policy, an aspect which might be tei the crux of Coombs' case and of the Australian 'full employ approach' to international trade. For Coombs saw the adop

102. Ibid. p.92.

of full employment policies as a means by which world trade could be expanded through the stimulating effects of employment and incomes on demand. An overall expansion of world trade as a result of this increased demand would, in due course, allow tariffs and quotas to be reduced, if not totally removed, in a climate of international economic stability. After pointing out that the first requirement for expanding world trade was 'a system of [military] security based upon joint action which makes self-sufficiency unnecessary and aggression impossible',[10] Coombs continued,

> The second requirement is a high level of demand. It has for the last ten years been generally recogniz in respect of domestic economies that the most signif cant factor determining demand is the general level of employment and incomes. This view has not yet bee fully applied to the field of international trade, where our economists still continue to place the greatest emphasis on factors affecting relative price such as tariffs, subsidies, and other forms of protec ive devices. If this view is correct then the second main requirement of <u>expanding</u> world trade is a high level of employment and incomes, particularly in those countries which are largely engaged in world trade.[10]

This relationship of domestic full employment to an increa in the volume of world trade had been argued by Chifley in

103. Ibid.
104. Ibid. p.93. Emphasis added.

newspaper article during the previous month. He noted that 'amongst trading nations the volume of trade has usually more to do with the levels of employment and incomes than with the levels of tariffs'.[105]

In the Australian-New Zealand Agreement of January 19[illegible] however, the objective of full employment received little prominence. Both countries agreed under Article 35 (d) that 'there should be cooperation in achieving full employment in Australia and New Zealand and the highest standards of social security both within their borders and throughout the islands of the Pacific and other territories for which they may jointly or severally be wholly or partly responsible'.[106] Full employment appears here merely as a desirable objective for both countries' to pursue internally and in the territories under their control. Evatt's statement to the press at the conclusion of the Canberra talks is consistent with this analysis.

> Another important aspect of the Agreement is the new and permanent machinery for collaboration and cooperation. This is aimed at cooperation for defence, collaboration in external policy, the development of commerce between the two countries

105. Sydney Morning Herald, 12 December 1943.
106. C.N.I.A., vol. 15, no. 1, January 1944, p.7.

> cooperation in achieving full employment and social security, and cooperation in encouraging the work of Christian missionaries throughout the Pacific.[107]

If full employment as an approach to international trade was not considered at the Canberra Conference itself, this was probably because there were to be subsequent talks bet the two countries on the subject. These talks involved an exchange of views and of notes; an exchange designed to wi New Zealand support for the Australian approach. Australi views, in these discussions, were that Australia and New Zealand should

> press for an order in which the [international economic] agreements are discussed and brought into effect, giving a higher priority to employment agreements and to certain aspects of the monetary discussions and commodity arrangements; and putting aspects of commercial policy such as tariffs, etc. low down on the list. Our suggestion should be that commercial policy agreements involving reductions or modifications of protection should not be concluded until after the war when we are confident that full employment is being maintained, not only in Australia, but in other parts of the worl
>
> If we adopt this approach, it is not necessary to rai a storm by questioning the broad principles on object of Article VII. We merely state that in our considere opinion, the best way, and in fact the only way, of achieving the objects of Article VII is to seek first those conditions of expanding production and full employment, set out in that Article, and then when

107. Ibid. p.26.

> this has been substantially achieved, to consider the remaining matters associated with commercial policy.[108]

Evatt's first statement of the full employment approac to international trade was in a speech, on 17 March 1944, i which he announced the conclusion, on 9 March in Ottawa, of the Canadian Mutual Aid Agreement. He began by quoting Article X of the Agreement which, he said, was 'in strict accordance with the Australian Government's views as to fu international economic collaboration'.

> The Governments of Canada and the Commonwealth of Australia reaffirm their desire to promote mutually advantageous economic relations between their countries and throughout the world. They declare that their guiding purposes include the adoption of measures designedto promote employment, and productio and consumption of goods, and the expansion of commer through appropriate international agreements on commercial policy, with the object of contributing to the attainment of all the economic objectives set forth in the declaration of 14 August 1941 known as the Atlantic Charter.[109]

Evatt then argued that this reference to the Atlantic Char was clearly to Article 5 and that 'the United Kingdom - Un States of America Agreement contained an article - Article not dissimilar to this Article X'.[110] Evatt was clearly

108. P.W.R. 44/735/168/16. Australian-New Zealand Exchan of Notes on Economic Negotiations. This extract is from the Australian agenda papers.
109. C.P.D., vol. 178, 9 March 1944, p.1554.
110. Ibid.

putting into practice the Australian policy of stressing those aspects of both the Atlantic Charter and the Master Lend Lease Agreement which related to the promotion of employment, production and consumption at the expense of those aspects of the two documents which dealt with commerc policy. But he also made reference to the longer term objective of Australian policy - the provision of an alternative approach to the development of world trade.

> Our view is that it is by maintaining high levels of employment and consumption throughout the world, and especially in the major countries, that prosperity, increased consumption of goods, and expansion of trade can be effected, and the economic objectives of the Atlantic Charter fulfilled.[111]

Evatt made the further point in this speech that he was inclined strongly to the view that it was not by internati force alone that peace would be made secure in a world tor almost apart by two world wars. 'You can only be sure of peace if you remove the temptation of national leaders to embark on acts of agression against other countries becaus of internal social discontent.' It was this more general argument which he was to associate more closely with advoc of international full employment as the San Francisco Conf

111. Ibid.

grew closer and the details of international trade less immediately relevant.

In April-May 1944 Australia was represented at the 26th Conference of the International Labour Organization of the League of Nations held at Philadelphia. The Government Delegates, J.A. Beasley, Minister for Shipping and Supply, and H.C. Barnard, M.P., had Dr. John Burton as one of their two advisers. Here, Australia's attempt to win international commitment to a binding full employment agreement, an attempt supported in the early stages of the Conference by the United States Delegation under Secretary of Labour, Frances Perkins, was argued in terms of 'the Australian Government's foreign economic policy as had already been outlined by the Minister for External Affairs in a statement ... on the occasion of the Canadian Mutual Aid Agreement'.[112] Australia's proposal was finally defeat after the United States Delegation, acting, according to th

112. Parliament of the Commonwealth of Australia, Internat Labour Organization of the League of Nations, Twenty-Sixth Conference held at Philadelphia, 20 April to 13 May 1944, Reports of the Australian Delegates, in Commonwealth of Australia, Parliamentary Papers, General and Finance, Sessions 1943-44 and 44-45, vol. II, pp.1523 sq.

Australian Report, on instructions from the State Departme had withdrawn its support.[113] Australia then proposed, wi success, that an inter-governmental conference be held to discuss domestic policies of employment.[114] In similar ve at the United Nations Monetary and Financial Conference, h at Bretton Woods from 1-22 July 1944, the chief Australian delegate, L.G. Melville, Economic Adviser to the Commonwea Bank Board, continued the Australian argument for a bindin international agreement to maintain full employment, altho once again, the Australian proposal to this end was defeat Melville felt able, nonetheless, to conclude his Report to the Australian Parliament on a note of optimism.

> It appears that declarations of the Australian Govern ment's attitude on this matter [international full employment agreement] which have been made from time to time by the Minister for External Affairs, and the case made at the Hot Springs Conference, in British Commonwealth Discussions in London, at Philadelphia and at Bretton Woods have made a considerable impress There now seem to be good prospects of securing wide- spread support for an employment agreement as part of a programme of international economic collaboration.[115]

113. Ibid. p.1525.
114. Ibid. p.1526.
115. Parliament of the Commonwealth of Australia, Documen relating to the United Nations Monetary and Financia Conference, held at Bretton Woods, United States of America, from 1 July to 22 July 1944, in Commonwealt of Australia, Parliamentary Papers General and Finan Sessions 1943-44 and 44-45, vol. II, pp.1583 sq. This quotation is from p.1592.

Discussion of Full Employment at the Wellington Conference in November 1944 reflected yet again, the, by then, well defined Australian approach. Paragraph 2 of Section V, Welfare Relations, of the Conference Resolutions contains an international emphasis which was completely absent in the corresponding reference to full employment in the Australian-New Zealand Agreement. Under paragraph : the two countries reaffirmed the understanding reached in · exchange of notes of 24 January 1944.[116] Paragraph 2 read: as follows -

> Employment Agreement.
>
> We regard an employment agreement by which signatorie: undertake to pursue internal policies of full employm and improved living standards as fundamental to the success of all aspects of international collaboration designed to promote human welfare. The calling of an Employment Conference with this objective in view should take precedence over all other international economic discussions. We propose, therefore, to approach the United States Government with the propos: that a Conference be called by the United States Gove: ment, in conjunction with the United Kingdom, Austral: and New Zealand Governments.[117]

Recognition of the weight of the Australian approach to po: war international economic collaboration, albeit obtained through the agency of the New Zealand Minister in Washingt is reflected in the following extract from President Roose·

116. 44/630/5/1/11/16. (Wellington Conference). Confere Papers - Agenda Papers Conclusion.

117. Ibid.

correspondence.

Office of the Vice-President, Washington. December 1, 194!

The President,
The White House.

Dear Mr. President,

Walter Nash of New Zealand has sent me a statement ma( by Peter Fraser in October of this year on the occasion of the A.N.Z. Conference. Two of the outstanding sentences of this statement are the following

> Experience since the last war has demonstrated to the world that the level of consumption, in other words standard of living, depends more on the level of employment throughout the world and less upon international trading agreements than is generally recognized.
>
> * * *
>
> The most important first step towards attaining these objectives would be for each government recognizing its obligation to its own people and to the people of every other country to join in an international agreement pledging itself to follow an appropriate domestic policy of full employment by means which will make the greatest possible contribution to the maintenance of employment in other countries.

The Australians and New Zealanders have in my opinion done some of the most advanced thinking on this fundamental pro( of full employment - world wide.

Respectfully yours.
H.A. Wallace.[118]

118. Franklin D. Roosevelt Library, Hyde Park, New York. O.F. 264.

# CHAPTER V.

## THE DELEGATION.

Churchill, Roosevelt and Stalin had agreed at Yalta in February 1945 on a place and a date for the United Natic Conference on International Organization.[1] Almost at once, on 13 February, Roosevelt had released the names of those whom he proposed to invite to become members of the United States delegation at San Francisco. Roosevelt's list[2] was headed by the Secretary of State, Edward R. Stettinius Jnr. it is therefore hardly surprising, both in view of this

1. Herbert Feis, Churchill, Roosevelt, Stalin, Princeton, 1957, p.556. 'The American government was eager that it should be held in the United States, not later than April. The others cheerfully assented. The text of the invitations to be sent out was approved. April 2[illegible] was fixed as the date; San Francisco was named as the place.'

2. United States State Department, News Release, 1 March 1 "On February thirteenth the President announced that he would invite the following to be members of the United States delegation to the United Nations Conference on April 25, 1945 at San Francisco: Secretary of State Stettinius, Honorable Cordell Hull, Senator Connally, Senator Vandenberg, Representative Bloom, Representativ Eaton, Commander Harold Stassen and Dean Virginia Gildersleeve". The Release then gave the text of letters of invitation sent out by the President on February 28th. "The letters are identical except for the designation of Mr. Stettinius as Chairman and Mr. E as Senior Adviser". In the event Cordell Hull, was una because o f illness, to attend the San Francisco Confere

precedent and because of his predominance in the developmer of Australia's post-war foreign policy preparation, that Dr. Evatt was at this time planning to lead the Australiar delegation. The Australian press predicted his appointmen On 15 February the Melbourne Argus noted the precedent set by Roosevelt's appointment of Stettinius together with a report from Los Angeles that Dr. Evatt was to deliver the Charter Day Address at the University of California in thai city on 19 March. On the following day the Argus containec a report from Crayton Burns headed 'Australia at Security Conference. Dr. Evatt to lead big Delegation'; the Sydney Morning Herald carried a similar caption 'Delegation to U.S Dr. Evatt likely Leader'. Even the London Daily Telegraph commented on 17 February 'Dr. Evatt, Minister for External Affairs, is expected to lead the Australian delegation to the world security conference.'

The Prime Minister, nonetheless, on the evening of Sunday 19 February, two days before the opening of the Thir Session of the 17th Parliament, announced to the Press that the Australian delegation of approximately ten people, woul be headed by Francis Michael Forde and Herbert Vere Evatt.

Press reports indicate that Curtin conveyed his intention that Forde was to be leader of the delegation. Crayton Burns wrote that the Australian delegation to the Conferenc 'would comprise about ten people including Mr. Forde, Deputy Prime Minister, who will be the leader, and Dr. Evat Minister for External Affairs.'[3]

The Sydney Morning Herald carried a similar report -

> The Deputy Prime Minister Mr. Forde and the Minister for External Affairs Dr. Evatt will both be members of the Australian delegation to the world security conference at San Francisco. Mr. Forde being second in cabinet seniority will lead the delegation. The Prime Minister, Mr. Curtin, said tonight that he had decided on 'a balanced delegation.'[4]

The Age had interviewed Mr. Forde -

> Mr. Forde, who as Deputy Leader of the Government will lead the delegation, said tonight that he was honoured by Mr. Curtin's selection of Dr. Evatt and himself to attend the Conference. Following the success of the recent delegation which he led to New Zealand, he felt that very beneficial results in Australia would accrue from the San Francisco discussions and from the opportunity of meeting representative Americans and the delegates from so many other countries.[5]

The report from The Times correspondent in Canberra, while not specifically referring to Forde's leadership, gave him precedence over Evatt.

3. Argus, 20 February, 1945.
4. Sydney Morning Herald, 20 February, 1945.
5. Age, 20 February, 1945.

> Mr. Forde and Dr. Evatt would lead an Australian delegation of about ten persons to the world security Conference at San Francisco including representatives of the Opposition, business leaders and Trade Unionist

If Curtin had conveyed Forde's leadership to the Press on 19 February, he made no mention of it when he formally announced details of the Australian delegation to Parliament ten days later on March 1.[7] In announcing the names of the two Delegates Curtin named Forde ahead of Evatt - but this was something he had not done when replying to a question in the House on 28 February when he said 'I have made no decision other than to appoint the Minister for External Affairs and the Deputy Prime Minister to represent us at the Conference ...'.[8] Forde's leadership had, however, been mentioned in the House on 22 February. In the course of a question to the Prime Minister, H.L. Anthony had referred to the Australian delegation 'which is to be led we understand by the Deputy Prime Minister'. Curtin, in his reply, did not contradict, nor even refer to, Anthony's observation. He might therefore be presumed to have agreed with it.[9]

6. The Times, 21 February, 1945.
7. C.P.D., vol. 181, pp.230-31.
8. Ibid. p.153.
9. Ibid. p.49.

Curtin may have felt that Forde's cabinet seniority was so obvious and unquestionable that an explicit referen to his leadership of the delegation would be otiose. Curtin may have even overlooked the point at a period when he was showing increasingly the nervous burden of having led his country through the night of war. Curtin's biographer has written of his subject during these months

> Curtin's career was drawing to a tragic anti-climax. 'Hopeless! Hopeless!' were the ejaculations of more than one person in a position of responsibility. 'It's impossible,' one added later. 'Almost almost - one could be glad he's dead so we can do things.' 'It was the worst six months of my life' said Chifley.[10]

There can be little doubt that Forde would have been stren ened in his position at San Francisco if Curtin had more explicitly established his leadership of the delegation. Shortly after the San Francisco Conference began reference was made in the Australian press and Parliament to a disagreement as to the leadership of the delegation.

10. Lloyd Ross, 'Death of a Prime Minister', Quadrant, July-August 1965, p.32. This article is an extract from Dr. Ross's unpublished biography of Curtin.

> It is regarded as unfortunate that Australia was absent from the previous night's Conference with British leaders at which Lord Halifax and Lord Cranborne were also present. It is understood that differences of opinion had arisen between Mr. Forde and Dr. Evatt regarding leadership of the Australian delegation, an unhappy situation which has now been resolved with the affirmation of Mr. Forde's leadership.[11]

Hasluck draws a stronger picture -

> It has to be recorded frankly as one of the facts of the whole of the Australian delegation at the San Francisco Conference that it was divided into two camps and that there was a perpetual contest for effective leadership between the two ministers - the contest being won by Dr. Evatt. Perhaps when I am a much older and less responsible man I may one day tell some of the stories of San Francisco which have a bearing on this point.[12]

Curtin's motives in sending Forde as leader of the Australian delegation may have been more related to his

11. Crayton Burns, Argus, 27 April 1945. On 1 May Curtin was questioned on a similar Sydney Morning Herald rep He denied all knowledge of friction between Evatt and Forde. C.P.D., vol. 181, p.1210. It has been sugges to the writer by members of the delegation that Curti confirmed Forde's leadership by telegram. Forde described himself as 'Leader of the Australian Delegation to the United Nations Conference, San Francisco, April 25, 1945', in Who's Who 1963, London, 1963, p.1053, whereas in Who's Who in Austral Melbourne, 1962, p.308, he chose 'Delegate to the United Nations Conference, San Francisco, 1945'.

12. Hasluck, Journal and Proceedings, loc. cit., p.160.

concern for Australia's posture rather than her policy at the Conference. Forde could be counted upon to take a mor moderate and co-operative attitude towards Great Britain and the United States than might have been expected of Evatt. Personal differences between Curtin and Evatt may have led to the desire to have as leader of the delegation one who could be relied on to report fully and progressive on Australia's role at the talks. Curtin may also have wished to strengthen the position of the Defence departmen in policy formulation by giving pre-eminence to a Defence minister. Curtin advised Forde and Evatt before they left for San Francisco that as the Defence Department was responsible for Defence Policy, service officers with the delegation would be viewed as attached to the Defence Department in their capcity as Advisers on Defence matters. He requested that any important proposals which might rela to Australian defence policy should be referred to him urgently by cablegram as Prime Minister and Minister for Defence.[13]

13. H/45/771/7. Australian Delegation, Miscellaneous Preparation and Representation. Minister of Defence to Forde and Evatt, 2 March 1945.

On 19 February Curtin had indicated that the delegatic would comprise, in addition to the two members named, about eight other Delegates. By 28 February, however, when he wa questioned in the House by C.A.A. Morgan on the compositior of the delegation, Curtin had decided that there would only be two Delegates - the remainder would be assistants. Afte saying that he had made no decision other than to appoint the Minister for External Affairs and the DeputyPrime Minister as Australia's representatives, Curtin added that he was going

> to attach to the delegation that will go to San Francisco such competent aid as I think will enable the delegation not only to represent Australia adequately, but also to assist in laying the foundations of world security.

Whereupon R.G. Menzies remarked

> The executive delegates will be the two Ministers. That is unquestionable.

and Curtin replied

> Yes, the delegates will be the two Ministers whom I have named. The others will be assistants. The Ministers will have such assistance as I shall arrange.[14]

On March 1, Curtin, in addition to formally naming the two Delegates, had read also the names of the

14. C.P.D., vol. 181, p.153.

Assistants and Consultants. He referred to the entire group as 'the delegation'. It is not surprising that at least one consultant when he was being sounded, prior to this announcement, as to whether he wished to join the delegation to San Francisco had thought he was being offere a place as one among ten Delegates.

The Assistants and Consultants were a varied company and deliberately chosen so to be. From the outset, Curtin had claimed that these Assistants were not to be chosen on any basis of state or group representation but solely as individuals who would be able to make a useful contributio as members of the delegation. On 22 February, at a time wl it was still commonly thought that these additional member would be full Delegates, Curtin had stated that no outside (i.e. non-governmental) bodies would be asked to nominate representatives. Non-government groups and interests woul not be represented as such.[15] On March 1, at Question Tim prior to his announcement of the delegation, Curtin refuse a request from Rowland James that the Co-operative Consume Society, which James claimed represented some 350,600 fami should have representation on the delegation. James asked

15. Ibid. p.40.

the Prime Minister whether the Chamber of Commerce and the Chamber of Manufactures, as well as some other private organisations, would be represented at the Conference. 'No other bodies or interests of a sectional nature will be represented there'.[16]

In this Curtin was largely right. Apart from the few Unofficial Representatives of Intergovernmental Organization[17] at the Conference, most of the members of delegations were politicians, government officials, technic experts and diplomats.[18] The United States delegation, it is true, had the assistance of forty-five representatives of national organizations such as the American Bar Associa Kiwanis International, American Jewish Committee and the

16. Ibid. p.230.
17. United Nations Conference on International Organizati San Francisco, 1945, Documents, vols. 1-22, London- New York, 1945-55(hereafter U.N.C.I.O. Documents) vol. pp.54-5.
18. United Nations Conference on International Organizati Members of the Delegations, Officers of the Secretari Revised to May 4th, San Francisco, 1945, Doc. 49 G/3 (1), U.N.C.I.O. Documents, vol. 1, pp. 5-55.

American Federation of Labor.[19] Although these representatives were called Consultants they were not members of the United States Delegation. The irony is that, despite Curtin's protestations, the Australian delegation at San Francisco was to stand alone in the extent of sectional representation within it. Mexico was to be the only other country with obviously sectional representation in its delegation.

19. United States Department of State, For the Press, No. 376, April 21, 1945. This release lists organizations which had agreed to send representatives. At a Press and Radio News Conference in the State Departme on 10 April following announcement of the decision to invite representatives, 'A correspondent inquired if the list mentioned included labor on a consulting basis, and the Secretary replied in the affirmative. [The list referred to was Press Release No. 323 of 10 April] Asked just what that meant the Secretary referred the correspondent to the paragraphs containe in the release reading as follows "The American Delegation, which consists of the eight delegates, together with their professional and technical advise must be kept to the smallest possible number. The Consultants would be available for consultation at the request of the Delegation and would be kept as closely informed of the work of the Conference as possible. An effort had been made, in inviting organ tions, which, taken as a whole, constitute a fair cro section of citizen groups. It has not been possible extend consultant invitations to all organizations interested in the work of the Conference'. United St Department of State, Memorandum of Press and Radio Ne Conference, No. 28, Tuesday, April 10, 1945. It has suggested that the State Department, by inviting Cons ants on such a large scale, strengthened popular supp for United States participation in a world organizati John C. Campbell and the Research Staff of the Counci on Foreign Relations, The United States in World Affa 1945-1947, New York, 1947, pp.21-2.

For some of Curtin's appointments seemed to show at least as much intention of giving representation to organizations or interests as of selecting outstanding individuals. E.V. Raymont, General Secretary of the Return Soldiers', Sailors' and Airmen's Imperial League of Australia, Mrs. Jessie Street, officially described as 'a leading member of Australian Womens Organizations',[20] and O.D.A. Oberg, a Sydney Timber merchant[21] and President of the Australian Council of Employers' Federation seem sectional representatives.

On 1 March Oberg's appointment was the subject of a question to Curtin in the House from F.M. Daly who asked whether the Prime Minister was aware that for some time Oberg had spoken regularly over certain New South Wales Commercial radio stations, viciously attacking the policy

20. Jessie Street described herself in Who's Who in Australia, Melbourne, 1947, as a "Sydney feminist and of Women's Organizations". She contested the Wentwort seat for the A.L.P. in the Federal Election of 1943. Lady Street's account of her participation in the San Francisco Conference forms Chapter 20 of her autobiogr Truth or Repose, Sydney, 1966.

21. O.D.A. Oberg of Sydney had been President of the Timbe Development Association of Australia since 1937. He w Chairman of Directors of Thatcher and Oberg Pty. Ltd., timber merchants.

and legislation of the Commonwealth Government while advocating that the people should vote against Labor candidates at the next Commonwealth elections. Curtin replied that he had chosen Mr. Oberg because

> he considered that, as he holds the view which the Honourable Member has indicated, it would be a good thing to include him in the delegation as the representative of the view which is held to some extent in Australia.[22]

This explanation, so obviously at variance with Curtin's earlier assertions, would no doubt have encouraged other bodies who were actively seeking representation. The Associated Chamber of Manufactures, the Australian League of Nations Union and Primary Producers unsuccessfully sought representation,[23] as did the Ironworkers' Union which sent a telegram to Curtin urging that theTrades Union Movement be given official representation at San Francisco.[24]

The inclusion of Mrs. Jessie Street was challenged by H.L. Anthony who asked whether she had been selected becaus

22. C.P.D., vol. 181, 1March 1945, p.230.
23. C.P.D , vol. 181, 7 March 1945, p.366.
24. H/45/771/7. Australian Delegation, Miscellaneous Preparation and Representation, Secretary, Ironworkers Union, Melbourne to Prime Minister 7 March 1945.

of her social position or because she was a defeated Labor candidate. Curtin replied that he considered the names of number of women in order to ensure the selection of one whc would be capable

> of giving excellent assistance to the delegation in dealing with certain aspects of matters that are to be dealt with at San Francisco. I regarded Mrs. Jessie Street as a very competent and cultured woman, one who has a broad view which is shared by a large section of the people of Australia as was shown by the fact that she was chosen by a great organizatic to be a candidate for Parliament and polled very well.

Curtin presumably did feel that some groups and intere in Australian society could be usefully represented at the Conference - since it was impossible for the Government to a delegation of a size[26] which would permit comprehensive group or interest representation, he took refuge in his the of the useful individual. Thus he was able to rebuff a complaint by Dr. Gaha that Tasmania was unrepresented in th delegation.

25. C.P.D., vol. 181, 2 March 1945, pp.273-4.

26. Transport, rather than cost, appears to have been the factor limiting the size of the delegation. Expenditu on both the April Empire Meeting in London and the San Francisco Conference by Australia up to 30 June 1945 amounted to £17,485. Commonwealth of Australia, Parliamentary Papers, General and Finance, Session 194 6, vol. IV, p.279. On 21 March Curtin claimed that transport difficulties were a contributing factor in a decision not to send six typists from Canberra to San Francisco. C.P.D., vol. 181, 21 March 1945, p.770.

> "Last week," Curtin replied, "I intimated that people who would attend the San Francisco Conference had been selected because of their experience and competence to assist Ministers. The fact that they had been associated with any particular body did not mean that the body was being represented in the delegation. It was as competent persons that they had been chosen to go to San Francisco. No state, political party, or any body of employers or employees has been given representation in the delegation."[27]

H.A.M. Campbell, Editor of the Melbourne Age and W. Macmahon Ball, Head of the Department of Political Scie at Melbourne University aroused no parliamentary controver Campbell might be regarded as representing the Fourth Esta at the official level. H.A. McClure Smith, Editor of the Sydney Morning Herald, which had been strongly attacking C in the early months of 1945,[28] also went to San Francisco, but in a private capacity as reporter for his newspaper.[29] Macmahon Ball had spent two months early in 1945 editing a volume of Dr. Evatt's speeches, which Evatt wanted, and in

27. C.P.D., vol. 181, 7 March 1945, p.365.
28. Lloyd Ross, Quadrant, loc. cit., pp.31-2 .
29. U.S. Government Printing Office, Directory of Press, Periodical, Radio and News-photographic Representative accredited to U.N.C.I.O., California, 1 May 1945.

in fact had, ready in time to distribute to other Delegate at San Francisco. Macmahon Ball, who had no previous clos connection with Evatt or Burton, had been telephoned by Jo Burton from Canberra and asked to undertake the editorial task as a matter of urgency. He agreed - was flown to Can and Sydney where he was given departmental officers to ass him. He selected the speeches and wrote the introduction three weeks. Within a further three weeks the book[30] had been published.

Defence advisers were also included in this group of Assistants and Consultants. In his formal announcement on March 1 of the delegation, Curtin said that the two Delega would be 'attended by' Sir Frederic Eggleston, Australian Envoy Extraordinary and Minister Plenipotentiary to the United States and the defence advisers. He then continued 'I have also invited, as assistants to the delegation', an named the remainder of the Assistants and Consultants.[31]

30. H.V. Evatt, Foreign Policy of Australia, Sydney, 1945.

31. C.P.D., vol. 181, 1 March 1945, pp.230-1. The emphas which Curtin gave to Eggleston and the defence adviser may explain why The Times reported on 2 May 1945 that Australian delegation as announced by Curtin included only Evatt, Forde and these five men.

This perhaps again reflects the importance Curtin attached his own Defence Department and its views. The defence adv: were the Head of the Australian Service Mission in Washing· Lieutenant-General Sir John Lavarack, a former Chief of th· Australian General Staff; the Air Member of the Service Mission, Air Marshal Richard Williams, a former Chief of t] Air Staff; and the Naval Attache in Washington, Commander S.H.K. Spurgeon. The Assistant-Secretary of the Departmen· of Defence, P.E. Coleman was also a Delegate and he, like Lavarack and Williams, was a graduate of the Imperial Defe· College.[32]

In some important general observations to Parliament · foreign policy on 28 February,[33] the Prime Minister had sh· the dominance which defence policy held in his thoughts on the post-war world - in fact the references which he made · Government policy at the coming San Francisco Conference w· primarily concerned with defence policy and the effect whi·

32. Coleman and the Defence Advisers served as Alternate Delegates on Committees I (Structure and Procedures), III (Enforcement Measures) and IV (Regional Arrangeme· of Commission No. 3 (Security Council) at San Francis·

33. C.P.D., vol. 181, 28 February 1945, p.172. Debate on the Address-in-Reply. 'I now look for a moment at the foreign policy of this Government, a foreign policy w· in the very nature of things must always be in harmon· with that of the British Commonwealth as a whole'.

discussions at San Francisco would have on Australia's future military security which he continued to see as being strongly dependent on the Commonwealth connection. In the course of this speech, Curtin was asked whether he proposed to inform the House of the principles to be espoused by the Australian delegation. Curtin replied

> I do: I intend to state them now. I wish to be precise in my statements, otherwise there might be misunderstanding here or in other places prior to the meeting of the Conference, and because of such misunderstanding, the Conference might be prejudiced. The aims of the Governments' post-war policy in regard to national security are an adequate defence policy, the development of maximum co-operation in defence among members of the British Commonwealth, and the establishment of defence and security policy on an all party basis.[34]

Curtin dwelt at length on the need for all party suppo for defence policy,

> The achievement of an adequate defence policy and the maintenance of continuity in regard to it, will depend on whether or not the policies that govern local and Empire defence, and participation in the world securit organization are broadly based and command the general support of the Australian people. The policies must be truly national in character and should be sponsored by all political parties, irrespective of which party may be in power. I cannot imagine the defence of a country being effectively developed if, upon a change of government arising as the result of differences of opinion in regard to social, economic, and other matte there should be some violent interruption of the plan defence previously laid down.[35]

34. Ibid.
35. Ibid.

Representatives of the opposition parties were theref included in the delegation as well as representatives of t Labor Movement. Opposition members in the House felt, how that their representatives should be more than mere Assist and Consultants. It was suggested that they should be all to take part in the preliminary Commonwealth talks in Lond It was further suggested that members of the Opposition sh join Forde and Evatt as Australian Delegates. On 7 March J.P. Abbott quoted in the House the example of the United States in having Delegates from both parties. Was Austral he asked, going to differ from Britain and the United Stat in that its official representatives would be confined to Government members?[37] Curtin commented

> "I do not model everything that we do on what is done by the United States of America",

and he went on to say

> "all I know is that a representative of the Republica Party has been included in the list of those who wil attend the Conference. The Honourable Gentleman, I believe, will discover that the Secretary of State will be the representative of the United States".[38]

36. Ibid. See also Crayton Burns in the Argus, 1 March 1 'Mr. Menzies expressed the view last night that the ancillary representatives of Australia should be participating in the discussions with corresponding representatives of Great Britain and the Dominions be the World Security Conference.'
37. C.P.D., vol. 181, 7 March 1945, p.365.
38. Ibid.

Curtin was mistaken. All eight United States Delegates, w included in their number three Republicans, represented th United States at San Francisco (with the exception of the former Secretary of State, Cordell Hull, who was in hospit although it was not until the tenth of April that Stettini announced that decisions of the America delegation at San Francisco would be made by a majority vote.[39] On 9 Ma four days after the United States Government, on behalf of China, Great Britain, Russia, and itself, had issued forma invitations to forty-six nations to attend the San Francis Conference, the Prime Minister of Canada announced that th Canadian delegation would contain members of the Oppositio as full Delegates.[40] On March 22 Churchill announced that the British delegation would contain members of all three parties though only Conservative and Labour members were a the principal Delegates.[41] It possibly seemed ironic to E though it was realistic in the circumstances of the Coalit

39. New York Times, 11 April 1945.

40. New York Times, 10 March 1945.

41. Washington Post, 23 March 1945. The principal Britis Delegates were Anthony Eden, Secretary of State for Foreign Affairs, Chairman; Clement Attlee, Lord Presi of the Council; the Viscount Cranborne, Secretary of for Dominion Affairs; and the Earl ofHalifax, Ambassa to the United States.

Government, that in the British delegation, the Deputy Pri Minister, Clement Attlee, was not appointed Chairman of th delegation. Churchill argued that Anthony Eden, who had personal responsibility for foreign affairs, must be Chairman.

In defence of a one party or government group of Dele Curtin had argued on 28 February that

> "the state of law provides that no alliance, treaty, or agreement can be made between nations except through the Governments of those nations as the contracting agents."

The high contracting authority, he said, was the Governmen of the day.

> "obviously, Ministers of State are the persons who must engage in the actual negotiations of the contract, or whatever it may be."[42]

While Curtin could rightly stress that the contracting par would be governments or heads of state, he avoided the ver real possibility that these entities could, and at the Con were to empower individuals who were not Ministers of Stat represent them at the Conference and sign the Charter on t

42. C.P.D., vol. 181, 28 February 1945, p.173.

behalf.[43] Curtin, clearly, felt that it was politically convenient to have government Delegates only: what is more he was in a sufficiently strong parliamentary position to have his way.[44]

The Liberal Party was thus represented only among the Assistants and Consultants. Its Leader in the Senate, Sena George McLeay, joined the Deputy Leader of the Country Part John McEwen, Senator R.H. Nash and R.T. Pollard M.H.R. of the Labor Party. The Labor movement was further represente by J.F. Walsh, Federal President of the Australian Labor Party. While it was not likely that the Prime Minister, ev if he had been well, would have left his country for the period of the Conference as the Pacific War as moving to it tragic climax, the decisions of R.G. Menzies, Leader of the Opposition and A.W. Fadden, Leader of the Country Party no join the delegation are less obviously understandable.

43. The question of whether Full Power to sign the Charter should be given to Delegates by their respective Heads State or their Governments arose among Secretariat officials early in the Conference. The Australian Full Pow dated 8 June 1945, were signed by Norman Makin, Acting Minister for External Affairs. Most U.N.C.I.O. Delega however, received their Powers to sign the Charter fr Heads of State. United Nations Archives, New York, U.N.C. 10 General File, Box 2, Credentials - Full Pow Reports.

44. A comparison might be made with Canada when there was full scale parliamentary debate on the question of wh the country should send a delegation to San Francisco F.H. Soward, Canada in World Affairs - From Normandy Paris 1944-46, Toronto, 1950, pp.131-5.

On Monday 27 February it was reported in the Age that Fadden had declined an invitation to attend the Conference.

> Mr. Fadden stated that it was essential for him to attend Parliamentbecause of the type of legislation to be dealt with. Mr. McEwen, he added, would represent the Country Party at San Francisco.

Menzies was reported to have sought to postpone discussion contentious legislation - he was

> putting out feelers that such matters should be held in abeyance to allow him to attend the San Francisco Conference.

The Parliamentary Liberal Party is reported to have urged ( 22 February that Menzies should attend. However, no decisi was reached pending an examination of Parliament's legisla programme. The feelers to the Government then followed; or 28 February Menzies was reportedly able to persuade his party that he should not go. He wished to lead the Opposi fight in Parliament against proposed banking legislation ar the attempt to nationalize interstate airlines. He also wi to consolidate the recently formed Liberal Party throughou Australia.[45] On 31 March his interest in this task was illustrated by his reported decision 'not to accept fresh briefs nor to practise again for some months so that he ma give all his time to fostering the Liberal Party.'[46]

45. Crayton Burns, Argus, 1 March 1945.
46. Sydney Morning Herald, 31 March 1945.

The Labour Government pressed ahead with its legislati programme. On 9 March the Commonwealth Bank Bill 1945[47] and the Banking Bill 1945[48] were read for the first time. The Banking Bill,[49] which placed the banking system under the control of the Commonwealth Bank through a reserve deposit system and control over interest rates also sought prevent non-government Trading Banks from conducting busine for States and State authorities, save with the consent of the Federal Treasurer - this provision was later held to be unconstitutional.[50] Shortly after the San Francisco Confer ended, the Australian National Airlines Bill was introduced This Act, which with both Banking Acts, received Royal Asse on 29 August[52] set up Trans-Australia Airlines as a governm instrumentality, established an Airlines Commission and provided for the termination of privately owned interstate air services - this final provision was also subsequently

47. C.P.D., vol. 181, 9 March 1945, p.546.
48. Ibid. p.553.
49. A long Second Reading debate commenced on 21 June - fi days before the conclusion of the Conference. C.P.D. vol. 183, 21 June 1945, p.3457.
50. The State Banking Case 1947. See Geoffrey Sawer, op. p.211.
51. C.P.D., vol. 183, 18 July 1945, p.4178.
52. Parliament of the Commonwealth of Australia, Votes and Proceedings, House of Representatives, Third Session, Seventeenth Parliament, vol. I, p.223.

held to be unconstitutional.[53]

A further controversial Bill, and one which with the Banking Acts was debated while the San Francisco Conferenc was in progress, was the Re-establishment and Employment A which gave rights to re-employment, or preference over oth in employment, to members of the armed services. The Opposition fought to have the preference made more extensi and of longer duration.

Such a legislative programme would provide a plausibl explanation for R.G. Menzies' reluctance to journey to San Francisco. It is also possible that he was sufficiently astute to foresee the dominance which Dr. Evatt was to exercise over the entire delegation.

* * *

The delegation, as announced by Curtin on March 1st, contained several whose allegiance prima facie, could be assigned to Forde and almost none with obvious allegiance Evatt. Forde would be supported by Coleman, his defence officers, and Roland Wilson;[55] Evatt by Eggleston, as an

53. Airlines Case 1945, see Sawer, op. cit., p.179.
54. First Reading, 23 March 1945. C.P.D., vol. 181. Roy Assent, 28 June 1945, Votes and Proceedings, loc. cit p.172.
55. See above p. 191.

officer of his Department of External Affairs, and by Macmahon Ball. For the rest of the delegation primary loyalties were possibly to the organization which they represented. These non-departmental Assistants and Consul ants, could not, as a group, be considered as being informe upon or even cognizant of, the detailed development of the Government's thinking on the post-war world.

The assistants and consultants were each provided wit a mimeographed volume of background papers which contained inter alia, the text of the Dumbarton Oaks Proposals with British, American, Russian and Netherlands comments; selec speeches stating the Governments' views on "world organiza for peace and security", a "Summary of Australian Official Views 1939-44"; and finally texts of the Atlantic Charter, Moscow Declaration, Philadelphia Declaration of the International Labour Organization, the British Commonwealth Pri Ministers Declaration, May 1944, the Franco-Soviet Treaty of Alliance, December 1944, and the Crimea Declaration, December 1944. These, and the remainder of the documents, were of a public nature.

It is no doubt possible that some, if not all, of the non-departmental Consultants and Assistants could have pla

an active and creative part in policy formulation and definition both before the delegation left Australia and after it finally assembled at San Francisco. But to play this part fully they would have required access to confide departmental background papers, cabinet minutes, telegrams and memoranda. The very nature of these materials would, in even the most harmonious delegation, have tended to restrict their circulation.

The departmental officials in the delegation might we have expected some access to such information. Of the Assi and Consultants the departmental officers, as has been see were Eggleston, Coleman, Wilson, and, for the purposes of the Conference, the defence advisers. Yet even with regar to these departmental officials there were serious difficu in the circulation of information.

The difficulty created by this situation, (Hasluck wro of the rivalry for leadership in the delegation)

> was added to by the fact that, while the general mass of the 'consultants' had no particular allegianc except to the organizations or parties from which the were drawn, the officials were, from the commencement very clearly attached either to Mr. Forde or to Dr. Evatt. The strength of what ought to be called the 'Evatt team' lay in the fact that they knew more about the subject matter of the conference and, perhaps more importantly, that they were in possessio

> of most of the documents. We were discouraged from sharing either our knowledge or papers.[56]

But who were the 'Evatt team'? - for the delegation as announced by Curtin contained few whose primary loyalties were to Evatt; Evatt's support at San Francisco was not limited to Eggleston with the assistance of Macmahon Ball. The form in which Curtin announced the delegation to the House on 1 March is extremely misleading in any analysis of the power structure within the delegation at San Francis It is understandable that the Prime Minister chose not to name the secretarial, press and clerical staff who were to fill twenty-two places in a delegation total of forty-seve it is far less clear why he should have failed to name the group of seven departmental officials, who, in the Offici List of the Australian Delegation[57] forwarded by Sir Frede Eggleston from the Australian Legation in Washington to th Secretary of State on 17 April, and subsequently in all relevant Conference documents, are described by the separa head 'Advisers' and are listed immediately below the Assis

56. Hasluck, Journal and Proceedings, p.160.

57. United Nations Archives, U.N.C.I.O. - General File, B Delegation Lists.

and Consultants. It is possible that Curtin had hopes, whi were not to be fulfilled, of the group's insignifance.[58]

This group, with the exception of the young L.F. Crisp from the Department of Post-War Reconstruction was composed entirely of officials from both of Dr. Evatt's departments. It was these Evatt men who through their brilliant and dyna leader, their knowledge, and control of information, were i fact to represent Australia at San Francisco. It must be stressed, however, that Forde, Wilson and Crisp, as a grou did some most valuable work in representing Australia on th Social and Economic Committee and were largely instrumental

58. It appears that these Advisers had been chosen at the time of Curtin's speech. At the foot ofa report in th Argus on the composition of the delegation on 2 March following paragraph was appended in smaller print 'It understood that Dr. Evatt's staff will include Mr. W.J Forsyth, who is at present in charge of the secretaria administering the A.N.Z. Agreement; Dr. W. [sic] Burto liaison officer to U.N.R.R.A.; Mr. Paul Hasluck, and M Keith Waller former secretary at the Australian Minist at Chungking.

59. Born 1917.

with Canadian assistance, in having 'full employment' writt into the Charter in Articles 55 and 56.[60] But this was, a all, a policy to which Evatt and Burton were also strongly committed.

There was, as one would suppose, some cooperation betv the two groups.

> I think it would be improper, and probably quite point less, for me to discuss the relations between the two Ministers, but I should like to confess to a treason of the clerks. Two or three of us in the Evatt team and two or three in the Forde team habitually worked in touch with each other to try to help the two camps. I don't think we could have got through the Conference if we had not done so.[61]

K.H. Bailey, Professor of Public Law in the University of Melbourne and, since 1943, a Consultant in the Attorney General's Department was the only official from that depart The remaining Advisers, all from the Department of External Affairs, were Alan Watt, Counsellor at the Australian Legat in Washington, J.B. Brigden, Financial Counsellor at the Legation; Paul Hasluck, who in the Post Hostilities Divisic had made a close study of the Dumbarton Oaks Draft and had accompanied Evatt to Wellington; William Forsyth, who had a

60. See L.F. Crisp, 'The Australian Full Employment Pledge San Francisco', Australian Outlook, vol. 19, no. 1, April 1965, pp.5-19.
61. Hasluck, Journal and Proceedings, p.173.

been with Evatt to Wellington and who shared with Sir Frederic Eggleston a particular interest in, and knowledge of, trusteeship, and John W. Burton, Dr. Evatt's secretary, also a Wellington adviser, who had been drafting departmen papers on international economic policy. The secretary of the delegation, Keith Waller, was also an officer of the External Affairs Department.[62]

There was briefly an eight adviser. On 20 April Eggleston wrote from the Legation to the Secretary of Stat that L.R. MacGregor, Director-General of the Australian Wa Supplies Procurement Mission[63] in the U.S.A., was to act as an additional Adviser to the delegation.[64] MacGregor wi

62. In 1941 the Editorial Board of the Austral-Asiatic Bulletin, (see above p.14) had been chaired by Sir Frederic Eggleston. It included W.D. Forsyth and W. Macmahon Ball; K.H. Bailey contributed to vol. 5, no. June-July 1941.

63. Mr. Samuel Atyeo, classified as an Assistant Secretary to the Australian Delegation, was attached to the War Supplies Procurement Division. He served as a general personal assistant to Evatt, who had known him as a painter in Melbourne. Evatt's progressive role in Melbourne art politics in the 1930's is described in Bernard Smith, Australian Painting, 1788-1960, Melbour 1962, Ch.7.

64. United Nations Archives, New York, U.N.C.I.O. - Genera File, Box 4, Delegation Lists.

had previously been Australian Trade Commissioner in Canad and North America was known to be a friend of Dr. Evatt. In the first edition of the Provisional List of Members of the Delegations and Officers of the Secretariat published 21 April MacGregor heads the list of Australian Advisers. However, in a revised version of this list forwarded by Waller to the Conference Editor on 29 April MacGregor's name no longer appears.[65] MacGregor became Australia's first Ambassador to Brazil shortly after the Conference an wished to prepare himself for this new appointment.

A graphic illustration of the split in allegiance wit the delegation is provided by an analysis of the accommodat of the Australian delegation at the SirFrancis Drake Hotel San Francisco, during the Conference. This shows that Eva office on the seventeenth floor was shared by Eggleston, Ball, Bailey, Brigden, Burton, Forsyth, Hasluck, Watt and Evatt's personal assistant, Samuel Atyeo - Forde's office on the eleventh floor was shared by Wilson, Coleman and Crisp, while Lavarack, Williams and Spurgeon had offices

65. United Nations Archives, New York, U.N.C.I.O. - Gener File, Box 4, Document Production.

on the same floor. The detailed analysis is as follows:[66]

SEVENTEENTH FLOOR

| | Office | Residence | | Office | Res |
|---|---|---|---|---|---|
| Evatt | 1707 | 1709 | Burton | 1707 | 171 |
| Mrs. Evatt | - | 1711 | Forsyth | 1707 | 171 |
| Eggleston | 1707 | 1701 | Hasluck | 1707 | 171 |
| Ball | 1707 | 1110 | Watt | 1707 | 170 |
| Bailey | 1707 | 1705 | Waller | 1122 | 170 |
| Brigden | 1707 | 1706 | Atyeo | 1707 | 61 |

ELEVENTH FLOOR

| | Office | Residence | | Office | Res |
|---|---|---|---|---|---|
| Forde | 1133 | 1129 | Campbell | 616 | 110 |
| Mrs. Forde | - | 1128 | Walsh | 616 | 111 |
| Lavarack | 1115 | 1114 | Oberg | 616 | 111 |
| Williams | 1126 | 1127 | Raymont | 616 | 111 |
| McLeay | 616 | 1103 | Street | 616 | 110 |
| Nash | 616 | 1119 | Wilson | 1133 | 112 |
| McEwen | 616 | 1106 | Coleman | 1133 | 113 |
| Pollard | 616 | 1107 | Spurgeon | 1122 | 110 |
| | | | Crisp | 1133 | 110 |

The work of the Conference was divided among four Commissions - Commission I, General Provisions; Commission General Assembly; Commission III, Security Council; and Com ission IV, Judicial Organization. Commissions II- III eac had four working Committees to consider specific areas of t subjects which had been assigned to the Commissions. Comm

66. Based on Telephone Directory for the United Nations C erence on International Organization. San Francisco, California. Third Issue, 17 May 1945.

I and IV had two Committees. It was in these twelve worki Committees of the Conference that the detailed debate took place. Forde and Evatt were Australia's formal Delegates on all Committees except those of the Judicial Commission IV to which Evatt alone was accredited.[67] On each Committ the two Delegates were assisted by two Alternate Delegates and in addition four or five of the Advisers and Assistant and Consultants were assigned to each Committee.

On all Committees at least one of the Alternate Delegates was one of Dr. Evatt's officials and there was usually at least one other of his team among the group of four or five delegation members who were assigned to sit i on discussions. Some of the non-departmental Assistants a Consultants were named as Alternate Delegates but

> When a committee got down to technical detail, the Alternate Delegate probably had to leave the argument to one or other of the eager officials because he himself had not had the chance to become familiar with the detail.[68]

67. Annex G of the Australian Report on U.N.C.I.O., sets out in full Australian representation on Committees o the Conference.

68. Hasluck, Journal and Proceedings, p.170.

Hasluck concluded

> It is no disrespect to those 'consultants' who were named as 'alternates' to say that they had little to do and I think most of them would agree they were given little opportunity for anything except attending.[69]

Evatt's well and exclusively informed officials, then, were strategically deployed on the Committees. In addition he had his officials appointed as the Executive Officers of the Australian representatives on each of the Commissions.

> Commission I, Mr. Forsyth; Commission II, Dr. Burton; Commission III, Mr. Watt; and Commission IV, Professor Bailey.[70]

The permanent officials alone were empowered to attend the sessions of any Commission or Committee as required.[71] This gave them a decided advantage over the non-departmental men who had to remain in the Commission and Committees to which they were accredited. Evatt presumably felt quite strongly on this point. In his letter of 3 May to the Secretary General setting out Australian representation on Conference Committee, the Secretary of the Australian Delegation was specific on the matter.

69. Ibid.

70. Australian Report on U.N.C.I.O., p.71.

71. Ibid. Emphasis added. The Defence officers were not 'permanent officials'.

> It is our wish that members of our delegation should be regarded as eligible to attend all meetings of the Committees set up under the respective Commissions to which they have been nominated, and that the official advisers should be able to attend any Committee of th Conference where their services are required. If it is necessary for the purposes of the Secretariat, the names of their [these?] officials (which will be supplied if requested) may be placed on the list of our representatives on each of the Committee.[72]

This letter was somewhat more generous to those perma officials (Wilson, Coleman and Crisp) outside the Evatt gr than the Secretary's previous letter of 1 May with which h had forwarded

> a list of the members of the Australian delegation to serve on the four Commissions to be set up in connection with thework of the United Nations Conference or International Organization.

At the conclusion of that list the following was appended

> It is intended that the External Affairs Advisers (namely Mr. Watt, Mr. Hasluck, Mr. Forsyth, and Dr. Burton) together with the Consultant to the Attorney-General (namely, Professor Bailey), should attend all four Commissions as their services may be required.[73]

This was the real core of the Evatt team: these men const the real power and policy centre of the Australian Delegat at San Francisco. They moved in the shadow of a leader wh was as energetic as he was brilliant -

72. United Nations Archives, New York, U.N.C.I.O. - Gener File, Box 4, Delegation Lists. Emphasis has been add

73. Ibid.

> By the time of the Conference, he was so wrapped up in the Charter that he could move from point to point, and at a few minutes notice enter into a new fight on any article in the draft. It was an amazing display of physical energy and combativeness on a dozen different fronts.[74]

Newspaper reports from the Conference told, as has been se on 27 April of a dispute as to the leadership of the deleg which had been settled with an affirmation of Forde's leadership. Yet Dr. Evatt clearly exercised effective control of Australia's policy and posture at San Francisco and was to be her representative on the Executive Committe of the Conference. Dr. Evatt and his Advisers acted as if the Australian delegation was headed by Co-Chairmen, one of whom was little more than a figurehead. As in Annex F of the Australian Report on U.N.C.I.O. so in the U.N.C.I.O. Documents neither is referred to as Leader or Chairman - though the Documents clearly list a Chairman of every othe delegation. In the Pictorial Record of the Delegates to th United Nations Conference on International Organization published by the Photographic Offices of the International Secretariat on 1 June 1945 the Delegates of each country ar

74. Hasluck, Journal & Proceedings, p.170.

listed beside a group photograph of the Delegates (and in some cases Consultants/Advisers). On each country's page there was also a photograph of the Chairman of the Delegation - except in the case of Australia where the page contained separate photographs of Forde and Evatt neither of whom was described as Chairman.

# CHAPTER VI

## AUSTRALIA AT THE BRITISH COMMONWEALTH MEETING, LONDON, APRIL 1945.

1. Prior Statements in the United States.

Forde and Evatt, with Burton, Forsyth, Hasluck, Colema and Wilson as consultants and advisers, left Sydney in an R.A.F. Transport Command Liberator on 15 March 1945 for preliminary British Commonwealth discussions in London. Forde's reported comments on arrival in San Francisco, at the end of the trans-Pacific section of their journey, bor no relation to the purpose of his trip to London or the imminent San Francisco Conference. He simply praised his friend, Douglas MacArthur - 'No military leader stands higher in the Australian mind than General MacArthur. He one of the outstanding military leaders of the age'.[1] Tha Evatt was much more concerned with, and able to discuss,

1. Call Bulletin, San Francisco, 19 March 1945. This pro an Australian political journalist to compose the foll 'letter' from Forde to Curtin - 'Dear Jack, Just a hur line to let you know that we are in America after a go flight across the Pacific. On the plane there was some discussion as to who should have the window seat, but after all I am Deputy Prime Minister and Leader of the Delegation .... I gave a successful press interview on my arrival. Bert unfortunately was not present. My praise of General MacArthur was featured in the Frisco newspapers. I think I will praise him again next week; he is a very fine general ....' J.D. Corbett, 'Canber Commentary', Argus, Melbourne, 24 March 1945.

issues related to the San Francisco Conference is indicate by a report in the San Francisco press on 22 March of his opinion that, although the major powers would have a speci position in the new organization, lesser powers must be given a significant place.[2] His objective of an Australia seat on the Security Council was clearly in sight. In furtherance of this objective Evatt also, two days later in his Charter Day Address on the Berkeley Campus of the University of California, was to praise MacArthur - but only before going on to quote to his advantage MacArthur's praise of Australia -

> No nation in the world is making a more supreme war effort than Australia ... it has unanimously and completely supported me in my military commands and the harmony and cooperation between Australians and Americans in this area is inspirational.[3]

Evatt regarded his Charter Day Address highly - he wa later to specifically request its inclusion in the offici Australian Report on U.N.C.I.O.[4] - and at least one of his

2. Call Bulletin, San Francisco, 22 March 1945.
3. The full text of the Charter Day Address is printed in Australian Report on U.N.C.I.O., pp.79-84. This quota is from p.82.
4. H/45/776. Report of Australian Delegates.

advisers found him totally preoccupied with it during the four days which the Australian party had spent on the west coast, largely in Los Angeles, prior to the day of the address.[5] This major speech is closely argued, ably constructed, and, as such, a revealing summary of Evatt's policy one month before the United Nations Conference began.

Evatt's only specific reference to the Dumbarton Oaks Proposals in this Charter Day Address was to Chapter IX, Economic and Social Cooperation. He argued that this shou contain 'the plain statement of convincing economic object set out in Article V of the Atlantic Charter'.[6] These objectives, he said, clearly implied a commitment to full employment for all.[7] He reiterated the case which he had first publicly maintained two years previously on the occa of the signing of the Canadian Mutual Aid Agreement. His emphasis, now as then, was upon full employment in relatio to international trade.

5. Hasluck, Journal and Proceedings, p.162.
6. Australian Report on U.N.C.I.O., p.83.
7. Ibid.

> Our view has been that international collaboration with the object, say, of reducing trade barriers, will not in itself fulfil the hopes of the people of the world unless each nation's domestic policy marches in step with those of others towards the supreme goal of full employment and increased consumption. At any rate, it is of importance that the economic clause of the proposed world organization should be based upon the clear language of the objectives stated in the Atlantic Charter by Mr. Churchill and President Roosevelt and should also endeavour to establish machinery to carry these objectives into effect. They are of supreme importance.[8]

And as, in his Canadian Mutual Aid speech[9] and again on 8 September 1944,[10] he had linked international full employme with 'freedom from want' in the post war world by arguing that a lasting peace could not be built on military force alone, so now he went on to claim that 'the truth is that the real stability of the post-war world can be achieved only by carefully building an organization that will do its utmost to assure to the peoples of the world a full opportu of living in freedom from want as well as in freedom from external aggression'.[11]

8. Ibid. p.84.
9. See above p.
10. In the course of a Ministerial Statementon foreign poli Evatt remarked 'Whether international affairs are rega from the point of view of Australian financial, industi or export interests, or from the point of view of creat conditions that will help to remove causes of aggressic we invariably return to the conclusion that it is of crucial importance that the nations should pursue domes policies of maximum employment'. C.P.D., vol. 179, 8 September 1944, p.606.
11. Australian Report on U.N.C.I.O., p.84.

The major emphasis in Evatt's Berkeley address was centred upon a policy, embodying an assertion of Australia distinct international status, which he has enunciated in September 1944. Although he did not refer specifically to the Dumbarton Oaks draft, his argument, by implication, for Australian representation on the Security Council of t world body foreshadowed paragraph 3 of Australia's amendme to Chapter VI A of the Dumbarton Oaks Proposals.[12] Chapte A of the Proposals, dealing with the composition of the Security Council, had provided that

> The General Assembly should elect six states to fill the non-permanent seats. These six states should be elected for a term of two years, three retiring each year. They should not be immediately eligible for re-election. In the first election of the non-permanent members three should be chosen by the General Assembly for one-year terms and three for two year terms.[13]

12. U.N.C.I.O. Documents, vol. 3 p.550. 'The General Assembly shall elect six members to non-permanent seats. The election shall be made to the non-permane seats from among those members which by their past military contribution tothe cause of world security, have proved able and willing to assume substantial security responsibilities, or which are willing, and by virtue of their geographical position in relation to regions of primary strategic importance are able, to make a substantial contribution to the maintenance of international peace and security.

13. Ibid, p.8.

Evatt began with a summary of the Pacific war effort. He emphasized Australia's contribution at Milne Bay, in the Owen Stanleys, at Wau, Salamaua, Lae and Finschafen.

> Until late in 1943 the Australian Army provided the greater part of the land forces and did [sic] the brunt of the fighting on land in the successful Papua and New Guinea land campaigns. At the same time, as I have said, the American air units under General Kenny performed magnificently.[14]

He then claimed that seldom, if ever, had history evidenced a finer example of military cooperation between a great power and a lesser power than that between Australia and the United States forces in the area ofthe Southwest Pacific. This cooperation should continue 'throughout the post-war period so that in the new world organization all nations seeking representation should be prepared to contribute a share to the physical force needed to restrain aggression.[15]

Evatt acknowledged that in the post-war world the great preponderance of military power would remain in the hands of the Big Three. But these powers, he said, would be bound by the constitution of an organization which could not succeed unless all its members were given the right to play

14. Australian Report on U.N.C.I.O., p.82.
15. Ibid. p.83.

their part and make an effective contribution. Having thu argued the case for small powers in general in relation to organization as a whole he went on to press Australia's ca in relation to 'the various executive councils of the worl organization'.

> It is a fact that even the so-called small powers may have an important and even decisive influence in certain regions and in special circumstances. Partly for this reason, it is necessary that Powers, other than the great Powers, which are included in the various executive councils of the world organizat shall be selected so as to ensure a fairly balanced outlook in world affairs. Every distinct region of the globe should be considered and no important group of nations should remain unrepresented upon such executive bodies. Regard should, of course, be paid to the claims of these allied nations who have, both in this war and in the last, largely contributed to the overthrow of the aggressors.[16]

Evatt had then added to his argument of 8 September 1944 f regional representation the notion that a substantial contribution to the overthrow of the aggressors was a criterion for membership of executive bodies of the world organization. His primary emphasis still remained, howeve on regional representation, an emphasis which would, of course, favour Australia in a contest with, for instance, Canada. He had also broadened his reference of 8 September

16. Ibid. Emphasis added.

to 'the Executive Authority' so that he now referred to 'various executive councils'. His reference to the Executi Authority in September showed, in context, that he was clea speaking of what was to be the Security Council. What othe bodies he now envisaged as 'executive councils' can only be conjectured. He had made mention of a Secretariat and Permanent Court of Justice in his September speech and may have still had these in mind. It might seem, in addition, that Evatt in this Address was also arguing the case for Australia's inclusion on the Executive Committee of the forthcoming Conference. The available evidence suggests, however, that he was unaware of the powers and functions of this Committee until after his arrival in London. This is possible even though, immediately prior to his arrival in London, Evatt had spent three days in Washington, during which he spoke to the Secretary of State, Edward Stettinius On 10 April, ten days after he was to arrive in the United Kingdom, Evatt asked Sir Frederic Eggleston, the Australian Minister in Washington, to thank Stettinius for his telegram (date not given) to Evatt and to inform him that while Evat had no objections to his plans for committees and commissio

at the Conference he assumed that there would be provision for adequate discussion at a general session at the commenc ment of the Conference and at regular intervals during it. Evatt then asked Eggleston to ascertain the powers and functions of the Steering Committee of the Conference; to consider 'the general question of tactics and procedure'; and to try to win United States support for electing Australia to the Executive Committee which he referred to as the 'Steering Executive'.[17]

Forde and Evatt arrived in Washington from San Francis on 27 March[18] after a train journey from Dallas where they had decided to leave their aircraft because of poor flying conditions. While in Washington they held a press conferer and addressed a group of Senators and Representatives, incl members of the Foreign Relations Committee,[19] at an informa gathering. At the press conference Forde reportedly 'spoke warmly of the value of the bond of friendship between Presid

17. H/45/771, British Commonwealth Meeting. The telegram from Stettinius was presumably sent after Evatt had left Washington for London on 30 March and obviously prior to 10 April.

18. Sydney Morning Herald, 29 March 1945.

19. Argus, 29 March 1945.

Roosevelt and Mr. Churchill, a relationship, he said, that symbolized the friendship between the citizens of the British Commonwealth and the United States'.[20] He is also reported to have 'deprecated any suggestion that the forth coming meeting in London was in any way designed to create a Commonwealth bloc at the Conference'.[21] Evatt is reporte to have answered numerous questions from the press; his answers would, no doubt, reflect more the immediate policy interests of his questioners rather than those of Evatt himself, but they contained some relevance to Australia's case as later presented at the San Francisco Conference.

The Times correspondent reported that Evatt 'proved a strong advocate of regionalism under the world organizatin

> For an area like the Southwest Pacific, it was vital he [Evatt] said, and he pointed to the need for liaison that was demonstrated when the Japanese attacked Pearl Harbour. He did not in any sense visualize a British region there, he added, and he would welcome the inclusion of the Netherlands and France, which had territorial and other interests in the Far East, in that region.[22]

20. The Times, 29 March 1945. The account of the press conference, by the newspaper's own correspondent in Washington, is extensive.
21. Ibid.
22. Ibid.

Similar echoes of his 1943 and 1944 speeches were apparent in his remarks on Great Power privilege in the world body and on trusteeship. On the former subject, he now made specific reference to the Security Council veto. Evatt's reported comments, only one month before the Conference began, may be read with some dismay in the light of his subsequent image at San Francisco. In the words of The Tir own Washington correspondent,

> Evatt proved a warm supporter of the veto power in the Security Council. He said the United States, Britain and Russia had to work together or the whole organization would break down. A condition of success for the organization was that the three Great Powers should agree, which was another way of saying that before force was used against an aggressor the Big Three should concur.[23]

It might be added that Evatt had made no reference to the Great Power veto in any context in his Berkeley address. On trusteeship his Washington replies dealt with administra and self-government. When he was asked whether he thought

23. Ibid. The decisions on Security Council voting, taker at Yalta, were as follows - 1. Each member of the Security Council should have one vote. 2. Decisions of the Security Council or proceedural matters should made by an affirmative vote of seven members. 3. Dec of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provide that, in decisions under Chapter VIII, Section A, and under the second sentence of Paragraph I of Chapter V: Section C, a party to a dispute should abstain from voting. U.N.C.I.O. Documents, vol. 1, pp.1-2.

that more than one power might join in the administration of a mandated territory, Evatt replied that he thought it would be feasible but it would be better to place the responsibility flatly on one power. He also

> agreed with one questioner that the whole conception of trusteeship envisaged freedom for such territories when the people demonstrated their ability to govern themselves.[24]

2. The British Commonwealth Meeting.

The Australian delegation, the first group from the Empire to arrive for the pre-San Francisco meeting, landed at an airport 'somewhere near London' on 31 March.[25] Forde, and Evatt were to be joined as Australia's formal representatives at the talks opening on Wednesday 4 April by S.M. Bruce, High Commissioner in London. Forde's press statement at the airport, as reported, conformed to an uninspiring pattern.

> Mr. Forde said that he brought fraternal greetings and congratulations from the people and government of Australia to the people of Great Britain on their magnificent efforts during the war. All Australians, he continued, rejoice with you in the magnitude and scope of the victorious drive by the British Empire and the Allied Forces in Germany.[26]

24. Ibid. Emphasis added.
25. The Times, 2 April 1945.
26. Sunday Times, 1 April 1945.

All flying was an ordeal for Evatt;[27] there is no record of any comment by him to the Press before he left for Grosvenor House. Forde stayed at the Savoy. It was at this hotel that Forde and Evatt were to hold a joint press conference on the following Monday, 2 March. This press conference was to further illustrate Forde's apparent inability to comment on issues relating to the Dumbarton Oaks draft or to the forthcoming United Nations Conference in general. After thanking Britain for her help so far in the war effort, Forde expressed his confidence in the Department of which he was ministerial head.

> The Australian Army today [he was reported to say] was a splendid striking force, superlatively trained and equipped. He believed it would take a considerabl time to defeat the Japanese. It was a Herculean task, but the ultimate result was not in doubt.[28]

He is then reported to have expressed the hope that a numbe of new British companies would help the post-war recovery o Australia by investing there. Finally, Forde spoke of the Australian Government's intention to treble Australia's population of 7,300,000 'in the shortest possible time'.[29]

27. A number of members of the Australian Delegation to San Francisco mentioned this in interviews.
28. Forde's statement was reported, in summary, in The Tir 3 April 1945.
29. Ibid.

Evatt in his Savoy statement, which was subsequently printed in the Australian Report on U.N.C.I.O. under the title The Dominions in World Affairs,[30] revealed his continuing concern for Australia's 'distinct international status'. His statement echoed a report from The Times' own Canberra correspondent which that newspaper had published on the morning of the Savoy press conference. The despatch, which had been cabled from Canberra on Sunda April 1, reported that concern had been expressed in 'Government circles' at the suggestion that the Dominions might be expected to vote as a solid bloc with the United Kingdom Government at the San Francisco Conference. The 'Government circles' reportedly felt that it would be incongruous if Australia did not vote as an autonomous na while nations which had not taken part in the war, or whi had not been affected by it directly, were to vote indepen ently. If the British Commonwealth was going to vote as one, many discussions between representatives of all the Dominions would be necessary before the Conference. This Government viewpoint, the report concluded, would be pres

30. At pp.66-7.

in London by Forde and Evatt.[31]

On the previous Thursday, 29 March, President Roosevel then in the last weeks of his life, had publicly acknowled after a disclosure by the New York Herald Tribune, an agre ment, hitherto secret, which had been made by Britain and United States at Yalta to support a Russian application at the San Francisco Conference to give initial membership of the Conference to the Ukraine and White Russia. United States support had been given on the condition that the United States reserved the right to claim three votes for herself at the Conference.[32] Sherwood later wrote of this episode as 'one of the worst all round botches of the war and a seemingly unnecessary one'.[33] Evatt, in his Savoy press statement, argued that this episode had been accompar by serious misconceptions about the relationship within the Empire between the United Kingdom and the Dominions.

31. The Times, 2 April 1945.

32. Washington Post, 30 March 1945. Report headed 'Secre U.S. - Red Pact on Security Votes Admitted, Roosevel accepted Stalin's Plan for 3 Each to Balance 6 of Bri Empire'.

33. The White House Papers of Harry L. Hopkins, p.865.

> For instance, it has been stated in the United States that Britain already possesses multiple representatio through the votes of the Dominions. This is most inaccurate and misleading. Britain and the four Dominions will be separate, distinct, equal, and autonomous members of the Organization. The British Commonwealth will not as such be a member at all. Nobody who understands the position of the Dominions in world affairs would think that their membership would amount to multiple representation of the United Kingdom.[34]

and he added

> The fact that the members of the British Commonwealth occasionally confertogether is in no way inconsistent with their distinct international status. So, for that matter, do the nations of the Americas.[35]

Evatt could speak with some authority on this matter as he had been in Washington on the very day that the President had made his admission. Reports in the American press confirm Evatt's observations: there were those who misunderstood. For following the President's statements o a possible multiple vote for the United States at San Francisco, one of the American Delegates, Sol Bloom, Democrat Chairman of the House Foreign Affairs Committee, is reported to have commented 'Certainly if Russia has three votes we shall have three votes but I think we should have six to match the six of Great Britain'.[36] A political

34. Australian Report on U.N.C.I.O., p.66.
35. Ibid.
36. Washington Post, 30 March 1945.

correspondent wrote in the same newspaper

> No reason for the Russian move was given. Diplomatic officials speculated that it probably was prompted by a decision of Moscow to have a representation approaching that of the British Empire. The empire would have six seats for the United Kingdom, Canada, Australia, India, New Zealand, and South Africa.[37]

On the day following Evatt's Savoy statement Stettinius announced from the White House that the United States would not press its claim for three votes. He referred in his announcement to

> the interpretation freely made that the Soviet and ourselves sought the additional votes to balance the six votes held by Great Britain and her Dominions - an interpretation which was offensive both to Britain and the Dominions.[38]

The reported reaction of the Australian government has already been indicated. For Australia's Labor Government the notion of the Empire speaking with one voice was apparently dead.

Evatt followed his comments on Dominion status at the Savoy conference by immediately referring to the peace settlement and regionalism -

> In the peace settlement, several of the Dominions will have their own distinctive regional interests to safeguard within the framework of the General

37. Ibid.

38. Ibid, 4 April 1945.

> International Organization, over and above the more general interests that they share in common with other peace-loving States. One example is the position of Australia and New Zealand in the South Western Pacific.[39]

But Evatt's insistence on Australia's distinct international status as a Dominion was not, on this occasion, coupled with any specific reference to difficulty in Commonwealth consultation. Indeed, Evatt may be said with the Australian-New Zealand Agreement, to have made a choice between what had seemed to him, on 14 October 1943, to have been 'the two means open for the expression of the Australian Government's views on international affairs'.[40] It has been argued in this thesis, however, that Evatt's wartime assertion of Australia's distinct international status, his increasing concentration on <u>one</u> only of the two means which he had said in his speech of October 1943 could be used together, was closely associated with a concern for Australia's participation in the armistice and peace settlement. The emphasis with which Evatt now responded to the recent challenge of that status in the United States may, in part at least, have

39. <u>Australian Report on U.N.C.I.O.</u>, p.66.
40. See above p. 41.

reflected his continuing concern for Australian participat in the peace settlement and armistice. Further evidence of Australian interest in the armistice and peace settleme on the very eve of the San Francisco talks, was provided f days later in a statement, subsequently released to the Pr which Forde made to the fifth session of the British Commonwealth meeting.

> It will, of course, be necessary to conclude armistic with enemy countries at the time of surrender, and to set up associated machinery for control, but in our view, no arrangements of a permanant character should be made with every single country until all our enemi have been defeated. There should also be full opportunity for all the belligerents to participate in armistice arrangements, armistice control, and prelim inary arrangements connected with the peace settlemen A second general point in Australian policy is that w are vitally interested in all the arrangements to be made in regard to cessation of hostilities and the pea settlement.[41]

Forde added

> While insisting on our interest in European affairs, I would refer to a further point of Australian policy, namely, that because of our situation we have an even more direct concern with what takes place in the Pacific, South-East Asia and the Indian Ocean.[42]

On 16 April, four days after the London talks had conclude and while Evatt and Forde were visiting Paris, a recorded

41. Australian Report on U.N.C.I.O., p.62. It is unlikel that this speech was written by Forde.

42. Ibid.

talk by Evatt was broadcast to the people of Britain. Evat again showed his concern that Australia should have an 'adequate part' in the peace settlement.

> Australia's claim to an adequate part in the forthcoming peace settlement is based not merely on the war effort; it is also founded on a combination of essential strategic position and a readiness which Australia has now demonstrated in two world wars to act as a security power.[43]

Evatt in this broadcast was clearly applying the same argu for an adequate part for Australia at the peace settlement he had used earlier at Berkeley to argue, by implication, an initial non-permanent place for Australia on the Securi Council.

Evatt's Savoy statement contained argument on a numbe of policies besides Australia's distinct international sta and the peace settlement. It reiterated his Berkeley argu on full employment (although now adding a brief reference the need for sufficient powers for the Economic and Social Council) and his claim that Australia, because of her stra situation and her contributions to world security should ' an important part to play in the security organization'.[44]

43. The Times, 17 April 1945. In this broadcast Evatt al spoke, by this report, of full employment. 'Poverty unemployment are the worst menaces to peace,' he said

44. Australian Report on U.N.C.I.O., p.67.

There was, however, one entirely new policy referred to in his statement; and this was in its concluding sentence. Evatt there suggested that the British Commonwealth should oppose any attempt to delay bringing the organization into existence, but at the same time it should endeavour to obt periodic reviews of the constitutional machinery of the ne organization. The veto as a problem had finally reached Evatt's lips, although only, as yet, by implication, and certainly not with the association which it was later customary to expect.

Evatt, like Forde, made a statement,[45] subsequently ma public, to the fifth meeting of the London talks on 6 Apri In this he elaborated the reference which he had made to charter amendment four days previously. The provisions ma in Chapter XI of the Dumbarton Oaks Draft,[46] he said, were restrictive. The Australians, he continued, attached

45. The full text of this statement is printed in the Australian Report on U.N.C.I.O., pp.63-6.

46. Chapter XI. Amendments. 'Amendments should come into force for all members of the Organization, when they have been adopted by a vote of two-thirds of the memb of the General Assembly and ratified in accordance with their respective constitutional processes by the members of the Organization having permanent membersh on the Security Council and by a majority of the othe members of the Organization.'

'considerable significance to the revision of the Charter'.[1] The Dumbarton Oaks proposals, which gave any one of the permanent members of the Security Council an absolute veto on any change, appeared likely to cause the Organization '· congeal into a narrow mould shaped by the nature of the wo situation' as it was then rather than to develop into 'an active institution capable of serving the needs of tomorro

His final public reference to amendment was made in a speech which he delivered before the Royal Institute of International Affairs at Chatham House on 9 April.[49] This is a significant speech, not only because it is centred upon the difficulty of amending the Charter, but because Evatt developed his argument there to show how the issue o a veto on amendment was related in his mind to the problem of a Big Five preponderance in the Security Council. For 1 now made clear in public thoughts which, as will be seen, 1 had already expressed privately, both to Eggleston and the Australian Government, since his arrival in London. Wood 1 noticed that the Prime Minister of New Zealand, Peter Fras did not express his very strongly held views on the Securi·

47. Australian Report on U.N.C.I.O., p.65.
48. Ibid.
49. For the full text of the Chatham House Address see Australian Report on U.N.C.I.O., pp.67-8.

Council veto on enforcement measures taken under Chapter VIII B of the Dumbarton Oaks Proposals until after he had arrived in London. Wood explains this in terms of Fraser's preoccupation with the war.[50] It is probable that Evatt, likewise, had not made, prior to his arrival in London, a detailed study of the full implications of the Dumbarton Oaks draft and the Yalta voting proposals.

He may have been helped, in such a study, by the inclusion in his team of advisers of K.H. Bailey, Professo of Public Law in the University of Melbourne and Consultan to the Attorney-General's Department. Professor Bailey wa already in London when the Australian party arrived; he ha been representing Australia at the Third Unofficial Confer on British Commonwealth Relations which was held there fro 17 February to 3 March. Evatt had personally cabled Baile from Canberra at the end of February asking him to stay on London so that he could join him as a member of the delega

50. Wood, op. cit., p.378. 'British delegates [at the London talks] moreover, courteously hinted that Frase had abruptly and substantially changed his mind since New Zealand's earlier acquiescence. This was, in fac not quite the case. It seems that up to this point, Fraser was, through an odd sequence of events, unawar of the exact position; for he had been visiting the Pacific Islands at the time when Cabinet had had to reach a decision.'

to the San Francisco Conference.[51] At all events, by 9 Apr the Australians had made a detailed if not exhaustive study of the implications and meaning of the Dumbarton Oaks Proposals, for it was on that day that the Australian dele- gation completed a long list of some sixty questions arisi from the Dumbarton Oaks draft and the discussion so far at the talks.[52] These questions were subsequently circulated at the talks, apparently after being discussed in a sub- committee of the Meeting.[53]

Evatt's concern with the problem of amending the Char is not altogether surprising. His own experience as a law particularly as a member of the High Court bench for ten y would have made him conscious of the effects of an entrenc constitution on a climate of political and social change. Evatt himself, in 1942, as has been seen above, had been

51. H/45/771/7. Australian Delegation. Miscellaneous Preparation and Representation.

52. Evatt to Curtin, 9 April 1945, H/45/771. British Comm wealth Meeting.

53. The Dominion, Wellington, 13 April 1945. 'A correspo of the Australian Associated Press says that the basi on which the countries of the Commonwealth will striv at San Francisco to achieve amendments to the Dumbart Oaks plan will mainly be the result of 64 questions w Evatt and his Australian advisers drew up in order th all delegates could have the issues clearly before th See also Australian Report on U.N.C.I.O., p.10.

responsible for arranging the Constitutional Convention in Canberra which was intended, in view of the difficulties of popular amendment of the Australian constitution, to gain support from State political leaders for the Government's proposed Constitution Alteration (Post-War Reconstruction) Bill of 1942.[54]

In London also, Evatt spoke of the need for a constitution to be subject to change; and he now made it clear that what concerned him in the proposed constitution of the new organization was the preponderance of the Great Powers.

The Dumbarton Oaks draft, Evatt argued at Chatham Hou (and this is the fullest statement available of his views London on this subject) bore many characteristics of a mer prolongation into the years of peace of the type of "Big Three" leadership which had been found necessary in order to win the war. This was the explanation and the justific for the Security Council veto in the proposed constitution At the same time, and for this reason, he felt that it wou be wise to regard such a constitution as being of a transi

54. See above p. 188.

rather than of a permanent character. If that were conced the organization would start off in the expectation that t Charter would be progressively modified and altered to fit the normal conditions of international relations after the period of post-war rehabilitation had been completed. It followed, he said, that the constitutional arrangements fo amending the Charter were 'exceedingly important'.[55] Whil he recognized the danger of extreme flexibility in such a constitution, nothing would be less satisfactory, in his eyes, than to place the nations of the world under an unyielding and over rigid constitutional control.

> ... the central difficulty as the plan now stands, is that no amendment of the Charter will be possible without the unanimous consent of the Big Five.[56]

What Evatt had suggested in this public address at Chatham House, he made explicit in his telegram to Eggleste in Washington on the following day[57] (10 April) when he to him that he might not be able to accept 'the present power of veto' in the proposed Charter unless adequate provision was made for amendment of the constitution of the world bo

55. Australian Report on U.N.C.I.O., p.68.
56. Ibid.
57. H/45/771, British Commonwealth Meeting.

> It is a view which I hold strongly that there can be no satisfactory conclusion unless the proposals are looked at as a whole as any amendment made in one chapter must affect many other aspects of the proposals, for instance we may not feel ourselves able to accept the present powers of veto unless adequate provision is made for amendment of the constitution. In my view it is vital so to arrange the Conference to provide sufficient general sessions for discussing the effects of amendments suggested by one committee on the work of other committees.

That Evatt had become increasingly anxious at the strengt of the Great Power veto on enforcement measures under the terms of Chapter VIII B of the Dumbarton Oaks Proposals is indicated by his report to Curtin[58] on the day of his Chatham House speech. In this he explicitly mentioned Fraser's great concern on the subject of the Security Coun veto, and said that in his (Evatt's) view 'the veto' had t stand because the organization would not come into existe without it. Evatt then reported that he felt three things would have to follow from this. Firstly they must seek to put limits on the use of the Security Council veto; second they should strengthen the regional arrangements of the Ch so that if military action was vetoed in the Security Coun it could be taken independently on a regional basis; and thirdly that the process of amendment would have to be fre from the veto.

58. Ibid.

On 17 April, five days after the London talks had ended, Forde and Evatt reported to Curtin[59] that during th course of the talks Eden had given an assurance that the United Kingdom Government was technically bound by the decision on the veto at Yalta but the essence of this agreement was that while the Great Powers should possess a right of veto this should only be limited to particular cases. In Eden's view, as Forde and Evatt saw it, they would be free to discuss at San Francisco what these cases should be. Furthermore, they reported that Eden had indicated his willingness to reconsider the right of veto ( amendment of the Charter; and that discussion at the talks had shown that there was no reason why the veto should app: to the examination of a dispute to which a member was not a party.

This interrelation of the Security Council veto on measures to deal with threats to the peace or acts of aggression and the veto on amendment of the Charter appears very clearly in an unpublished memorandum, prepared by Evat after the talks had concluded, which gave a far more detail impression of the London talks than the summary account

59. Ibid.

subsequently published in the Australian Report on U.N.C.I Evatt prepared this memorandum for distribution to members of the Australian delegation on arrival at San Francisco. Paragraph 3 of the Evatt memorandum reads in full.

> Voting in the Security Council
>
> Throughout discussion on the Yalta voting formula, the Australian delegation stressed that this question could not be separated from related questions such as revision of the Charter. The removal of the Great Power veto on the amendment of the Charter would do much to reconcile us to a Great Power veto on enforcement action. Discussion regarding the veto on the examination of a dispute to which a Great Power was not a party revealed that there was no reason why the veto should apply in such cases.[61]

Evatt was to keep before him this connection of the Securi Council veto and the veto on amendments, although at San Francisco his fight was to be centred on the use of the Great power veto under the terms of Chapter VIII A of the Dumbarton Oaks Proposals. A reporter of the San Francisco Call Bulletin wrote on 13 June, the day following the end, in defeat, of Evatt's fight to remove the veto on the peac settlement of a dispute by a Great Power not a party to th dispute:

60. At pp.9-11.

61. H/45/771, British Commonwealth Meeting.

> Evatt came from the committee room with a statement on his defeat. 'The struggle for the liberalization and improvement of the Charter will go on', he said 'until liberalization or improvement takes place. Above all we consider that the extreme rigidity of amendment should be modified.'

But what did Evatt mean by 'the veto' during the Lond talks, and, in fact, prior to the first week of the San Francisco Conference? It will be recalled that in his rep to Curtin on 9 April, Evatt said that Fraser was particula concerned with 'the veto'. After supporting the retention of 'the veto' Evatt had suggested that the veto on amendme should be removed. Clearly 'the veto' was the veto of the Great Powers in relation to the resolution of conflict bet nations - but the categories of enforcement action, peacef settlement, and examination of a dispute were not distingu: However, in this same report to Curtin, Evatt referred to list of sixty questions (it is nearer to 100 questions whe sub-divisions are taken into account) which the Australian delegation had compiled. The questions relating to Securit Council voting are as follows:

> Question 4. Voting in the Security Council
>
> (a) Is that part of the Yalta voting formula accep able which enables a permanent member of the Security Council, when a party to a dispute, t veto enforcement action by the organization?

(b) Is that part of the Yalta voting formula acceptable which enables a permanent member of the Security Council to prohibit altogether the consideration by the Council of a dispute to which it is not a party?

(c) Is it desirable to restrict the veto power of the permanent members in other respects (e.g. election of the Secretary-General)?[62]

'The veto' then, in relation to the Security Council, mean for Evatt in London enforcement measures under VIII B and the examination of disputes, under VIII A. The relevant sections of the Dumbarton Oaks draft for the examination o disputes are VIII A 1 and 2. The sections relating to pea ful settlement are VIII A 3, 4 and 5, and VIII C 1. It is extraordinary that the issue of the Security Council veto a Great Power, not party to a dispute, on the recommendati of appropriate procedures or methods of adjustment for the peaceful settlement of disputes was ignored in this set of questions. It was likewise ignored in paragraph 3 of the Evatt memorandum, written after the talks had concluded, w has been quoted in full above. In this Evatt referred onl to the Great Power veto on enforcement action and on the examination of disputes. It might be argued that Evatt ha been misled by Eden's assurances that the veto would be li

62. Ibid.

to particular cases, and had felt, for some reason, that peaceful settlement would not be one of those cases. Eden had, however, by Evatt's own account, also given an assurar on the Great Power veto on amendment of the Charter - yet the list of sixty questions included the following:

> Question 3. Amendment of the Charter
>
> Should the amendment of the Charter be made easier
>
> (a) by permitting the Assembly to make amendments without the concurrence of all the permanent members of the Security Council?
>
> (b) by providing for a review of the Charter at the end of an initial period of, say, ten years or else periodically?
>
> (c) by dropping the requirements of ratification of amendments and providing instead that amendments should be proposed at one Assembly and submitted for adoption at the next?[63]

And although Evatt believed that discussion had shown that there was no reason why the veto should apply to 'the exam tion of a dispute to which a Great Power was not a party' there was also a question on this subject among the sixty. The evidence suggests that the problem of the veto on peac settlement had not yet seized Evatt's attention.

If Eden's assurances cannot explain the absence of an known Australian reference to the veto on peaceful settleme they can explain the moderation of Evatt's utterances on t

63. Ibid.

veto in London. He had grown increasingly aware in London both of the Security Council veto and the veto on amendment he had linked the two and thereby potentially increased his anxiety. However, he had conceded the temporary necessity for a right of Great Power veto on enforcement actions, and was now heartened by Eden's willingness to reconsider the operation of the veto on amendment. He may also have agreed to a temporary veto on the examination of a dispute - there is no way of knowing whether he included this in his notion of the veto when he told Curtin on 9 April that the veto had to stand because the organization would not come into existence without it. In any event, he was also reassured on this aspect of the veto in London, so that even if he was not prepared to concede this form of the veto on a temporary basis, there was a considerable doubt that it would find a place in the Charter.

Evatt's unpublished memorandum on the London talks to members of the Australian delegation contains extensive comment on several other issues besides that of 'the veto' and its relation to the veto on amendment. The connection Evatt's earlier statements in San Francisco, Washington, and

London on the role of middle and security powers to his Security Council ambitions is further documented by this report. In a paragraph dealing with non-permanent members] of the proposed Security Council, Evatt wrote that

> Canada and Australia pressed for better representatio in the Council of 'middle powers', or as we have expressed it 'security powers', and the strength of their case was generally accepted. Means of achievin this representation were discussed and such criteria for selection as war effort, war potential, and geographical location, were mentioned. There was general agreement that due regard be paid to the contribution of members to the maintenance of security.[64]

Evatt claimed, furthermore, that this question could not b considered apart from the Great Power veto, provisions for the future revision of the Charter, and the future negotia of special security agreements under Chapter VIII B 5 of t Dumbarton Oaks proposals.

Evatt's account of discussions on the subject of the powers of the General Assembly is, like his report on the veto, remarkably restrained in view of his future role at San Francisco. This restraint likewise vanished in the fa of rigid Great Power adherence at San Francisco to the Security Council veto. Of the London talks, Evatt recorde that in discussion on the respective powers of the Assembl

64. Ibid.

and Council in regard tothe handling of disputes, Australi took the position that, while it was desirable to increase the powers of the Assembly, the question should be conside in relation to the general question of the composition and function of the Security Council and the procedure to be adopted in the settlement of disputes. He felt that due regard should be paid to the necessity for leaving to the Security Council the handling of immediate threats to the peace.

On the question of Economic and Social Cooperation Evatt felt able to report that 'the meeting eventually reached general agreement on the points put forward by the Australian delegation .... It was agreed that the Social and Economic Council should be one of the principal organs of the World Organization'.[65] Australia

> also gained support for the inclusion in the Charter of a definite pledge by members to take action, both national and international, for the purpose of securing for all peoples, including their own, improved labour standards, economic advancement and social security.[66]

It should be noted that there was no agreement to pursue

65. Ibid.
66. Ibid.

'full employment'. Yet Australia was able to gain agreeme at the talks on the need for periodic reports to be made t the Organization on the steps taken to carry out the 'definite pledge'.

Evatt also reported in the memorandum that he had succeeded in gaining a large measure of support for his views regarding the criteria of action of the Security Council in the settlement of disputes. These views placed emphasis on the territorial integrity and political indepe of members. The meeting accepted his proposal to such an amendment to Chapter II (4) of the Dumbarton Oaks proposal to make them read as follows:

> All members of the organization shall refrain in their international relations from the threat or use of force against the territorial integrity on political independence of another State or in any other manner inconsistent with the purposes of the organization.[67]

He had also argued for the automatic jurisdiction of the World Court in legal disputes and for its use in the ascertaining of facts which were of importance for the settleme of disputes. Finally Evatt reported that he drew attentic to the importance which Australia attached to regional defence agreements as a second line of defence should the

67. Ibid.

world system of security fail - particularly if it should fail as a result of the veto. Regionalism, which had always been prominent in Evatt's post-war foreign policy, had now acquired added purpose.

Forde and Evatt in their final telegram to Curtin from London on 17 April[68] noted that the meeting had ended after a useful exchange of views. Most of the questions listed by the Australians had been left open, they said, and various delegates would be free at San Francisco to express their own views and seek amendments. The London talks, they felt, had resulted in a clearer appreciation o the issues to be faced and a better understanding of the intentions of various parts of the Commonwealth. Forde an Evatt felt that they had gained support on several matters of special importance to Australia. They then proceeded to comment on the veto/amendment issue (these comments have been examined above)[69] and, at considerable length, o the question of trusteeship. These were, for them, the dominant issues at the close of the London talks.

68. Ibid.
69. See above p. 271.

The fact that trusteeship policy had not been referre to by Forde or by Evatt during their public speeches in London, although Evatt had made some comments on the subje at their Washington press conference, should be seen not a an indication of an Australian lack of interest in this question on the eve of the San Francisco talks but of the reverse. The Australian silence reflected the delicacy of current trusteeship policy negotiations between Britain and the United States and, once the Commonwealth Meeting h commenced, between Britain on the one hand, and Australia and New Zealand on the other. Eggleston had advised Evatt of the Anglo-American position in the previous December.

> At the present juncture it would be exceedingly unfortunate if these [Anglo-American] differences were discussed in public and I think the interviews I have had show that a diplomatic exchange of views would be advantageous.[70]

It may be presumed that Evatt arrived in London aware of the decisions on trusteeship which had been taken at Yalta.[71] But it would not have been at all unreasonable

70. H/45/1021, Colonial Policy. Eggleston's telegram was sent on 11 December 1944.

71. The decisions had been cabled from the Dominions Offi on 13 March two days before Evatt left to the United en route to London. If he missed them in Australia h would probably have had his attention drawn to them b Eggleston while he was in Washington. The decisions made public by Stettinius in his press statement of 3 April in which he announced the President's decisio not to seek 'additional votes for the Government of th United States in the General Assembly'. United State Department of State, Bulletin, vol. XII, no. 302, 8 April 1945.

for him to have arrived in London hoping, in the light of the Stanley Memorandum,[72] that Britain might agree to voluntarily place many, if not all, of her dependencies under trusteeship. Some indication of what was discussed on the subject of trusteeship at the London meeting can be gleaned from the official Australian Report on U.N.C.I.O. That the discussions were regarded as important is indicated by the proportion, one quarter, of total comment in the Report on the London Discussions which is given to this issue. According to the Report,

> Shortly before the delegation left for London, the Australian Government had expressed its views on certain proposals which the United Kingdom Government had circulated in the previous December and which seemed to indicate a broad area of agreement. In London, however, it was ascertained that the United Kingdom Government had entered into discussions with the United States and the Soviet Union and proposals of a different character were considered.[73]

Australia and New Zealand took the view, the Report continues, that no decision on this question 'should be carried into effect without the Dominions having been consulted'.[74] Discussion therefore took place and 'a frank exchange of views resulted in the elucidation of the general position

72. See above p. 182.
73. Australian Report on U.N.C.I.O., p.10.
74. Ibid.

without full agreement having been reached'.[75] It was finally agreed in London 'that the United Kingdom and each Dominion was free to make its proposals at San Francisco according to the circumstances of the case'.[76] The Australian Report also indicates that Britain wished to limit discussions oftrusteeship questions at San Francisco and suggests, by saying that Australia and New Zealand 'urged that parent states should accept a duty to protect the welfare of native races in dependent territories and that this duty should be accompanied by an obligations to submit reports regularly to an expert and competent advisory body',[77] that this was possibly something which Britain was not prepared to do.

No further information on the nature of trusteeship discussions in London was conveyed in Evatt's memorandum on the talks for members of the Australian Delegation at San Francisco. However, Forde and Evatt's telegram to Curtin, sent from London on 17 April after the talks had closed, gives a frank account. The extract from the Australian

75. Ibid.
76. Ibid.
77. Ibid.

Report quoted above gives the impression that it was not until the Australians reached London that they learnt of the Yalta decisions.[78] This, as has been argued, is possible but not likely. What they did learn, according to their telegram, at the trusteeship discussions during the first two days of the London talks was that the Stanley Memorandum 'was never submitted to the British Cabinet and would now be withdrawn'. Furthermore, the United Kingdom government would oppose the Yalta system for the voluntary placing of territories under trusteeship and, in the event of this being insisted upon and carried by the other powers at San Francisco, Britain would not put any of her territories under voluntary trusteeship.

> New Zealand and Australia protested against a firm decision having been taken before the Dominions were consulted and pressed the case for trusteeship. Before the final session of the Conference the matter was put to the United Kingdom Cabinet.

At the final session of the Conference Cranborne attempted to crystallize [Cabinet] discussion under the following heads -

> They would agree to mandates being continued where there were existing ones and for ex-enemy territories of the present war.

78. H/45/771, British Commonwealth Meeting.

> They thought that joint administration of mandates was inadvisable.
>
> They would not surrender any of their existing mandates.
>
> They wanted discussion at San Francisco limited to general formulas.
>
> They wanted modification of some details in existing mandate agreements.
>
> But all details of future of colonies to be left for subsequent discussion of colonial powers.

Cranborne also said that Cabinet wanted to go as far as possible to meet the Dominion views and would therefore accept the principle of the Yalta proposal that parent states might voluntarily place territories under trusteeship. They did not intend, however, to apply this principle to their own territories. Australia, New Zealand and India protested strongly that this was not a compromise.

> We pointed out that the United Kingdom Government had made a complete departure from Stanley's memo. of last December and we were not content to end the debate with a summary of points which for the most part had been accepted before the London talks began. All the Dominions expressly reserved the right to take their own lines at San Francisco.[79]

* * *

The general development of Australia's policies during the month following Forde and Evatt's departure from

79. Ibid.

Australia for the San Francisco Conference showed an increasing awareness of, and concentration upon, detailed aspects of the Dumbarton Oaks proposals. This led to an increasing preoccupation with policies embodying an increase in the role of small and middle powers in general as has been revealed clearly in the study of unpublished documents in this chapter. In the public speeches by Evatt, such as those at Berkeley, and at the Savoy, made before the London talks began; in the speeches to the early sessions of the talks which were released to the press; and in the public addresses given at Chatham House and on the B.B.C. during and after the talks, the same development is revealed though to a lesser extent than is revealed in private sources. For the London talks were held strictly in camera. Public comment on detailed aspects of policy discussion was thereby precluded. The official public communique released at the conclusion of the talks on 12 April is notable for its vagueness and brevity.[80] Once the Australians had

80. For the full text of this brief communique see Australian Report on U.N.C.I.O., p.66. Evatt issued a personal statement at the close of the talks. It is similarly uncommunicative. 'The Conference has been successful. The Dumbarton Oaks plan is accepted as a basis, but the need for its clarification, improvement and extension in certain respects, is acknowledged. The immense war effort of the British nations entitles them to take their rightful place in the world organization, but the valuable work recently done will have to be followed up to a successful conclusion at San Francisco.' The Times, 13 April 1945.

reached San Francisco, however, they were to show no such restraint, in an atmosphere free of Privy Council overtones, in the public airing of disputed policies.

The public speeches made at Berkeley, in Washington, and in London before and during the talks are valuable, furthermore, for their emphasis upon policies, embodying direct national assertion, which related to Australia's membership of the Security Council, and the Executive Committee of the Conference. An awareness of this strand in Australian policy is essential for a proper understanding of Evatt's role at San Francisco, and it is apt to be overlooked amid the arguments on points of constitutional detail which abound once the Conference has begun.

2. A Brief Visit to France.

After the London talks had ended Evatt took further steps in his campaign to secure a seat on the Executive Committee of the Conference. When on 29 April, Evatt was subsequently able to tell Curtin from San Francisco[81] of his success in this matter he claimed that this election

81. Evatt to Curtin, 29 April 1945, H/45/771/1, Proceedings and Australian Policy.

had resulted from direct diplomatic measures taken by him (Evatt) in Washington, Paris, and London during the previous three weeks. His earlier instructions to Eggleston in Washington on this matter have already been noticed.[82] On 13April, Forde and Evatt flew to Paris with Bruce on an official visit. The Times of that day had carried a statement from Forde to the people of Britain in which he showed his anxiety lest the approaching victory in Europe might lead to a reduction of the Allied effort in the Pacific war.

> Do not let us think that the war is as good as won, and that we can divert our whole efforts to the problems of reconstruction the moment the German army lays down its arms ... there must be no slackening until the military colossus of the East has been destroyed and struck into the dust.
>
> My message to you therefore is this: Rejoice that our first enemy is tottering, rejoice when he finally falls to ignominious ruin: but do not ungird your loins until our second enemy has been dealt as shrewd a blow.

The same newspaper carried a tribute from Evatt to the late President Roosevelt in which he said,

> during the years of Australia's greatest crisis he proved our great and good friend.[83]

82. See above pp. 251-2.

83. The Times, 13 April 1945. Roosevelt had died at Warm Springs, Georgia, on 12 April. There is still no Australian memorial to him.

On the evening of Friday April 13 the Australian party landed at an airport near Paris.[84] Forde and Evatt were almost immediately guests of the Foreign Minister, M. Bidault, at the Quai D'Orsay.[85] Evatt had further talks with Bidault on the following morning. They are reported to have discussed matters relating to the Pacific and the establishment of the Australian legation in Paris.[86] On Sunday both Forde and Evatt visited the war cemetery at Villers Bretonneux where an Australian memorial, erected after World War I, though battle scarred, still stood.[87] On the following day Evatt lunched with General de Gaulle and called on the Minister for Colonies, M. Giacobbi.[88] An official announcement released that evening reported[89] that a measure of agreement had been reached on trusteeship, mandates, and the duty of colonial powers towards natives under their rule. The Times' Paris correspondent, however, noted in that newspaper on the following day that

84. The Times, 14 April 1945.
85. Sydney Morning Herald, 16 April 1945.
86. Argus, 16 April 1945.
87. The Times, 16 April 1945.
88. Ibid., 18 April 1945.
89. Ibid.

> the Australians are perhaps a little readier than the French to see applied to colonies that degree of international supervision which the League of Nations exercised in C and B Mandates.

Most significantly for Evatt's Executive Committee and Security Council ambitions, the official announcement also disclosed that the French found themselves in strong agreement with Australia on the rights and status of what they both called 'middle powers' and on what constituted such a power. Both countries said that they would like to see the middle powers assigned a more definite part in the mechanism of the security organization. 'They [did] not consider that powers to whom that part was assigned should be chosen for what might be called diplomatic motives but for their regional and strategic importance and their capacity to contribute to the maintenance of peace.'[90]

Forde, Evatt and Bruce left Paris on 16 April for London, where, on the following day, they attended the memorial service for President Roosevelt at St. Paul's Cathedral.[91] On Wednesday 18 April Forde and Evatt left London by military flight for New York, Washington and San Francisco.

90. Ibid.
91. Sydney Morning Herald, 18 April 1945.
92. The Times, 19 April 1945.

# CHAPTER VII.

## AUSTRALIA AT THE CONFERENCE I. - ARGUMENT ABOUT PROCEDURE.

The Australian delegation to the United Nations Conference on International Organization assembled in San Francisco on 23 and 24 April. The delegation arrived, appropriately, in separate groups. On 23 April, Forde, with Wilson and Coleman, landed at Hamilton Field.[1] Forde had spent some days in New York on his return from London and then flown, via Washington, to San Francisco. Forde's comments to the press on his arrival bore little direct relevance to potential issues at the Conference - although in this he conformed to a pattern established by most other arriving delegations. Forde is reported to have said

> The failure of the League of Nations to serve the cause of world peace was a world tragedy but the effort, idealism and organization of the League have not been wasted. The nations at San Francisco will be judged not upon what they say but what they do. No system of world security can be successful if the twin fears of war and unemployment remain.[2]

On 23 April, also, the main body of the assistants and consultants arrived from Australia,[3] after delays to their military

1. San Francisco Examiner, 24 April 1945.
2. Sun News-Pictorial, Melbourne, 25 April 1945. Forde's reference to unemployment was an augury of the role which his section of the delegation was to play in the battle for a full employment 'pledge' at San Francisco.
3. San Francisco Examiner, 24 April 1945. Age, Melbourne, 24 April, 1945.

aircraft had made it not unlikely that they would miss the formal opening ceremony of the Conference on Wednesday 25 April.[4]

Evatt characteristically chose to travel largely by train. He flew, first of all, from New York to Washington on Thursday 19 April. During this brief visit he had 'discussions with the Department of State'[5] and met Senator Vandenberg who subsequently noted in his diary 'I think he is going to be a tower of strength at San Francisco.'[6] On the evening of Friday 20 April Evatt with his London party and additional officials, including Sir Frederic Eggleston, W. Macmahon Ball, and A.S. Watt, left in one of a number of special trains taking delegates from New York and Washington to San Francisco. Hasluck records that during this long journey across the United States, Evatt was able to turn his undivided attention to detailed aspects of the amendments which Australia proposed to offer to the Dumbarton Oaks

4. Sun News-Pictorial, Melbourne, 23 April 1945 incorrectly includes W. Macmahon Ball as a member of this party. He had flown to the United States early in April and arrived in Washington, D.C. on 16 April.
5. Hasluck, Journal and Proceedings, p.166.
6. A.H. Vandenberg, Jr., (ed.). The Private Papers of Senator Vandenberg, London, 1953. p.171.

draft.[7]

Australia's posture and some of her policies were evident from the moment Evatt arrived in San Francisco on Tuesday, 24 April. He called a press conference to which he made detailed and specific comments on Australia's proposed amendments. Evatt's conference was reported in one San Francisco newspaper under the headline 'Evatt, Australian Chief, Urges Smallest Nations be Excluded from Council',[8] for he had argued that countries like his own, the Netherlands, Canada and Brazil had 'proved their right to representation on this inner functioning part of the proposed world organization.' Evatt is also reported to have

> opposed permitting any of the Big 5 to veto a change in the world charter after it had been approved by two-thirds of the votes in the Assembly. He called such a grant of power 'indefensible'.[9]

Evatt had thus urged policies of national assertion, by emphasizing Australia's claim for membership of the proposed

7. Hasluck, Journal and Proceedings, p.166. 'On the train journey, Dr. Evatt continued the work on detail which he had started in London. Between stops and meals there were long sessions with the documents, and he was fully primed when he reached San Francisco.'

8. San Francisco Examiner 25 April, 1945.

9. Ibid.

Security Council, and of general small power democratization, in his questioning of the proposed Great Power veto on Charter amendment. The scope for policies of national assertion within the ambit of the Dumbarton Oaks proposals was necessarily limited - even here Evatt was arguing for places on the Security Council for a number of middle powers besides Australia - but this must not obscure the fact that for Australia at San Francisco assertion of distinct international status was a fundamental motivation of policy and of posture. For Evatt's posture (general attitude) was allied to his policy (actual points put forward) of national assertion - both had as their immediate objective Australian prominence and status at the Conference and in the new organization. Both had their roots, as has been argued above, in Evatt's wartime dissatisfaction with the Great Powers - notably in relation to planning for the Pacific peace settlement and armistice. Evatt had, at this press conference, begun to establish the Australian posture at San Francisco. By calling the conference he had shown an awareness of the value of the press and publicity which was to be a constant feature of his behaviour at the talks. By making specific and detailed comments on Australia's proposed amendments he had revealed himself as an aggressive, able, and energetic 'outsider'.

Evatt's press conference, which was reported in Australian newspapers,[10] was the subject of a question in the House of Representatives on 26 April when A.W. Fadden asked the Prime Minister whether he had seen reports to the effect that Evatt had not conferred with Forde before making these statements. He sought an assurance from Curtin that Evatt would do so in future. Fadden further requested an assurance that 'this Parliament will have an opportunity to discuss the important matters of national security and the preservation of the British Empire as these may be affected by international agreements'.[11] Curtin, in reply, said that he had received no communication from the Deputy Prime Minister to the effect that Evatt had not consulted him. Curtin dealt with Fadden's second request by ignoring it.[12]

At 4.33 p.m. on Wednesday, 25 April, the Conference was inaugurated with a brief Opening Ceremony in the War Memorial Opera House. This building formed part of a sombre, granite, group of official structures in San Francisco's Civic Center.

10. For example, Argus, Melbourne, 26 April 1945.
11. C.P.D. vol. 181, 26 April 1945, pp.1100-1101.
12. Ibid.

President Truman's address from Washington to the assembled delegates of forty-six nations established an elevated tone of moral exhortation and generality. The world, he suggested, had experienced 'a revival of an old faith in the everlasting moral force of justice'.[13] The Mayor of San Francisco reminded the delegates that, as the gateway to the front lines of the Pacific War, San Francisco had borne, and still bore, a heavy wartime responsibility.[14] Yet while the Conference met in the shadow of the Pacific war, the European battle was rapidly drawing to an end. San Francisco newspapers contained horrific photographs of the human remnants freed by the Allied armies from Belsen and Buchenwald. The Conference was, therefore, from the start under pressure to conclude its deliberations as rapidly as possible. Not only was there a desire to have the new organization established while the wartime alliance was intact; there was the more immediate problem that senior European delegates were likely to be recalled to their countries during the following two or three weeks.

Fadden's question in the Australian House of Representatives, with its undertone of disagreement between Forde and Evatt,

13. 'Verbatim Minutes of the Opening Session, 25 April 1945', Doc 8, G 5, 25 April 1945, U.N.C.I.O. Documents, vol. 1 p.111.
14. Ibid., p.117

must have almost coincided with a serious manifestation of that disagreement in San Francisco. A meeting of leaders of British Commonwealth delegations, presided over by Anthony Eden of Great Britain, took place on the evening of the opening day of the Conference. A carefully worded report, appearing in a number of Australian newspapers, told how Australia was not represented at the talks because 'differences of opinion had arisen between Forde and Evatt regarding the leadership of the Australian delegation - an unhappy position which is now resolved with the affirmation of Forde's leadership'.[15] Yet while Forde's formal leadership was affirmed, the solution, as later became clear, involved the settling of actual and visible leadership upon the shoulders of Evatt. It would seem that the crisis, and its solution, were the product of Evatt's impending election to the Executive Committee of the Conference.

The solution arrived at by Evatt and Forde was indicated by events during the following three days. On the morning of Thursday 26 April, thefirst meeting of the Heads of Delegations

15. See, for example, Sydney Morning Herald, 27 April 1945.

Committee took place. This Committee, from the meeting of 1 May renamed the Steering Committee, was 'to consider any major policy or procedure question submitted to it during the Conference by the Co-Presidents or Chairman of any Delegation'.[16] This Committee was the penultimate centre of actual power in the Conference structure in that it received recommendations from the smaller Executive Committee. The formal ultimate body, the Plenary Session, was merely the collective presence of those delegates whose chairmen constituted the Heads of Delegation Committee. Beyond the Conference structure was the inner committee of the Sponsoring Powers and France.[17]

16. 'Organization of the Conference', Addendum to Verbatim Minutes of the Fifth Plenary Session, 30 April 1945, Doc 42, P 10/a, 6 May 1945, U.N.C.I.O. Documents, vol. 1, p.401.

17. 'Another feature of the Conference, which did not appear in the plan of organization but which nevertheless was one of the significant elements in its work, was an inner committee of the sponsoring Powers and France. This was formally a group comprised of the four joint Presidents of the Conference, i.e. - the chairmen of the delegations of China, Union of Soviet Socialist Republics, the United Kingdom and the United States - which conferred regularly on matters relating to the management of Conference business. In addition, it was the practice for representatives of these four Powers and of France to confer on the major issues of policy as they arose in order to maintain the Great Power unanimity which had been established at Dumbarton Oaks and Yalta. Major issues of the Conference were discussed privately at various stages by the Big Five and from these private meetings emerged proposals which were presented to the Conference as the decisions of the sponsoring Powers and France.' Australian Report on U.N.C.I.O., p.14.

While the Great Powers in the Heads of Delegations Committee, and subsequently among themselves, were arguing on the questinn, raised by the Soviet Union, of joint or single presidency of the Conference, Forde and Evatt was indicating their solution to the problem of delegation chairmanship. Forde represented Australia at this first meeting of Heads of Delegations[18] and subsequently reported in a personal telegram to Curtin on the same day.

> Conference opened yesterday and each of the Chairmen of the 46 delegations met today as a Steering Committee which is the most important committee of the Conference. As Chairman of the Australian Delegation, I was made a member with a vote. Arranged for Evatt to attend as adviser when any special matter on which he might like to state his views is being considered, but he will not have a vote. If Australia succeeds in getting one of the 14 seats on the Executive Committee, I will ask Evatt to represent me on that Committee. I have a seat on the Steering Committee at the top of the table next to Molotov and two places from the Chairman, Stettinius, then Dr. Soong, China; Eden, U.K.; and Paul Spaak, Belgium.[19]

Forde's description of Evatt as an adviser is, however, misleading. All members of the Steering Committee were chairmen of their respective delegations. The members of the Committee were able to have advisers present but these did not participate in Committee proceedings. Evatt <u>was</u> permitted to participate

18. 'Meeting of the Heads of Delegations to Organize the Conference, 26 April 1945' Doc 29, DC/4, 26 April 1945, <u>U.N.C.I.O. Documents</u>, vol. 5, p.50.
19. H/45/771/1, <u>Proceedings and Australian Policy</u>.

in Committee proceedings and was thus virtually accorded the status of Co-Chairman of the Australian delegation, although Forde claimed his right to exercise Australia's vote and thus preserved his formal status. The slightly subordinate formal role of Evatt at Steering Committee meetings is disguised in the official Australian Report on the Conference which notes that 'Mr. Forde and Dr. Evatt both attended the Steering Committee'.[20] Yet if Forde was asserting his seniority vis a vis Evatt on what he claimed to be 'the most important committee of the Conference', he had at the same time conceded, or rather been forced by events to concede, to Evatt Australia's probable place on the Executive Committee which would be composed, with the possible exception of Evatt, entirely of Chairmen of Delegations. Indeed, before Forde made his formal introduction of Evatt at the second meeting of the Heads of Delegations Committee, Evatt's election to the Executive Committee had already been approved by that meeting. The verbatim minutes of the second meeting of the Heads of Delegations on Friday, 27 April, record Forde's introduction.

20. Australian Report on U.N.C.I.O., p.12.

Mr. Stettinius: I recognize Mr. Forde of Australia.

Mr. Forde: The Australian Minister of External Affairs wishes to raise a point.

Mr. Stettinius: Dr. Evatt.[21]

The Executive Committee of the Conference was in effect a sub-committee of the Heads of Delegations Committee, presided over by the same chairman. It was described in the official memorandum on organization of the Conference as follows:

> The Executive Committee, which shall be composed of the Chairman of the Delegations of the Sponsoring Governments, namely, China, Union of Soviet Socialist Republic, United Kingdom, United States of America, and the Chairman of the Delegation of the additional Governments, namely, Australia, Brazil, Canada, Chile, Czechoslovakia, France, Iran, Mexico, Netherlands and Yugoslavia. The Chairman of the Steering Committee shall also service the Chairman of the Executive Committee. The Executive Committee shall make recommendations to the Steering Committee for its consideration and shall otherwise assist the Steering Committee as the latter may authorize. When considering matters affecting the work of Commissions, the Executive Committee shall normally invite the appropriate Presidents of Commissions to sit with it.[22]

Australia's election to the Executive Committee was poorly

21. United Nations Archives, New York, Records of the United Nations Conference on International Organization (U.N.C.I.O) San Francisco, 1945, Verbatim Minutes of Technical and General Committees, microfilm (hereafter Verbatim Minutes), 'Second Meeting of Heads of Delegations Committee, 27 April 1945', Running number 29. (Microfilm Reel 9). A 'running number' is a quarto page of double space typescript.

22. 'Organization of the Conference', Addendum to Verbatim Minutes of the Fifth Plenary Session, 30 April 1945. Doc. 42, p.10/a, 6 May, 1945, U.N.C.I.O. Documents, pp.401-2.

publicized in the Australian press. The editor of the Sydney Morning Herald realized, however, that Australia had strong ambitions for Security Council membership even though he did not link these ambitions to her membership of the Executive Committee. McClure Smith reported under the heading 'Australia's Aim at U.N.C.I.O. - Bid for Seat on The Security Council'

> While planning to put forward several amendments to the Dumbarton Oaks proposals, the paramount and most immediate aim of the Australian delegation to the United Nations Conference on International Organization is to secure a seat on the proposed Security Council.[23]

Evatt certainly saw his election to the Executive Committee as related to future membership of the Security Council. On 28 April, Forde and Evatt reported to Curtin:

> Australia elected to the Executive Committee. We had been omitted from original list prepared by the sponsors and our election resulted from direct diplomatic measures taken by Evatt in Washington, Paris and London during the past three weeks. The result is eminently satisfactory and we finally secured the support of the British, Americans and Russians. Membership of this important body will allow us to take a more effective part in Conference work and we hope that the recognition we have gained will also help at a later stage when the Security Council is selected.[24]

23. Sydney Morning Herald, 2 May 1945.
24. H/45/771, Proceedings and Australian Policy. This telegram bore an 'E' prefix which probably indicates an origin in Evatt's office. The personal telegram from Forde to Curtin, cited above, bore an 'S.F.C.' prefix.

This report also includes the highly significant statement, 'Up to date the nature of the work on the Steering Committee has meant that the greater part of the work has necessarily to be done by the minister [for External Affairs].'[25] The official Australian Report on the Conference subsequently stressed the importance of Australia's election to and participation in the Executive Committee.

> One of the notable successes of Australia at the Conference was its selection to a seat on the Executive Committee, and hence to the Coordination Committee as well. These appointments helped to establish our status at the Conference and afforded an exceptional opportunity to make a major contribution to the work of the Conference. The position which the Australian Delegation established for itself was in a large measure due to the manner in which it discharged its duties as a member of the Executive Committee.[26]

Evatt had Australia's vote on the Executive Committee, even if Forde had claimed, in his telegram of 26 April to Curtin, that Evatt would 'represent' him on that Committee. In their joint telegram to Curtin on 28 April, however, Forde and Evatt noted

25. Ibid.

26. The Report was written in the Evatt office following the Conference and before the delegation left San Francisco. This information was supplied in an interview by one of Evatt's Advisers and is supported by H/45/776 Report of Australian Delegates.
Emphasis to this quotation is added.

> It has been arranged between us that Dr. Evatt will represent Australia on the Executive Committee while Mr. Forde represents us on the Steering Committee and will exercise the vote but Dr. Evatt will also attend and have the right to speak as Minister for External Affairs whenever necessary.[27]

Evatt's election to the Executive Committee; the effect of this in requiring his presence at, and participation in, the Heads of Delegations Committee; and the fact that he, because of his knowledge and ability, spoke for Australia on almost all matters in the Heads of Delegations Committee, meant that he had now added obvious and visible superiority over Forde in the Conference power structure to the domination of policy which he had effectively established through the expertise and disposition of his departmental personnel within the Australian delegation. It is thus possible to speak of Evatt's posture at the Conference as Australia's posture as well as to speak of his policy as Australia's policy. Evatt, however, allowed Forde the nominal chairmanship of the Australian delegation inasmuch as Forde retained Australia's vote on the Heads of Delegations Committee and spoke for Australia in the Second Plenary Session of the Conference.

If Evatt's campaign for membership of the Executive Committee must be regarded as part of Australia's policy at

27. H/45/771. Proceedings and Australian Policy.

the Conference, it was, nonetheless, a type of policy closely related to his assertive posture in its reflection of dissatisfaction with war-time Great Power consultation on the peace settlement. Evatt's posture was to be clearly evident in his manner and argument during the second meeting of the Heads of Delegation Committee.

A major issue discussed at this meeting was the question of Conference voting procedure. In this discussion Evatt played a central role. The voting procedure suggested by the Conference secretariat was as follows:

1. Each delegation should have one vote in each body of the Conference in which it was represented.
2. In public sessions and meetings, such as plenary sessions and public meetings of the Commissions, procedural matters should be decided by majority vote; voting on the text of documents on substantive questions should be by 2/3 vote.
3. Voting procedures and rules in all closed meetings of all bodies of the Conference should be established on an ad hoc basis by the body concerned.[28]

Evatt both in London and on his arrival at San Francisco, had expressed concern at the difficulty, under the Dumbarton Oaks proposals, of amending the Charter of the new organization.

28. 'Meeting of the Heads of Delegations to Organize the Conference, 27 April 1945', Doc 30, DC/5 (1), 27 April 1945, U.N.C.I.O. Documents, vol. 5, p.86.

His interest in this problem and his earlier interest in amendment of the Australian constitution no doubt predisposed him to regard the Dumbarton Oaks proposals as in effect a constitution which had to be amended at the Conference. He began by asserting that questions two and three of the suggested voting procedure were of 'vital importance', and continued

> As I understand question two, it would mean this that now [no] amendments to the Dumbarton Oaks proposals on any text or substitute [substantive] question can be accepted by the Conference without a two-thirds vote of the delegations present. Now it is quite true, Sir, that amendments to that text, or to that Charter when it becomes a Charter, should not be accepted lightly. At the same time, I think this Steering Committee should be warned that with regard to some amendments such a majority is unreasonable to ask for. It means that one third of the whole Conference can prevent any amendment to the proposal [proposals] on any question which is regarded as a substantive question and not merely a matter of procedure.[29]

He further emphasized that substantive matters which in private committee or commissions sitting privately a bare majority could carry, at subsequent public sessions would have to be carried by 2/3 majority. He felt that it was not right that this should be the case for all substantive amendments, though it might be necessary for some. Evatt concluded

29. Verbatim Minutes, Second Meeting of the Heads of Delegations Committee 27 April 1945, Running number 29 (Reel 9).

> I haven't got the experience in these Conferences, Sir, that so many delegates here have, and it might be that this will resolve itself as we go along, but it occurred to us - to Mr. Forde and myself as representing Australia, which desires to put some amendments before the Conference - that it would not be right with regard to some of them at any rate, that a two-thirds majority should be required.[30]

The Secretary-General of the Conference, Alger Hiss, noted in reply that the Secretariat felt there had to be some voting rules. As it was not anticipated that there would be business sessions of a public nature for several days this matter would not have to be resolved at once. Whereupon Fraser suggested

> that it might be possible for Dr. Edwards [Evatt] to consult with the Secretariat and the sponsoring powers in regard to certain parts of the Dumbarton Oaks proposals.[31]

The discussion was thereupon closed on the understanding that the Secretary-General would raise the matter again at the next meeting of the Heads of Delegations Committee.

Later in the same meeting some members, notably Field Marshal Smuts, suggested that a time limit should be placed on the Conference in view of the increasing urgency of events in Europe.[32] Forde opposed this suggestion in the same demo-

30. Ibid. Running number 30.

31. Ibid.

32. 'Meeting of the Heads of Delegations to Organize the Conference, 27 April, 1945', Doc 30, DC/5 (1), 27 April 1945, U.N.C.I.O. Documents, vol. 5, p.89.

cratic spirit as Evatt had objected to the two-thirds rule, when he argued that it would lessen the opportunity for amendments to be made to the Dumbarton Oaks draft.

> I think we are all agreed that very satisfactory progress has been made up to date and if you decide now to limit the sittings of the Conference you will probably be taking another step that would prevent amendments being fully considered, amendments which in the opinion of many Governments should be moved, and debated and considered.[33]

A decision on this matter was also postponed.

Forde's speech to the Second Plenary Session of the Conference on that afternoon (Friday, 27 March) showed how much detailed thought the Australian delegation had given to the provisions of the proposed Charter. In thefirst place the speech was notable, as was Evatt's initial press conference, for the fact that it touched on specific issues of the Dumbarton Oaks draft instead of following the generalities of the previous speakers in the opening plenary sessions. It was thus reinforcing an Australian posture of open discussion and debate.

This was commented upon by Michael Foot in the Daily Herald of 1 May 1945 -

33. Verbatim Minutes, Second Meeting of the Heads of Delegations Committee 27 April 1945, Running number 49 (Reel 9).

> She [Australia] has stated publicly some of the private arguments which have been raging in every hotel room in San Francisco. She has drafted out for public inspection the delicate subject of trusteeship. She's threatening to put these matters to the test of what Mr. Churchill in the House of Commons calls 'Faithful Voting'. One of her delegates even mentioned to me afterwards the old phrase so much detested by orthodox diplomats: 'Open covenants, openly arrived at'.

It must be stated that there are doubts as to whether Forde's speech was written by his section of the Delegation. It has been suggested by a member of the Delegation that the speech was composed in the Evatt office and then sent down to Forde's group page by page. At all events, in the course of a question in the House of Representatives on 1 May on the terms of the truce reached by Forde and Evatt, Menzies interjected 'One of them wrote the speech and the other read it'.[34]

Forde stated that the cardinal points of Australia's policy in relation to security could be expressed as follows:

(a) There must be speedy and orderly procedures for the peaceful handling of disputes between nations

(b) There must be a system of santions which can be imposed very rapidly and which will be based on the united military strength of the great powers but shared in by all powers

34. C.P.D., vol. 181, 1 May 1945, p.1210.

> (c) A permanent system of security can be made effective and acceptable only if it has a foundation in economic and social justice, and real international stability can be achieved only by promoting measures of economic advancement as well as by maintaining security.[35]

The first Australian emphasis was on the hope for an effective system of collective security. Australia felt that the obligation to contribute to enforcement measures should be accepted by all members and that decisions of the Organization to apply enforcement measures should be equally binding on all members.

> The expectation that there will be complete and immediate application of measures for collective security is essential both to deter the would-be aggressor, and to bring reassurance to the peoples of the world who look for security. In our view the acceptance of this obligation is fundamental.[36]

Australia in this speech also publicly raised the issue of the veto on the peaceful settlement of disputes.

> The term 'veto' is not altogether a happy one. In relation to sanctions it means only this: that if the world organization is to exercise economic or military sanction against an aggressor, which of course involves acts of war, its leading members must act unitedly or not at all. But the very considerations which are appropriate to enforcement action by the greater powers are out of place

35. 'Verbatim Minutes of the Second Plenary Session, 27 April, 1945' Doc 20, P/6, 28 April 1945, U.N.C.I.O. Documents, I, p.171.

36. Ibid., p.172.

> in relation to the settlement of disputes by such means as conciliation, arbitration or by other specific means. In such cases, which are covered by Chapter VIII A of the Proposals, the Security Council should be empowered to act by the proposed majority of seven withoutthe requirement of the approval by each and every one of the five great powers. I think that this point of view is implicit in the Yalta formula, which in relation to Chapter VIII A prevents a power which is a party to a dispute from voting at all. Why any of the five powers which is not a party to a dispute should be empowered to prevent attempts to settle it by means of conciliation or arbitration, we are quite unable to discover. We think a mistake has been made, and that all the powers concerned should be ready to cancel it at this Conference.[37]

Forde in this speech also stressed, with an emphasis which had been absent from Australia's previous policy statements,

the powers of the General Assembly of the new body

> Ultimately it should become the central organ or the forum in which the conscience of the peoples of the world should have its most potent expression. We admit one exception, and one exception only, to the right of the Assembly to consider and to make recommendations as it thinks fit with regard to any matters affecting international relations. While the Security Council is handling a dispute in accordance with Chapter VIII of the Dumbarton Oaks Proposals, nothing should be done to diminish the authority of the Council or to hamper the prompt settlement of the dispute.[38]

By far the largest single part of Forde's speech, however, was devoted to a restatement of Australia's case for representation on the Security Council of the new organization. Here the

37. Ibid., p.173.
38. Ibid., p.174.

arguments of Berkeley and London were reiterated before the assembled allied nations. It will be noted that this continued emphasis was given even after Australia had been elected to the Executive Committee on that morning.

> It will have to be recognized that outside the great powers there are certain powers who, by reason of their resources and their geographical location, will have to be relied upon especially for the maintenance of peace and security in various quarters of the world. Like France, Canada, and other countries, Australia has consistently maintained this principle. But there is another principle of even greater importance.
>
> Certain powers, not classified as great, have proved by their record in two world wars that they not only have the capacity but also the will to fight in resistance of aggressors threatening the world with tyranny. These powers are in a sense proved veterans in the struggle against Fascist dictatorship threatening the security of the world. They are in truth security powers. They have a claim to special recognition in any security organization.[39]

Here the primary emphasis on a proved capacity and will to fight on the part of certain nations as a criterion for non-permanent membership of the Security Council was a change from Evatt's Berkeley argument which, like his speech of 8 September 1944,[40] had emphasized in this context Australia's regional security role in the South West Pacific.[41] At his Savoy Press

39. Ibid., p.175.
40. See above p. 115.
41. See above p. 250.

Conference in London, however, Evatt, while emphasizing Australia's 'distinctive regional interests'[42] in relation to the peace settlement had also based his case for an 'important part' for Australia in 'the Security organization' on her 'capacity and will to fight in resistance of aggression'.[43] It is possible that Evatt felt in London and initially at San Francisco that regional emphases should not be stressed in a context of public commitment to, and support for, collective security. But he had also in London pointed out, in a telegram to Curtin,[44] that the operation of the veto on enforcement action in conjunction with a possible veto or amendment might require a greater attention to regional security arrangements. While there was no mention of such regional arrangements in this speech delivered by Forde, this element of Australian policy was to reappear among the full list of her amendments as subsequently submitted to the Conference on 3 May. It was not to receive emphasis, however, until discussions on policy had commenced in the technical committees of the Conference.

42. Australian Report on U.N.C.I.O. p.
43. Ibid.
44. See above p.270.

Forde also referred to the question of economic justice and social security.

> Australia's foreign policy has long been especially concerned with arrangements for economic and social co-operation. We take the view that peace and security must rest on economic justice and social security.[45]

He urged that the Economic and Social Council be made one of the principal organs of the world organization. He also urged, though here in somewhat muddled terms, the case of the incorporation of a pledge to promote full employment in the Charter.

> Apart from the relationship of welfare to security, welfare is an end in itself. Greater welfare, employment for all, and rising standards of living for all have been promised in international declarations such as the Atlantic Charter, and in the national declarations of the policies of most of the socially advanced countries of the world. All this has been pledged. It is necessary to redeem the pledge. The pledge should be written into this Charter of the world organization as an objective, but that is not enough. Suitable machinery must be provided for the progressive fulfilment of the pledge.[46]

On the question of trusteeship, the stand which Australia had privately taken in London was publicly maintained. Australia was in favour of a continuation of the mandate

45. 'Verbatim Minutes of the Second Plenary Session. 27 April 1945. Doc 20, P/6, 28 April 1945, U.N.C.I.O. Documents, p.176.

46. Ibid., p.176.

system for existing mandates and its extension to territories 'taken away from our enemies in the present war'.[47] There should be, in addition, a recognition in the Charter 'that the main purpose of the administration of dependent or undeveloped territories is the welfare and advancement of the peoples of those territories'.[48] Not only should territories under mandate and detached territories of the present war be 'administered under terms which will impose upon the administering power a duty to the United Nations to promote the welfare of these dependent peoples', but also such other territories 'as may be determined upon by appropriate action'.[49] Forde then noted

> It would be quite wrong to call such a system 'international direction' or 'international supervision'. There would be no interference with sovereignty. All that would be done would be to treat the welfare of dependent peoples as a matter not only of local but of international concern.[50]

Finally Forde commented on the problem of amendment of the Charter. In a phrase almost identical with Evatt's usage at Chatham House in London,[51] Forde noted that the Dumbarton Oaks

47. Ibid., p.177.
48. Ibid.
49. Ibid., p.178.
50. Ibid.
51. See above p. 265, Evatt's words at Chatham House were 'very many characteristics of a mere prolongation, into the years of peace, of the type of "Big Three" leadership that has been found necessary to win the war'. Australian Report on U.N.C.I.O., p.68.

plan as it stood bore 'very many characteristics of a mere prolongation into the years of peace of the type of great-power leadership that has been found necessary to win the war'.[52] Similarly he argued, as had Evatt in London, that the amending process needed greater flexibility and announced that Australia would propose an amendment for this purpose.

> In placing Australia's view before you, my colleague, Dr. Evatt, and I have endeavoured to state our position frankly and realistically. There is no time to waste on mere generalities. There is, as we have been reminded, a job to be done.[53]

At 9 a.m. on Monday, April 30, Evatt attended the first meeting of the Executive Committee as Australian representative. The proposed agenda for this meeting included the invitation of representatives of White Russia and the Ukraine to the Conference and the question of whether an invitation should be extended to the Government of Argentina to attend the Conference.[54]

Evatt moved that the Executive Committee recommend to the Steering Committee that the White Russian Soviet Socialist

52. 'Verbatim Minutes of the Second Plenary Session, 27 April 1945', Doc 20, P/6, 28 April 1945, U.N.C.I.O. Documents, pp.178-9.
53. Ibid., p.179.
54. 'Proposed Agenda for the First Meeting, 30 April 1945', Doc 34, EX/1, 30 April 1945, U.N.C.I.O. Documents, vol. 5, p.373.

Republic and the Ukrainian Soviet Socialist Republic be permitted to take their seats at this Conference. Evatt's motion was as follows -

> The Executive Committee recommends to the Steering Committee that, the Conference having decided that the Ukrainian Soviet Socialist Republic and the White Russian Soviet Socialist Republic be invited to be initial members of the proposed International Organization, their representatives be permitted to take their seats at the Conference immediately as they have requested through the representative of the Soviet Union.[55]

In the course of Committee discussion Evatt made the point that the two republics should be 'permitted' rather than 'invited' to attend the Conference.

Mr. Stettinius:

> Gentlemen, you have before you a motion by Dr. Evatt that has been seconded by Mr. Velloso [Brazil] that the two Russian republics, White Russia and the Ukraine be invited to attend this Conference.
>
> Would all in favour of this motion please raise their right hand?

Dr. Evatt:

> I was rather careful in the form.

Mr. Stettinius:

> I didn't hear what you said.

Dr. Evatt:

> I said 'permitted'. I refrained from saying 'invited' to come.[56]

55. 'Meeting of the Executive Committee, 30 April 1945', Doc 41, EX/2, 30 April 1945, U.N.C.I.O. Documents, vol. 5, p.377.
56. Verbatim Minutes First Meeting of the Executive Committee 30 April 1945, Running number 10 (Reel 9).

Earlier in committee discussion Evatt had given a reason for this semantic distinction when he pointed out that the Republics had already requested, through Russia, permission to attend the Conference.[57]

Evatt applied a similar distinction to the question of the admission of the Argentine to the Conference. After Senor Padilla of Mexico had moved that an invitation should be extended to the Government of Argentina to attend the Conference, Evatt moved, as an amendment to Padilla's motion, that this question be postponed until the next meeting of the Executive Committee. He emphasized that no invitation should be issued and that the delay he envisaged would allow Argentina to make formal application for admission to the Conference which could then be considered.[58] In the official summary report of the Executive Committee meeting Australia's stand on the admission of the Argentine is reported as follows:

> Dr. Evatt said that if this question stood alone, Australia would not be in favour of admitting Argentina to the Conference, on account of its past record in this war. He felt that it would

57. Ibid., Running number 6.

58. 'Meeting of the Executive Committee, 30 April 1945', Doc 41, Ex/2, 30 April 1945, U.N.C.I.O. Documents, vol. 5 p.379.

> be impossible permanently to deny to Argentina readmission to the Community of States, especially in view of the attitude of the Latin American countries, many of whom were good friends of Australia.[59]

An official correction to this report read:

> Dr. Evatt said that if this question stood alone, Australia would not be in favour of admitting Argentina to the Conference, on account of its past record in the war. However, he felt that it would be impossible permanently to deny to Argentina readmission to the Community of States especially in view of the attitude of the Latin American countries and the United States.[60]

This summary report scarcely gives sufficient indication of Evatt's expressed feelings in the Committee on the admission of the Argentine. Indeed it would appear that what had been a semantic point in the case of White Russia and the Ukraine had now become for Evatt a means of specifically discriminating against the Argentine and ensuring its admission to the Conference on a somewhat inferior basis. The verbatim report is worthy of quotation in full because it shows that Evatt, while bowing to political expediency in withdrawing his motion, voiced strong feelings in the subject which were not, at the time, publicized.

59. Ibid.

60. 'Corrigenda to Summary of Meeting of the Executive Committee, 30 April 1945', Doc 41, EX/2 (1), 12 May 1945, U.N.C.I.O. Documents, vol. 5, p.391.

> Now in support of this amendment I would like to say a thing or two about this measure. If this were Argentina considered by itself; that is to say if we were just looking at the case of Argentina, the views of my country would be overwhelmingly opposed to their admission. We think of them being Facist throughout the war; having done everything they could to trip us up, that they are Fascist in sympathy as far as the evidence is concerned pretty well up to the present time. In fact, the American newspapers announced on Saturday that it is nowforbidden to have any celebrations in the Argentine marking the downfall of Germany, and yet theoretically they are at war with Germany.
>
> That is how we feel about it and I wouldn't be frank with the Executive if I didn't say that.
>
> But here are the South American Republics, some of whom are very goodfriends of ours during the war, and they want this done, and in the end, we cannot prevent - no one could prevent - the admission of the Argentine or the readmission into the Community of Nations, and, therefore, I think at the proper time, it will be correct to allow Argentina to come to these deliberations, but I feel we should take the same course in relation to the Argentine as the delegate for Columbia took on Thursday in relation to White Russia and the Ukraine, that is, to let the thing be dealt with in a more orderly fashion.
>
> I am opposed to an invitation being sent to the Argentine. Why should we invite Argentina to come? Let them apply. Let them apply in the regular way and they can do that between now and the next meeting of the Executive.[61]

Later in the meeting Evatt withdrew his amendment when it became clear that the Great Powers were in favour of dealing with the matter at once, but reiterated his desire for permission rather than invitation. Although Evatt's action

61. Verbatim Minutes. First Meeting of the Executive Committee, 30 April 1945, Running numbers 18-9 (Reel 9).

would seem to have been largely 'political' it does not seem to have been completely so.

The reporting of Australia's agreement to the admission of Argentina not surprisingly gave rise to questions in the House of Representatives, and in the light of a knowledge of the verbatim records of the Conference it is interesting to notice that one of them J.P. Abbott, on 3 May, included the following -

> Did either the Government or its ministerial representatives, before Australia's vote was recorded in favour of the admission of Argentina, give consideration to the statements made last year by the late President Roosevelt and Mr. Cordell Hull denouncing the present Argentine Government as a Fascist regime?[62]

The most important aspect of Evatt's participation in this meeting of the Executive Committee is the fact that he figured so largely in the business of the meeting. On both the White Russia and Argentine issues most of the discussion was centred around motions put forward by Evatt. This may be taken as reflecting both his energy and his legal ability.

Later in the same morning the Heads of Delegations convened for a meeting in which Australia took no notable part.

62. C.P.D., vol. 181, 3 May 1945, p.1318. There were further questions on 4 and 8 May.

This meeting of the Committee decided to permit Argentina to take her seat at the Conference at once.

At the meeting of the Executive Committee on the following morning, 1 May, Evatt once again demonstrated an aggressive attitude towards possible Great Power domination of the Conference in a similar manner to that which he had shown on the question of Conference voting at the second meeting of the Heads of Delegations Committee. The question here was the allocation of Commission and Committee officerships. France objected to the fact that she had not been allocated a Commission rapporteurship in the list which had been drawn up by the four inviting powers. Evatt supported this objection and the further protest made by M. Bidault that, as the Conference had now been established, the inviting powers should no longer be considered as having prerogatives such as the allocation of these offices.[63]

> Mr. Evatt (Australia) expressed general agreement with Mr. Bidault both with respect to the possible usurpation of the Executive Committee's functions by the four powers and with respect to the omission of France from the list of officers of Commissions and Committees. Mr. Evatt reported that he had

63. 'Summary of Second Meeting of the Executive Committee, 1 May 1945', Doc 51, EX/3, 1 May 1945, U.N.C.I.O. Documents, vol. 5, p.398.

> received the list only an hour before and that there was no real opportunity to make suggestions. That was quite inadequate. If suggestions were to be made, it could only done as part of a reconsideration of the whole list ... with reference to the position of the four sponsoring powers, he [Evatt] emphasized that once the Conference had been assembled, it was master of its own business and important decisions should be initiated by the Executive Committee and not outside it.[64]

At what would have been the Fourth Meeting of the Heads of Delegation Committee, had not that Committee been renamed the Steering Committee which now met under its new title for the first time following the Executive Committee meeting on the same morning, the question of voting in the Conference, discussed at the second meeting of the Committee under its former title, was the main item of discussion. Argument centred on a revised version drawn up following Evatt's protest in the second meeting on 27 April, of Section IV of the proposed memorandum on Rules of Procedure. This revised revision read

> The Secretariat, after discussion with the Chairman of the Australian Delegation and certain others, submits the following revised text of Section IV of the memorandum of Rules of Procedure

64. Ibid. pp.398-9 and 'Corrigendum to Summary of Second Meeting of the Executive Committee', Doc 51, EX/3 (1), 12 May 1945, Ibid., p.405.

## IV VOTING

1. Each delegation shall have one vote in each body of the Conference on which it is represented.

2. Voting in Public Sessions and Meetings: In all public sessions and meetings of the Conference (in Plenary Sessions and in Public Meetings of the Commissions) voting, at this stage, on all questions shall be by majority vote of the Delegations present. It may later be desirable in certain cases, when a text or an amendment is concerned, torequire a vote by some proportion larger than a majority. It shall be open to the Conference in any given case to determine whether the bare majority would be sufficient to carry a text on an amendment.

3. Voting in Closed Meetings: The voting procedure and rules in closed meetings of the Conference (in closed meetings of the Commissions and in meetings of the Technical Committees) shall be by majority vote or shall be decided ad hoc by the body concerned.

4. The Conference shall normally vote by show of hands, except that any Delegation in any body of the Conference may request a roll call which shall be taken by countries in English alphabetical order.[65]

The original Secretariat proposal, as has been seen above,[66] required a 2/3 majority for substantive amendments in public sessions and public meetings. This meeting of the Steering Committee could not reach a decision on the matter, and decided to refer it to the Executive Committee. M. Molotov, for example, favoured retention of the original proposal

65. 'Meeting of the Chairmen of the Delegations - revised text of Section IV of the memorandum on "Rules of Procedure"', Doc 37, DC/9 (a), 30 April 1945, U.N.C.I.O. Documents, pp.142-3.

66. See above p.305

because he had seen the voting power of the Latin American bloc.[67]

In the course of his argument to the Steering Committee, Evatt once again showed his desire to lessen Great Power predominance at the Conference by making it easier to amend the Dumbarton Oaks proposals.

> You might have an amendment which is not a procedural amendment, which is very important and goes to the root of the whole Dumbarton Oaks plan. On the other hand, you may have an amendment that is not a procedural amendment, but which does not affect the general scheme of the Dumbarton Oaks plan. To throw all these proposals together and require a 2/3 majority vote for each amendment of substance would be to make the chance of carrying any amendment at the highest level very difficult indeed. And I would point this out to M. Molotov, that if a majority of the Conference can be aligned or align itself in the way he has indicated, it follows logically that a lesser majority, namely one third of the Conference plus one, can prevent any amendment of substance to this document. And I don't think - and this is my point - that at the beginning of the proceedings we should make such a self-restrictive decision.[68]

67. 'Summary of Meeting of Steering Committee, 1 May 1945', Doc 50, ST/2, 1 May 1945, U.N.C.I.O. Documents, vol. 5 p.175. 'The Chairman indicated that there was a choice between the original proposal and the revision which had been suggested by Mr. Evatt. He explained that the United States Delegation favoured the original proposal but that the revision had been made as a courtesy to Mr. Evatt'. Ibid.

68. Verbatim Minutes, First Meeting of Steering Committee, 1 May 1945. Running numbers 11-2.

It would appear that Evatt here, as in his earlier comments in the (Heads of Delegations) Committee on Friday 27, was primarily concerned with the difficulty of altering the Dumbarton Oaks proposals. He appears to have regarded the Dumbarton Oaks text as something already accepted - an existing framework to be amended by the Conference.

On the following day, 2 May, the Conference began to get further under way with a meeting of Presidents of Commissions, Rapporteurs and Assistant Secretaries General. The need to hasten Conference proceedings was indicated by the suggestion of the Secretary General of the Conference that Committee meetings start at once without the need for preliminary formal Commission meetings.

> The Chairman [Field Marshal Smuts] stated that the Conference had been sitting for a week discussing matters of organization with the result that the public had a growing sense of frustrated disappointment.[69]

It was decided, therefore, that the officers of the four Commissions should meet separately with the officers of their Committees on the following day to discuss questions of organization and procedure.[70]

Friday, 4 May, had been set, as a result of a suggestion of Fraser of New Zealand in the Second Meeting of the Heads

69. 'Meeting of Presidents of Commissions, Rapporteurs and Assistant Secretaries General, 2 May 1945', Doc 59, G/16, 2 May 1945, U.N.C.I.O. Documents, vol. 1 p.66.
70. Ibid., p.68.

of Delegations Committee,[71] as the deadline for the submission of amendments to the Dumbarton Oaks draft as supplemented by the Yalta voting proposals.[72] The Australian amendments were forwarded by Keith Waller, Secretary of the Delegation, to Alger Hiss, Secretary General of the Conference, on 3 May and were officially recorded as having been received by the Secretariat on 4 May.[73] On 3 May Evatt held a large press conference at which he explained the main points of the Australian amendments.[74] These points closely reflected the emphases given in Forde's speech to the Second Plenary Session. At the press conference Evatt issued the following statement

71. 'Meeting of the Heads of Delegations, 27 April 1945' Doc 30. DC/5 (1), 27 April 1945, U.N.C.I.O. Documents, vol. 5, p.86.

72. These amendments had first been invited in the text of the official invitation to the Conference. The invitation is reprinted as Doc 3/ G/2, 26 April 1945, U.N.C.I.O. Documents, vol. 1, p.1.

73. United Nations Archives, New York, U.N.C.I.O. - General File, Box 5, Dumbarton Oaks Proposals, Comments and Amendments. The full text of the Australian amendments is printed as Doc 2, G/14 (1), 5 May, 1945, U.N.C.I.O. Documents, vol. 3, pp.543-553. It may also be found in the Australian Report in U.N.C.I.O., pp.71-5.

74. Age, Melbourne, 5 May 1945.

Australia is submitting amendments to the World Organization plan. Some are concerned with clarifying the draft, but nine are directed to matters of importance affecting both world security and economic welfare. All the amendments are positive, constructive and helpful. Their adoption will greatly improve the proposed constitution without in any way interfering with its basic principles. Perhaps the most important amendment is that dealing with the power of future amendment. The constitution should not be too flexible, but to keep it practically unchangeable would be utterly wrong.

The Australian amendments are designed:

(1) To prevent the possibility of a single Great Power vetoing amendments to the constitution, providing such amendment is twice approved by a two-thirds majority of the General Assembly including three permanent members of the Security Council.

(2) To exclude the "veto" of the permanent members from all arrangements relating to the peaceful settlement of disputes and to confine such "veto" to decisions involving the application of economic and military sanctions.

(3) To require a pledge from all members to respect the territorial integrity and political independence of other members.

(4) To declare that justice and the rule of law shall be the principles guiding the action of the Security Council and for this purpose to require the maximum employment of the Permanent Court in determining the legal aspects of international disputes.

(5) To see that the Security Council is in fact composed of "security" Powers, i.e., Powers which by their past military contribution to the cause of world security, have proved able and willing to assume substantial security responsibilities, or which are willing, and byvirtue of their geographical position in relation to regions of primary strategical importance are able, to make asubstantial contribution to the maintenance of international peace and security.

(6) To require members to pledge themselves to take action both national and international for the purpose of securing for all peoples, including their own, improved labour standards, economic advancement, employment for all, and social security, and as part of that pledge to take appropriate action through the Assembly, the Economic and Social Council and the International Labour Organization and, in particular, to make regular reports to the Assembly as to what they have actually done to carry out the pledge.

(7) To elevate the Economic Council into a principal organ of the World Organization and to give the Economic Council under the General Assembly specific new functions, including power to initiate action for the making of international conventions on all matters not being dealt with by other specialized agencies.

(8) To give the General Assembly a wider jurisdiction over, and a fuller share in, the general work of the Organization and in particular to vest the Assembly with power to prevent situations and disputes from becoming "frozen" in the Security Council, as occurred in the League of Nations in the notorious cases of external aggression against China, Ethiopia and Czechoslovakia.

(9) To lay down the principle that the purpose of administration of all dependent territories is the welfare and development of the native peoples of such territories, and to place an obligation on nations controlling particular dependent territories, to be specified by appropriate action, to report regularly to advisory bodies consisting of expert administrators.[75]

On 1 May Waller had forwarded to the Secretary-General the following memorandum and list.[76]

75. Printed in Australian Report on U.N.C.I.O., pp.78-9.

76. United Nations Archives, New York, U.N.C.I.O. - General File, Box 2, Assignments to Commissions and Committees.

In compliance with the request made at the meeting of the Steering Committee this morning, I am forwarding herewith a list of the members of the Australian Delegation to serve on the four Commissions to be set up in connection with the work of the United Nations Conference on International organization.

Commission I - General Provisions

Rt. Hon. F.M. Forde and the Rt. Hon. H.V. Evatt (Delegates to the Conference)

W.D. Forsyth, (Secretary and Executive Officer of Delegation group concerned with Commission I)

Senator The Hon. George McLeay
Senator R.J. Nash
H.A.M. Campbell
Mrs. J.G.M. Street
W. Macmahon Ball

Commission II - General Assembly

Rt. Hon. F.M Forde and the Rt. Hon. H.V. Evatt (Delegates to the Conference)

Dr. J.W. Burton, (Secretary and Executive Officer of Delegation group concerned with Commission II)

The Hon. Sir Frederic Eggleston
The Hon. R.T. Pollard
J.F. Walsh
O.D.A. Oberg
J.B. Brigden
Dr. Roland Wilson
L.F. Crisp

Commission III - Security Council

Rt. Hon. F.M. Forde and the Rt. Hon. H.V. Evatt (Delegates to the Conference)

A.S. Watt, (Secretary and Executive Officer of Delegation group concerned with Commission III)

The Hon. John McEwen
Lt. Gen. Sir John Lavarack
Air Marshal R. Williams
Commander S.H.K. Spurgeon
E.V. Raymond
P.E. Coleman

Commission IV = Judicial

Rt. Hon. H.V. Evatt, (Delegate to the Conference)
Professor K.H. Bailey, (Secretary and Executive Officer of Delegation group concerned with Commission IV)
The Hon. Sir Frederic Eggleston

It is intended that the External Affairs Advisers (namely, Mr. Watt, Mr. Hasluck, Mr. Forsyth and Dr. Burton) together with the Consultant to the Attorney-General (namely, Professor Bailey), shall attend all four Commissions as their services may be required.

It would seem, therefore, that Forde and Evatt would be the spokesmen at Commission meetings with the other members of the delegation present in an advisory capacity. The special position of Evatt's External Affairs Advisers is clear both in their capacity of Secretary and Executive Officer of Delegation groups on the various Commissions and by the fact that they alone could attend all four Commissions as their services were required.

But the main work of the Conference was not to be conducted in the Commissions. Each of the Commissions was served by a number of technical committees and it was in these twelve committees that the detailed daily work of the Conference took place. On 3 May, Waller forwarded the following memorandum to the Secretary General.

77. Ibid.

The list of members of the Australian Delegation to serve on Commissions of the Conference, which was forwarded with my note of 1st May, will also serve for the allocation of members of ourDelegation to Committees.

It is our wish that members of our Delegation should be regarded as eligible to attend all meetings of the Committees set up under the respective Commissions to which they have been nominated, and that the official advisers should be able to attend any Committee of the Conference when their services are required. If it is necessary for the purposes of the Secretariat, the names of their [sic] officials (which will be supplied if requested) may be placed on the list of our representatives for each of the Committees

The Australian Delegates, the Rt. Hon. F.M. Forde and the Rt. Hon. H.V. Evatt, will be spokesmen on all committees and in their absence alternates will act as follows:

Commission No.1 General Provisions[78]

Committee No.1 (Preamble, Purposes, Principles)

Senator Nash and Mr. Macmahon Ball

Committee No.2 (Membership and General)

Senator McLeay and Mr. Macmahon Ball

Commission No.2 General Assembly

Committee No.1 (Structure and Proceedings)

Sir Frederic Eggleston and Mr. Brigden

Committee No.2 (Political and Security Functions)

Mr. Pollard and Mr. Hasluck

Committee No.3 (Economic and Social Cooperation)

Dr. Wilson and Dr. Burton

Committee No.4 (Trusteeship)

Sir Frederic Eggleston and Mr. Forsyth

78. The terms of reference of the Commissions and Committees may be found in 'Organization of the Conference - Addendum to Verbatim Minutes of the Fifth Plenary Session, 30 April 1945', Doc 42, P/10 (a), 6 May 1945, U.N.C.I.O. Documents, vol. 5, pp.402-5.

Commission No.3 — Security Council

Committee No.1 (Structure and Procedure)
Mr. Watt and Commander Spurgeon
Committee No.2 (Peaceful Settlement)
Mr. McEwen and Professor Bailey
Committee No.3 (Enforcement Measures)
Sir John Lavarack, Mr. Coleman and Mr. Hasluck
Committee No.4 (Regional Arrangements)
Air Marshal Williams, Mr. Coleman and Mr. Watt

Commission No.4 — Judicial Organization

Committee No.1 (International Council) sic
Sir Frederic Eggleston and Professor Bailey
Committee No.2 (Legal Problems)
Sir Frederic Eggleston and Professor Bailey

Besides its preliminary remarks consolidating the position of power of Evatt and his official advisers within the Delegation, as has been noticed in Chapter V, this listing also demonstrates the limited extent to which members of the Delegation outside of the circle of Evatt's departmental advisers and his group centred on floor 17 of the Sir Francis Drake Hotel were able to contribute to Australia's representation at meetings of the technical committees. At least one of the Alternates was in every case a member of Evatt's team and in fact only Senators Nash and McLeay, Mr. McEwen, Mr. Pollard, Dr. Wilson, Mr. Coleman, Commander Spurgeon, Air Marshal Williams and Sir John Lavarack represented among the Alternates

those members of the delegation outside Evatt's group.[79]

On Friday, 4 May, the Technical Committees held their first meetings which were largely organizational. In Committee I/1 - (General Provisions - Preamble, Purposes and Principles), as in all Committees, ad hoc decisions were taking on voting procedure until the Executive and Steering Committees had reached a decision on the matter. In the course of discussion the Chairman of the Committee said:

> I should like to mention specifically the Dumbarton Oaks proposals to which Mr. Boncour referred. I don't think there is any reason by which the two-thirds majority rule should not apply to that as to anything else.[80]

This was a point which had not emerged in previous discussion on the matter of Conference voting in the Executive and Steering Committees and one which, it would seem, had escaped Evatt's attention. For his whole argument against the two-thirds majority voting rule stemmed from regarding the Dumbarton Oaks proposals as somehow accepted with a consequent necessity to render them easily amendable in the Conference.

79. United Nations Archives, New York, U.N.C.I.O. - General File, Box 2, Assignments to Commissions and Committees.

80. Verbatim Minutes, First Meeting of Committee I/1, 4 May 1945, Running Number 8 (Reel 1). For official summary, account see 'Summary Report of First Meeting of Committee I/1, 4 May 1945, Doc 95, I/1/2, 5 May 1945, U.N.C.I.O. Documents, vol. 6, pp.268-70.

The meetings of the Technical Committees on 4, 5,7and 8 May were largely concerned with procedural matters such as interim voting procedures, methods of recognizing speakers, and the difficulty of commencing proper proceedings until the amendments had been collated and published by the Secretariat.

Australia, it would appear, had circulated its amendments to all delegates, independently of the Secretariat, on Friday, 4 May. In the first meeting of Committee II/4 (General Assembly - Trusteeship) on 5 May, Lord Cranborne, of the United Kingdom, said he felt that such action could lead to confusion, and that it should be left to the Secretariat to circulate amendments.

> Nobody would quite know what was being issued, and to whom, and I would have thought for the sake of uniformity, and to be sure that everybody was getting what they ought, it would be wise even at the risk of a little delay, to stick to the rule that all documents should be issued by the Secretariat.[81]

In the second meeting of Committee III/1 (Security Council - Structure and Procedure) on Satuday, 5 May, the Chairman conveyed to the Netherlands representative the warmest

81. Verbatim Minutes, First Meeting of Committee II/4, 5 May 1945, Running number 23 (Reel 3). For official summary account see 'Summary Report of First Meeting of Committee II/4, 5 May 1945', Doc 113, II/4/2, 6 May 1945, U.N.C.I.O. Documents, vol. 10, pp.423-4.

congratulations of the Committee on the liberation of Holland and its heroic people.

> The teuton ogre and his hideous war machine have been pulverised by the valient legions of the United Nations and more particularly those of our great Allies. May we soon celebrate also the liberation of the noble Norwegian people, which should come soon. The success of your labours would constitute the best epilogue to these historic world events.[82]

The end of the war in Europe was at hand; and some of the delegates would very soon have to return to their own countries. The Conference Secretariat and the Commission and Committee officers were therefore concerned to expedite proceedings of a Conference which, in the course of almost two weeks, had done little more than organize itself - and in the matter of organization the vital question of voting procedure was still unsettled.

On the morning of Monday, 7 May, a meeting of Commission Presidents and Committee chairmen was held to speed the deliberations of the Committees. It was decided firstly to reorganize the roster of Committee meetings so that the previous

82. Verbatim Minutes, Second Meeting of Committee III/1, 5 May 1945, Running number 1 (Reel 4). For official summary account see 'Summary Report of Second Meeting of Committee III/1, 5 May 1945', Doc 120, III/1/3, 6 May 1945, U.N.C.I.O. Documents, vol 11, pp.252-5.

schedule whereby Committees met on alternate days only was replaced by more frequent meetings.[83] More importantly, from the point of view of Australia's participation in the conference, it was suggested that, with the authorization of the Steering Committee upon the recommendation of the Executive Committee, the twenty-seven amendments jointly proposed by the sponsoring Governments on 4 May, might be read into the Dumbarton Oaks proposals. It was agreed to recommend to the Executive Committee that the twenty-seven amendments be incorporated into the Dumbarton Oaks proposals.[84]

83. 'Summary Report of Meeting of Presidents of Commissions and Chairman of Committees, 7 May 1945', Doc 135, G/31, 8 May 1945, U.N.C.I.O. Documents, vol. 1, p.89.

84. Ibid. p.90. The text of the 27 amendments is printed as 'Amendments Proposed by the Governments of the United States, the United Kingdom, the Soviet Union, and China', Doc 2, G/29, 5 May 1945, U.N.C.I.O. Documents, vol. 3 pp.622-8. See also 'Note by the Secretariat Regarding the Conclusions Reached at the Meeting held on May 7 of the Commission Presidents and Committee Chairmen', Doc 142, EX/5, 8 May 1945, U.N.C.I.O. Documents, vol. 5, p.415. This Note included the following among the Conclusions of the meeting 'Priority should be given by the technical committees to the consideration of the amendment jointly proposed by the sponsoring governments. These amendments shouldbe incorporated in the Dumbarton Oaks Proposals. The Dumbarton Oaks Proposals as thus amended should be re-issued as the basic document of the Conference for the work of the commissions and technical committees'. Ibid.

The aggressiveness and force of Australia's dissatisfied small power posture was not long in manifesting itself on this matter. In Committee I/1 which met later on the same morning,[85] the Chairman, Senator Henri Rolin of Belgium, announced that he had just come from the meeting of Presidents of Commissions and Chairmen of Committees.

> Now at the meeting I have just come from, it was proposed and it was decided that the best way of going about things was that the amendments by the inviting powers should be incorporated in the original Dumbarton Oaks document.[86]

Evatt, who was present in the Committee, immediately objected that he felt it would be 'a very wrong procedure'[87] to treat the amendments of any power or group of powers as the basic document.

> I think it would be a great mistake to allow our proceedings to be overshadowed by a group of amendments which, to some extent, are acceptable, and in other respects are not acceptable, so as to give priority and consideration to any group of amendments.[88]

Later in the proceedings he referred to the general body of amendments -

85. 'Summary Report of Second Meeting of Committee I/1, 7 May 1945', Doc 133, I/1/7, 8 May 1945, pp.276-7.

86. Verbatim Minutes, Second Meeting of Committee I/1, 7 May 1945. Running number 3 (Reel 1).

87. Ibid.

88. Ibid.

> Most of these amendments were in long before the Big Four amendments. Certainly some of them are much better, some of them are not quite so good, and we might make better progress if we call at the proper time the first paragraph [of the Dumbarton Oaks proposals] and then proceed to determine that, allowing each member of the Committee the opportunity to move an amendment as [he] is called in some regular order.[89]

The Committee adjourned leaving the question undecided.

On Wednesday, 8 May, the Executive Committee met at 11 a.m. to discuss, as the main agenda item, Section 4 of the Rules of Procedure on voting, and, as a further item, the recommendation of the Commission Presidents and Technical Committee Chairmen that the Dumbarton Oaks proposals as amended by the twenty-seven proposals submitted jointly by the sponsoring Governments should form the basic document of the Conference. The meeting began, in accordance with the Order of the Day, with a minute of silence as the formal observance by the Conference of the victory in Europe.[90]

The Executive Committee then moved to consider Section 4 of the Rules of Procedure on Conference voting. It had before it a new document from the Secretariat[91] setting out

89. Ibid. Running number 5.
90. 'Summary of Third Meeting of the Executive Committee, 8 May 1945', Doc 164, EX/9, 9 May, 1945, U.N.C.I.O. Documents, vol. 5, p.421.
91. 'Alternative Proposals on Conference Voting Procedure (To Form Section IV of the Conference Rules of Procedure)', Doc 141, EX/4, 8 May 1945, U.N.C.I.O. Documents, vol 5, p.407.

four possible proposals in place of the two, (the original secretariat proposal and the proposal made following discussion with Evatt and certain others), which had been considered at the last meeting of the Steering Committee.[92] Proposal 1 was the Secretariat's original proposal of 23 April.[93] Alternative A (Proposal II) was designed to provide for the possibility of voting on substantive questions in Commissions and plenary sessions by a majority instead of a normal two-thirds vote, under certain conditions.[94] Alternative B, (Proposal III), which was closest to the Australian proposal of April 30, provided for voting by two-thirds, instead of a normal majority vote, under certain conditions.[95] Alternative C, (Proposal IV) was an application of the two-thirds voting requirement to all bodies when dealing with substantive questions instead of only applying it to public sessions and meetings as in the original Secretariat proposal.[96] It might

92. See above pp.323-4.
93. See above p.305.
94. 'Alternative Proposals on Conference Voting Procedure', Doc 141, EX/4, 8 May 1945, U.N.C.I.O. Documents, vol 5, pp.407-8.
95. Ibid. pp.409-10.
96. Ibid. p.410.

be expected that Evatt would object more strenuously to Alternative C than he had to the Secretariat's original proposal. And indeed at the start of the meeting he did.

The Secretary of the Executive Committee, Alger Hiss, placed the Secretariat's original proposal, which he said had been approved by the sponsoring powers, and the three alternative proposals before the Committee. Evatt was the first speaker. The main object of his attack was Alternative C:

> But this last proposal, which is Alternative C, No. 4 in this draft, goes right against the original views expressed at the Steering Committee, because it requires a two-thirds majority ... and I think it is a very unsatisfactory No. 4 and I think it would be better to revert to the original proposal, than to lay down our original rule.[97]

Padilla, of Mexico who followed Evatt, supported Alternative C on the grounds that it was simple and certain.[98] Bidault, of France, seconded Padilla, using similar reasons and both proposer and seconder then accepted an amendment from Eden that the words 'present and voting' be added after the two-thirds requirement.[99] It will be seen that Evatt had modified

97. Verbatim Minutes, Third Meeting of Executive Committee, 8 May 1945, Running number 4 (Reel 9).
98. Ibid. Running number 5.
99. Ibid. Running number 8.

his position, taken at the second meeting of the Heads of Delegations Committee, to the extent that he now supported the original Secretariat proposal. This may have been his reaction to a prudent appreciation of the forces aligned behind Alternative C. But his decision was probably also influenced by a realization, which however seemed somewhat tardy, that both the Dumbarton Oaks proposals and the twenty-seven amendments of the great powers would have to be voted on in Committee in the same way as the amendments of the small powers.

For Evatt now raised the matter of the twenty-seven amendments even though they were listed as the following item on the agenda.

> ... I don't want to find this attempted, that the 27 amendments now proposed will all be accepted, and that the two-thirds majority will be required each date the technical committees prefer to amend these amendments. Let us employ one rule all round. It may be found that that will work satisfactorily, so long as your amendments [presumably the Great Power] amendments run the gauntlet of these Committees.[100]

The Chairman immediately replied - 'They will'. At this point in proceedings Russia supported the Padilla-Eden motion. The Secretary of the Committee, Alger Hiss then commented

100. Ibid.

> With respect to Dr. Evatt's last statement, I would like to say that the status of the Four Power Amendment proposals comes later on the agenda. It is my understanding that the proposals themselves, the original Dumbarton Oaks proposals, before being adopted by any Committee, would have to go through the normal voting procedure.
>
> Mr. Evatt: Let us be quite frank about it. I said a minute ago that my understanding was that any amendments, whatever power might move them, would have to run the gauntlet at the time of the majority of the Committees. We don't want them to be treated differently to those of other countries.
>
> Mr. Hiss: And that is true of the Dumbarton proposals themselves.[101]

Evatt then requested an assurance from the Chairman that a matter which had been passed or rejected by a two-thirds vote in a Committee would be subject to review and possible reversal in a Commission. The Chairman stated that such would be the case. The Padilla-Eden motion was then carried by a show of hands. All members voted in favour except Evatt who reserved the position of his delegation.[102]

It will be noticed how Hiss, in his remarks, had linked the twenty-seven Four Power amendments with the Dumbarton Oaks proposals and had thereby foreshadowed his statement at the

101. Ibid. Running number 9.

102. 'Summary of Third Meeting of the Executive Committee, 8 May 1945', Doc 164, EX/9, 9 May 1945, U.N.C.I.O. Documents, vol. 5, p.422, with corrigendum, p.429.

commencement of the discussion on the next item on the agenda - the status of the twenty-seven amendments of the four sponsoring Governments. Hiss began by reporting to the Executive Committee the relevant proceedings of the meeting of Commission Presidents and Committee Chairman held on the 7th May. According to the official summary of Third Meeting of Executive Committee:

> The Secretary-General said that, at a meeting on May 7 of the Commission Presidents and Committee Chairman with Field-Marshal Smuts (South Africa) presiding, it was recommended to the Executive Committee that the 27 amendments of the four sponsoring Governments be incorporated in the Dumbarton Oaks proposals as part of the basic documents of the Conference.[103]

The extent of the proposed incorporation is clear in an extract from the verbatim minutes of the same meeting where Hiss was recorded as saying inter alia

> The position was taken that the basic document before the conference was a document agreed upon by the four sponsors as amended by their agreement after the Yalta conference and that further amendments which they have just submitted should be regarded as in the same legal category as if they had been adopted three or four weeks ago. That recommendation was to be placed before you for consideration.[104]

103. 'Summary of Third Meeting of the Executive Committee, 8 May 1945', Doc 164, EX/9, 9 May 1945, U.N.C.I.O. Documents, vol. 5, pp.422-3.

104. Verbatim Minutes. Third Meeting of the Executive Committee, 8 May 1945, Running number 12 (Reel 9).

Bidault, on behalf of France, objected to the proposed consolidation of the joint Four Power amendments with the Dumbarton Oaks proposals on the grounds that it had been agreed that the latter only were to be the basis of the Conference discussion. He did, however, allow the amendments of the sponsoring powers to be given prior consideration over the other amendments.[105] At this point Evatt tried unsuccessfully to speak - the Chair had already recognized Van Kleffens from the Netherlands. Like Bidault, Van Kleffens was prepared to allow priority of consideration to the Four Power amendments but opposed their incorporation in text on the grounds 1) that the Dumbarton Oaks Proposals had been the basis of discussion since the previous October and 2) that it would be unfair to submit the amendments of the sponsoring powers to a different voting procedure to that required for amendments of the other powers.[106]

> Is it right, I should like to ask in the circumstances, to create a position in which these amendments, as Dr. Evatt has just remarked [in the previous discussion on conference voting procedure] after having been adopted without discussion en bloc, to require a two-thirds majority to be altered whereas a one-third minority would suffice to bar amendments from other sources.[107]

105. Ibid. Running number 13.
106. Ibid. Running number 14.
107. Ibid.

Evatt, after agreeing with Van Kleffens on this point, which is surprising in view of Hiss's assurances earlier on a two-thirds vote being required for the Dumbarton Oaks proposals and the Four Power amendments whether the latter were incorporated or not, then raised an important new point:

> ... so long as it is understood that the printing of these amendments is simply for the sake of aiding discussion in Committees, aiding discussion of them; printing them alongside more in a form that is convenient for discussion, then there would be no objection. But to incorporate them in the text, treat them as the new text, would put the country that wished to amend a particular amendment in an impossible position.[108]

Whereupon Eden said that the sponsoring powers had of course no intention of putting their amendments without a requirement for a two-thirds vote for their adoption. Having thus disavowed the suggestion of the Commission Presidents and Committee Chairmen, he proceeded to suggest, in the words of the official report 'that the new text might be reproduced showing the [Four Power] amendments in italics for the convenience of the delegates'.[109] This suggestion by Eden was supported

108. Ibid. Running number 15.

109. 'Summary of Third Meeting of the Executive Committee, 8 May 1945', Doc 164, EX/9, 9 May 1945, U.N.C.I.O. Documents, vol. 5, p.423. This quotation provides a clear example of the dangers inherent in an uncritical approach to the text of the unofficial Verbatim Minutes. The corresponding entry in the Minutes reads as follows 'Would it be practical [Eden asked] to produce a new text without amendments written in the text so that everybody could see what was new and what was old'. Verbatim Minutes, Third Meeting of the Executive Committee, 8 May 1945, Running number 17 (Reel 9).

by Padilla; but Evatt immediately showed the strength of his small power feeling when he suggested that not only the twenty-seven Four Power amendments but all amendments, might be reproduced alongside, but not as part of, the Dumbarton Oaks proposals.

Dr. Evatt:

Might I suggest this. You have your D.O. text. opposite each page put the amendment in the form that is recommended by the sponsoring powers but at the same time include at the relevant point the amendments by the other nations so that the Committee can ata glance (inaudible) [compare them?]

Mr. Hiss:

There would be some 1,000 pages.

Mr. Stettinius:

There are so many of them, some thousand amendments that have been submitted.

Dr. Evatt:

I don't see why they can't be considered equally.

Mr. Stettinius:

Dr. Evatt, it will be considered equally.[110]

After Van Kleffens had declared himself happy so long as the two-thirds rule applied to all votes Bidault supported Evatt

I think that Dr. Evatt's proposal is wise.[111]

110. Ibid. Running number 19.
111. Ibid. Running number 20.

Evatt himself spoke further -

> Take the position of a committee of Commission I. A sponsoring power suggests an amendment to clause one. How can another country which has got no form of its amendment ready for distribution have its amendment properly considered by the Committee unless they have got it before their eyes?

To which Stettinius replied

> Dr. Evatt, let me repeat and make very clear that there is no desire on the part of the United States that the amendments suggested should be given a position of prominence or priority above those amendments of any other country represented at this Conference. I am perfectly delighted to accept your suggestion of having the amendments suggested by others placed side by side if it were physically possible todo so. But the Secretariat has said that would be in a volume of a thousand pages, therefore I cannot believe that you would make a further statement on that.[112]

The meeting thereupon adjourned without a decision on this point having been reached.

At the meeting of the Steering Committee on the same afternoon, Evatt summarized discussion on the question of Conference voting procedure at the prior meeting of the Executive Committee. He said he thought that Alternative Ce, as modified by Eden's suggestion of 'present and voting', had been accepted because of its simplicity. He also pointed out that <u>all</u> proposals would have to be voted on and that he

112. Ibid. Running number 21.

had been particularly impressed by the fact that Committee decisions could be revised in Commissions and Plenary Sessions.[113] The Steering Committee then considered the question of the status of the twenty-seven amendments of the sponsoring Governments. The Secretary-General announced that -

> ... at a recent informal meeting of the officers of Commissions and Committees it was suggested that a new document be prepared containing the Dumbarton Oaks Prosposals and the twenty-seven joint Amendments of the Sponsoring Governments. Following the Executive Committee meetings of May 8, 1945, a further discussion had been held with the various delegates, as a result of which the Secretariat recommended that the new document contain in three separate columns (1) The Dumbarton Oaks Proposals (including the Crimea Proposals on voting); (2) The amendments agreed upon by the four Sponsoring Governments; and (3) The index to all amendments proposed by all delegates.[114]

A sample page of this proposed document was circulated at the meeting. Bidault expressed his satisfaction with the proposal as giving due emphasis to the amendments of the Sponsoring Governments while preserving the principle of the equality of nations.[115]

113. 'Summary Report of the Second Meeting of the Steering Committee', Doc 165, ST/4, 9 May 1945, U.N.C.I.O. Documents, vol. 5, p.188.

114. Ibid. pp.188-9.

115. Ibid. p.189.

Although it is not known to what extent Evatt was influential in the discussions following the meeting of the Executive Committee, it would not seem unreasonable, in the light of his part in discussion in the Executive Committee, to claim as Forde and Evatt did to Chifley on 17 May -

> After the Conference opened sponsoring powers proposed a list of 27 further amendments to the Dumbarton Oaks proposals and Yalta proposals. An attempt was made to have these joint amendments incorporated in Dumbarton Oaks text but Steering Committee, at our instigation, decided that they should be placed before Conference as amendments to the basic text and voted on in similar manner to the proposals submitted by other participating Governments.[116]

Evatt's work in this matter, furthermore, did not cease at the meeting of the Steering Committee. The Secretariat and at least one Committee chairman were still anxious, as will be seen, to give priority to the amendments of the sponsoring powers. Evatt in the Executive Committee had secured from Stettinius the assurance that all amendments were to be treated equally. But the Secretariat was anxious for speed in deliberation. Evatt sought tomeet this objective in a way consistent with his small-power viewpoint.

116. H/45/771/1. Proceedings and Australian Policy. This telegram had an 'E' prefix. Thereis no reference to this Australian contribution in the Australian Report on U.N.C.I.O. Chifley had been Acting PrimeMinister since 30 April because of Curtin's illness.

On the afternoon of 8 May, he personally wrote a letter to Hiss in which he formally suggested -

> In order to expedite the Conference deliberations, that the Executive proceed quickly to establish either the Coordination Committee contemplated by the Rules, or a special expediting Committee, for the purpose of considering all amendments in their overall relation, eliminating unnecessary questions and issues, generally bringing the questions not yet determined to an early issue.[117]

At 11 a.m. on the following day Evatt called on the Secretary-General and asked for a special meeting of the Executive Committee to be held on the next day. The Secretary-General noted in a memorandum of the meeting -

> After discussion, however, he agreed that such a meeting is not necessary provided the Coordination Committee can meet informally tomorrow instead.[118]

On the same afternoon Robert B. Stewart, an Assistant Executive Secretary in the Secretariat and Executive Officer of Plenary Sessions, wrote to the Executive Secretary, C. Easton Rothwell, that Evatt in Committee I/1 had been 'strongly contending that the Executive and Steering Committees did not decide to give priority in discussion to the Four Power

117. United Nations Archives. New York, U.N.C.I.O. - Papers of the Secretary General, Box 74, Correspondence.

118. Memorandum, dated 9 May, 11.00 a.m., attached to Evatt-Hiss letter. Ibid.

amendments and that these amendments must be taken up in the same way as all other amendments. Stewart had obviously been discussing the matter with Hiss -

> Alger states that we should be represented at the 6.00 meeting. He also suggests that we discuss the matter of amendments with the Executive officers tonight. He believes that the officers of each Committee should start at once to negotiate with each delegation to see whether the delegation will agree that its amendments have been taken care of in the Four-Power Amendments. In the process of negotiation, he believes, many of the proposed amendments will be dropped, and will not have to be considered by the Committee meetings, thus saving a great amount of time.
> This negotiating work is of greatest importance; it should be started at once and should be handled with utmost tact.[119]

The official Summary Report of Third Meeting of Committee I/1, 9 May 1945 described Committee discussion on procedure as follows -

> The Chairman proposed that discussion commence on the basis of Chapter I of the Dumbarton Oaks Proposals as modified by the joint amendments of the four sponsoring powers. Objection to this procedure was voiced on the ground that the joint amendments of the four sponsoring powers were on a par with, and did not have priority over, the amendments submitted by other delegations. It was generally agreed that Chapter I be discussed paragraph by paragraph and that the various amendments offered by each country relating to such paragraphs be considered equally. The Committee felt that immediate consideration should therefore, be given to Chapter I of the Dumbarton Oaks Proposals.[120]

119. United Nations Archives, New York, U.N.C.I.O. - General File, Box 5, Dumbarton Oaks Proposals - Comment and Amendments [sic].
120. Doc 197, I/1/9, 10 May 1945, U.N.C.I.O. Documents, vol. 6, p.281.

In the Verbatim Minutes, however, Evatt's contribution is clear. After the Chairman had proposed that discussion should proceed on the basis of the Dumbarton Oaks Proposals as modified by the amendments of the four sponsoring powers Evatt immediately objected

> .... There was a misunderstanding in the Chairman's mind about the amendments of the four sponsoring powers, and I speak not only as a member of this Committee, but as a member of the Executive Committee and of the Steering Committee. It was laid down yesterday that these amendments take their place as other amendments of other countries take their place. So that there is an error - no doubt unintentional - of the Secretary in describing the meeting of today. If you will look at your agenda, you will see "discussion on Chapter I of the Proposals as amended by the Four Governments and other amendments". They are not yet amended. They will have to be considered, I submit, in their proper place.[121]

A study of Australia's activity at San Francisco during the first fortnight of the Conference shows it to have been largely concerned with questions of procedure and organization, rather than with policy. This is not surprising as discussion in the Conference itself was largely centred on these matters. But this activity is easily overlooked in any analysis which

121. Verbatim Minutes, Third Meeting of Committee I/1, 9 May 1945, Running number 6 (Reel 1).

begins from a consideration of Australia's amendments at San Francisco. The first fortnight in fact largely displayed Australia's assertive small power posture. It also displayed the assertion of her distinct international status in the successful campaign for a seat on the Executive Committee. The assertion of distinct international status, at the Canberra and Wellington Conferences primarily a means, had at San Francisco, become also an end of Australia's foreign policy.

# CHAPTER VIII

## AUSTRALIA AT THE CONFERENCE II. POLICY.

It is not the purpose of this chapter to attempt a detailed account of the argument of Australian policy during the San Francisco Conference. It is intended, however, to indicate more specifically than has been done hitherto in this thesis the content of Australia's policy at the Conference and to draw attention to some elements of that policy, which, while not emphasized in Australia's initial statements, nonetheless formed part of the Australian amendments as submitted on 3 May, and received subsequent emphasis during the course of detailed discussions on policy in the Committees, Commissions and Plenary Sessions.

An Australian policy which, while not initially stressed by Evatt or Forde, received emphasis in the course of Committee discussion was that relating to regional defence arrangements and their connection with the envisaged world collective security system. During his visit to Washington in March 1945, Evatt mentioned, as he had mentioned on many occasions during the previous two years, the importance of regionalism as part of a world collective security-system.[1] In his comments to Curtin from London[2] in April on the question of the Great Power veto on enforcement action under VIII B of Dumbarton Oaks Proposals, Evatt had referred to a

1. See above p.253. 2. See above p.270.

consequent added importance of regionalism in Australia's defence, but had also, in those comments, stressed the importance of removing the Great Power veto on amendment of the Charter, so that the Great Power veto on enforcement action might possibly be modified in the future. The belief in the efficacy of collective security, which was the basis of Australia's approach to the San Francisco talks, had been clearly evident in Forde's opening address to the Plenary Session of the Conference on Friday, 27 March.

> I have already emphasized the principle that under the proposed security system the obligation to contribute will be binding on all members. Acceptance of that principle implies that we must be ready to give, but in return there must be an assurance of security; an assurance that, if we are attacked, the nations of the world will come to our assistance just as we have, in fact, gone promptly to their assistance in the past.[3]

He made no reference in that speech, however, to a need for regional security arrangements. Evatt, similarly, had not, in his statement of the nine objectives of Australian policy on 3 May,[4] made any reference to the Australian amendment

3. 'Verbatim Minutes of the Second Plenary Session, 27 April, 1945', Doc 20, P/6, 28 April 1945, U.N.C.I.O. Documents, vol. 1, p.176.
4. Australian Report on U.N.C.I.O., pp.78-9.

designed to increase the potential role of regional security arrangements under the world body. This lack of emphasis may well have been due to a desire on Evatt's part to make quite clear, at the start of the Conference, Australia's firm commitment to the idea of collective security.

The relevant Australian amendment to Chapter VIII (Maintenance of International Peace and Security) of the Dumbarton Oaks Proposals reads as follows:

> At the end of Section (C) [Regional Arrangements] a new section to be added as follows -
>
> Section (D): Other Arrangements for Maintaining International Peace and Security.
>
> If the Security Council does not itself take measures, and does not authorize action to be taken under a regional arrangement or agency, for maintaining or restoring international peace, nothing in this Charter shall be deemed to abrogate the right of the parties to any arrangement which is consistent with this Charter to adopt such measures as they deem just and necessary for maintaining or restoring international peace and security in accordance with that arrangement.[5]

Chapter VIII C 1 of the Dumbarton Oaks Proposals had provided for the use of regional arrangements for the settlement of local disputes 'either on the initiative of the states concerned or

5. 'Amendments to the Dumbarton Oaks Proposals Submitted on behalf of Australia', Doc 2, G/14 (1), 5 May 1945, U.N.C.I.O. Documents, vol. 3, p.552.

by reference from the Security Council'.[6] VIII C 2, dealing with the use of regional arrangements in relation to enforcement action, pointed out that the Security Council could, when appropriate, utilize such arrangements for enforcement action under its authority but added 'no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Council'.[7] The Australian amendment had the effect of further allowing for enforcement action on the part of regional agencies or through regional arrangements after the Security Council had failed to take measures itself and had not authorized action to be taken under regional arrangements. An amendment from five Latin American countries, on the other hand, sought to provide for the autonomous functioning of the Pan-American System as a prior alternative to action by the Security Council, action which might however follow 'when it has not been or is not possible to settle the dispute or conflict satisfactorily by applying the measures contemplated in the corresponding

6. 'Dumbarton Oaks Proposals for a General International Organization', Doc 1, G/1, U.N.C.I.O. Documents, vol. 3, p.17.
7. Ibid. pp.17-8.

regional arrangements or statutes, and it will be the duty of the said regional body to determine, in agreement with the procedure set forth in its statutes, when such a case arises'.[8]

The intentions behind Australia's amendment were set out by Forde and Evatt in a telegram to Chifley, then Acting Prime Minister, on 17 May. The Australian amendment, they reported, was designed

(a) to retain primary control by the Security Council over regional enforcement action.

(b) to permit remission of a dispute by the Security Council to a regional body for enforcement action by a majority vote of the Council including three only of the permanent members (thus avoiding paralysis of action by the veto of one Great Power) and

(c) to make it clear that if and when the Security Council decides not to take enforcement action itself and not to remit the matter to a regional body, then states which are parties to any arrangement consistent with the Charter shall have the right to adopt such measures as they deem fit for maintaining or restoring peace and security.[9]

The real interest of Australia in this issue at the Conference was noted by Senator Vandenberg, who represented the United

8. 'Joint Draft Amendment to Chapter VIII, Section C, of the Dumbarton Oaks Proposals by the Delegations of Chile, Columbia, Costa Rica, Ecuador, andPeru', Doc 2, G/28, 6 May 1945, U.N.C.I.O. Documents, vol. 3, pp.620-1.

9. E/45/1/8. European Affairs. General. San Francisco Conference This telegram has an 'E' prefix.

States in the relevant Committee III/4. Vandenberg's comments following the first meeting of this committee include the following - 'not only are the Americans hot about protecting Chapultepec but the Australians are equally anxious not to be left in their far corner of the earth. They want liberty of regional action if some one of the Big Powers vetoes Organization action in the Council'.[10]

The Australian amendment in fact represented a middle course between that of the Sponsoring Powers[11] which retained, with exceptions, the need for prior Security Council authorization of regional enforcement action, and the Latin-American amendment. Article 51 of the Charter[12] is somewhat closer to the Latin-American than to the Australian position in that it provides for the possibility of regional action in self-defence until the Security Council has taken measures to maintain international peace and security.

10. A.H. Vandenberg, Jr., op. cit., p.189.

11. 'Additional Amendments to the Dumbarton Oaks Proposals Agreed to by the Governments of the United States, United Kingdom, the Soviet Union and China, Doc 2, G/29 (a), 11 May 1945, U.N.C.I.O. Documents, vol. 3, pp.629-30.

12. U.N.C.I.O. Documents, vol. 15, pp.344-5.

A further Australian amendment which had not received emphasis in either Forde's Opening Address or Evatt's Statement of Objectives was an amendment seeking to prevent recommendations being made under the terms of Chapter VIII B of the Dumbarton Oaks Proposals in relation to matters falling solely within the domestic jurisdiction of the states concerned. Although Evatt in London had referred to the veto on enforcement action under Chapter VIII B, he did not appear to recognize the scope for recommendations to be made by the Security Council in situations when there were acts of aggression or threats to the peace. Australia, after the London talks and before the submission of her amendments on 3 May, became aware of this power of recommendation and filed an amendment to 'make quite clear the Security Council's power to lay down terms of settlement under Chapter VIII B'.[13] Chapter VIII B 1 of the Dumbarton Oaks Proposals had read as follows:

> Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and

13. Australian Report on U.N.C.I.O., p.29.

> security in accordance with the purposes and principles of the Charter.[14]

The Australian amendment made quite clear that 'any measures' was to include the power to make recommendations. Australia proposed that Paragraph 1 of Section B of Chapter VIII be amended as follows:

> Should the Security Council deem that a failure to settle a dispute in accordance with the procedures indicated in paragraph (3) of Section A, or in accordance with its recommendations made under paragraph (5) of Section A, constitutes a threat to the maintenance of international peace and security, it shall, in accordance with the purposes and principles of the United Nations lay down just terms for the settlement of the dispute, and take any measures necessary for carrying out that settlement and for maintaining international peace and security.[15]

The Dumbarton Oaks Proposals contained a paragraph, VIII A7, making it clear that paragraphs 1-6 of Section A of Chapter VIII should not apply to situations or disputes arising out of matters which by international law were solely within the domestic jurisdiction of the States concerned. There was no such limitation in the terms of VIII B. While Australia was prepared to accept that enforcement actions under VIII B

14. 'Dumbarton Oaks Proposals for a General International Organization', Doc 1, G/1, U.N.C.I.O. Documents, vol. 3, p.13.

15. 'Amendments to the Dumbarton Oaks Proposals submitted on behalf of Australia', Doc 2, G/14 (1), 5 May 1945, U.N.C.I.O. Documents, vol. 3, p.551.

should not be prevented because a threat to the peace or act of aggression had arisen out of matters solely within the domestic jurisdiction of the states concerned, she took steps to make it clear that the recommendations made under VIII B would be prevented in such circumstances. The relevant Australian amendment reads:

> After paragraph 2 of Section B [of Chapter VIII], a new paragraph to be inserted as follows:
>
> (3) If a situation calling for preventive or enforcement action under paragraph (1) or paragraph (2) above has arisen out of a matter which by international law is solely within the domestic jurisdiction of the State concerned, the Security Council shall not make any recommendation or decision which would curtail that State's lawful freedom of action, but shall take, in accordance with this Section whatever preventive or enforcement action is necessary to maintain or restore international peace and security.[16]

The Sponsoring Powers, however, put forward an amendment proposing that VIII A7 of the Dumbarton Oaks Proposals, which had prevented the application of paragraphs 1-6 of Chapter VIII A to matters solely within the domestic jurisdiction of the states concerned, should be replaced by a new paragraph in Chapter II Principles, which would relate, therefore, to the Charter as a whole. The proposed paragraph II (7) read:

16. Ibid. pp.551-2.

> 7. Nothing contained in the Charter shall authorize the Organization to intervene in matters which are essentially within the domestic jurisdiction of the State concerned or shall require the members to submit such matters to settlement under this Charter: but this principle shall not prejudice the application of Chapter VIII, Section B.[17]

The Australians, therefore, found themselves faced with a Four Power amendment which appeared to quite clearly permit recommendations as well as enforcement action under VIII B in regard to matters within the domestic jurisdiction of the states concerned. In Committee I/1, Preamble, Purposes and Principles, discussion centred on the Four Power amendment. On 11 June, Evatt issued a lengthy memorandum[18] setting out the Australian case for limiting the exception under the Four Power amendment to enforcement measures only under VIII B. Evatt argued that as the amendment of the Sponsoring Powers then stood it also exempted recommendations made under VIII B. He argued that this exemption might

17. 'Amendments Proposed by the Governments of the United States, The United Kingdom, The Soviet Union and China', Doc 2, G/29, 5 May 1945, U.N.C.I.O. Documents, vol. 3, p.623.

18. 'Amendments by the Australian Delegation to the Proposed Paragraph 8 of Chapter II (Principles), Memorandum by Dr. H.V. Evatt on behalf of the Australian Delegation', Doc 969, I/1/39, 14 June 1945, U.N.C.I.O. Documents, vol. 6, pp.436-40.

encourage parties to a dispute involving matters which, by international law, were solely within the domestic jurisdiction of the States concerned to create a situation involving a threat to the peace or act of aggression so that the Security Council might subsequently be able to intervene through a recommendation made under VIII B, a recommendation which it would have been prevented from making in terms of VIII A.

> Such a provision is almost an invitation to use or threaten force, in any dispute arising out of a matter of domestic jurisdiction, in the hope of inducing the Security Council to extort concessions from the State that is threatened. Broadly, the exception cancels out the rule, wherever an aggressor threatens to use force. The freedom of action which international law has always recognized in matters of domestic jurisdiction becomes subject in effect to the full jurisdiction of the Security Council.[19]

Australia, therefore, put forward a new amendment, at the end of Evatt's memorandum, to limit the exception under the Great Power amendment as follows:

> This principle shall not prejudice the application of <u>enforcement measures</u> under Chapter VIII, Section B.[20]

Evatt's and Australia's argument were successful. The voting in Committee I/1 was thirty-one in favour of the Australian

19. Ibid. p.438.
20. Ibid. p.440.

proposal and three against it.[21]

Australia's immigration policy has been described as one of 'the interests that we have been accustomed to regard as most vitally affecting our security'.[22] That it was immigration policy which Evatt had most in mind when arguing for the application of limitations relating to domestic jurisdiction to recommendations under Chapter VIII B is apparent both from the Australian Report on U.N.C.I.O. and from a telegram which Forde and Evatt sent to the Australian government during the Conference. The Report notes that when the Australian amendment was adopted by Committee I/1.

> The Minister for External Affairs took the opportunity during the discussion to make [it] clear that the clause as finally adopted is a recognition, among other things, that the decision of any nation as to such internal matters as migration cannot become the subject of any action by the United Nations. The only possible ground for intervention by the Security Council will be to prevent a breach of the peace or to suppress aggression.[23]

In their telegram to Chifley on 17 May, Forde and Evatt made the object of Australia's interest clear.

21. 'Summary Report of Sixteenth Meeting of Committee I/1, 13 June 1945', Doc 976, I/1/40, 14 June 1945, U.N.C.I.O. Documents, vol. 6, p.499.
22. Gordon Greenwood, 'Australia's Foreign Policy', Australian Outlook, vol. 1, no. 1, March 1947, p.55.
23. Australian Report on U.N.C.I.O., pp.29-30.

> We regard it as essential that the exclusion of matters of domestic jurisdiction should apply to decisions of the Security Council under Section B as well as under Section A. Without such a provision, it would be possible for an Asiatic power to object to our migration policy and if it could be shown that a threat to the peace had arisen the Security Council could proceed to recommend a settlement involving a change in our migration policy as a condition necessary to remove the threat to the peace.[24]

* * *

Australian trusteeship policy at San Francisco had been clearly foreshadowed in Forde's Opening Address. Australia, at San Francisco, found herself, on this issue, in a position of residual, and distinctive, radicalism. With the increase of British conservatism which had been evident in London and the American movement to the position embodied in the Yalta trusteeship proposals, Australia found herself as the only country at San Francisco which argued for a system which provided for compulsory accountability by colonial powers to an international body analogous to the permanent mandates commission. Australia's trusteeship policy was the consistent extension of the development of that policy during the previous three years. Australia's draft chapter on trusteeship which is, in itself, very brief

24. E/45/1/8. European Affairs, General, San Francisco Conference.

is nonetheless clear in its intent when seen against the history of its development. It began with a general declaration on trusteeship.

> All members of the United Nations responsible for administration of dependent territories recognized in relation to them the principle of trusteeship - viz. that the main purpose of administration is the welfare of the dependent peoples and their economic, social and political development.[25]

The Australian draft chapter on trusteeship which in the absence of any Dumbarton Oaks Proposals on this matter, was in the nature of a set of proposals rather than amendments, embodied a trusteeship system which would be applicable to mandates which had been authorized by the General Assembly. But whereas the Yalta proposals had provided that the trusteeship system might also include 'any territory which might voluntarily be placed under trusteeship',[26] Australia had a provision that the system would apply to such territories as might be placed under it by 'the voluntary action of the member administering the territory or the General Assembly after consideration of the recommendations of a Conference or Conferences, specially convened by the United Nations, of

25. 'Amendments to the Dumbarton Oaks Proposals Submitted on Behalf of Australia', Doc 2, G/14 (1), 5 May 1945, U.N.C.I.O. Documents, vol. 3, p.548.

26. See above p.186.

members responsible for the administration of dependent territories'.[27] The Australian draft provided that powers administering territories under the system, whether as mandatory powers, or as parent powers of colonies placed under it compulsorily by the process provided, should be under the obligation to report upon the administration of the dependent territories to an expert commission, with advisory functions, which would be subject to the General Assembly. The British draft chapter,[28] while bearing some resemblance to the Australian, also differed markedly from it. It resembled the Australian draft in containing a general declaration on trusteeship but distinguished this declaration from a section of the Chapter embodying a trusteeship system which followed the Yalta model. The British draft thus contained no element of potential compulsion. If the Australian general declaration was by way of a preamble to the trusteeship system contained in the Australian draft chapter the British declaration in fact provided an alternative

27. 'Amendments to the Dumbarton Oaks Proposals Submitted on Behalf of Australia', Doc 2, G/14 (1), 5 May 1945, U.N.C.I.O. Documents, vol. 3, p.549.

28. 'Territorial Trusteeship, United Kingdom Draft of Chapter for Inclusion in United Nations Charter', Doc 2, G/26 (d), 6 May 1945, U.N.C.I.O. Documents, vol. 3, pp.609-14.

to the trusteeship system which was also contained in the British chapter. The American draft chapter[29] closely resembled the Yalta proposals, with the addition of special provision for strategic areas.

Following general statements of policy in Committee II/4 by the countries which had presented draft chapters, and by Mexico, which had supplied comments, it was proposed by Commander Stassen of the United States on 15 May that a working paper which he had drawn up should be used, in the absence of a relevant section of the Dumbarton Oaks Proposals, as a basis for committee discussions.[30] Evatt, 'whose efficient assistants contrived to have him present at whichever committee meetings were likely to prove most exciting',[31] gave, on this occasion, a further illustration of his aggressively small power attitude. He reportedly said

29. 'Arrangements for International Trusteeship. Additional Chapter Proposed by the United States', Doc 2, G/26 (c), 5 May 1945, U.N.C.I.O. Documents, vol. 3, pp.607-8.

30. 'Summary Report of Fifth Meeting of Committee II/4, 15 May 1945', Doc 364, II/4/13, 17 May 1945, U.N.C.I.O. Documents, vol. 10, p.447.

31. William T.R. Fox, 'The Super-Powers at San Francisco', The Review of Politics, vol. 8, no. 1, January 1946, p.123.

> There has been no consultation by the United States Government with the Government I represent, which put the first paper in. I think that should be given, if there is to be a working paper, if that is to be given any priority .... Let us treat this question, I ask, as the question has been treated in other committees. Give every country that has its views on this point the chance to state, in the form of issues or questions, what should be the decision or recommendation of this Committee.[32]

After some discussion in which Stassen equated the function performed by his Working Paper with that performed by the Dumbarton Oaks Proposals in other committees he concluded as follows:

> I also say that I fully want to have the most harmonious possible relationship with the distinguished Delegate for Australia and I make the further suggestion; we might work it out, and I would be perfectly willing to consult with the Delegate for Australia tomorrow and work with him as to the manner in which Amendments could be presented to this working paper to present, for the decision of the committee the points that he wants decided.[33]

Evatt, having won this 'concession' was apparently content. At the following meeting of the Committee, discussion commenced on the basis of the Working Paper.

During Committee discussions it became clear both that Australia did not have a particular interest in hastening independence for dependent territories and that she did have

32. Verbatim Minutes, Fifth Meeting of Committee II/4, 15 May 1945, Running numbers 13-14 (Reel 6).

33. Ibid. Running number 22.

a very strong interest in accountability on the part of all colonial powers to an international expert body. When it became clear that a trusteeship system of limited applicability on the lines of the Yalta proposals was favoured by the majority of the Committee, Australia sought to have attached to the proposed General Declaration in the Working Paper a requirement that parent powers should furnish reports. On 25 May, following the 10th meeting of the Committee, Australia issued a proposed additional Section C of the Working Paper which was to represent an expansion of Section A of that Paper containing the General Declaration and was thus to bind all administering nations. Under Section C entitled 'Promotion of Welfare and Development',[34] Australia proposed that, to ensure that the general principles of Section A and C were observed, there should be an extensive system of reporting. Under Section A of the Working Paper there was no obligation to report, whereas under Section B which established the trusteeship system on the Yalta model the General Assembly was able to arrange periodic visits with the consent of

34. 'Proposed New Part (c) to be added to Working Paper, Submitted by the Delegation of Australia', Doc 575, II/4/12/(a), 25 May 1945, U.N.C.I.O. Documents, vol. 10, pp.695-6.

administering nations, and administering nations were furthermore required to submit 'an annual report to the General Assembly upon the basis of questionnaire formulated by the Trusteeship Council'.[35] Under the new Australian Section C 1 (f) all nations administering dependent territories were required 'to furnish regularly to the? Secretariat all available statistics and other information of a technical nature relating to the health, nutrition, welfare, education, economic and labour conditions of the peoples of each such territory'.[36] Under C 2 (a) '.... the General Assembly may specify territories in respect of which it shall be the duty of the states responsible for their administration to furnish annual reports to the U.N. upon the economic, social and political development of territories concerned'.[37] At the Fifteenth Meeting, the United States delegate announced that as a result of informal consultations on the Australian proposals and views expressed by the Philippines and other delegations, he now wished to propose

35. 'Proposed Working Paper for Chapter on Dependent Territories and Arrangements for International Trusteeship', Doc 323, II/4/12, 15 May 1945, U.N.C.I.O. Documents, vol. 10, p.680.
36. 'Proposed New Part (c) to be added to Working Paper, submitted by the Delegation of Australia', Doc 575, II/4/12/(a), 25 May 1945, U.N.C.I.O. Documents, vol. 10, p.695.
37. Ibid. p.696. C 2 (b) contained the additional requirement that 'before specifying any such territories the General Assembly shall convene a Conference or Conferences

amendments to Section A of the Working Paper.[38] These amendments were approved by the Committee. While they embodied the welfare and research proposals put forward by Australia the reporting provisions were truncated. Australian amendment C 2(a) was not among the U.S. amendments and C 1 (f) was modified to the extent that regular information was only to be supplied 'subject to such limitation as security and constitutional considerations may require'.[39] The information was to be 'statistical and other information of a technical nature relating to social, economic and educational conditions'.[40]

Australia's amendments in relation to Chapter IX 'Arrangements for International Economic and Social Cooperatation' of the Dumbarton Oaks Draft bore a similarly close resemblance to an Australian policy which had developed during the preceding three years. Chapter 1, Purposes, of the Dumbarton Oaks Proposals had contained a statement in

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37 con'td.

of states responsible for the administration of territories inhabited by peoples not yet able to stand alone under the strenuous conditions of the modern world, and shall take into account the recommendations made by any such conference'.

38. 'Summary Report of Fifteenth Meeting of Committee II/4, 18 June 1945', Doc 1090, II/4/43, 19 June 1945, U.N.C.I.O. Documents, vol. 10, p.561.

39. Ibid. p.563.

40. Ibid.

paragraph 3 that one of the purposes of the world body should be

> To achieve international cooperation in the solution of international economic, social and other humanitarian problems.[41]

Australia, conscious of the importance of 'freedom from want', proposed that this be strengthened to read

> To promote human welfare in all lands; and to that end to promote international cooperation in the solution of economic, social, cultural and other like problems.[42]

Another Australian amendment which was related to the subject matter of Chapter IX of the Dumbarton Oaks Proposals was to Chapter IV, Principal Organs. Australia proposed the addition of a new paragraph (d) which would make the Economic and Social Council one of the principal organs.[43] The Australian amendments to Chapter IX itself provided that Paragraph 1 of Section A, Purposes and Relationships, which in the Dumbarton Oaks draft had read

> With a view to the creation of conditions of stability and well being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international economic, social and other humanitarian

41. 'Dumbarton Oaks Proposals for a General International Organization', Doc 1, G/1, U.N.C.I.O. Documents, vol. 3, p.2.
42. 'Amendments to the Dumbarton Oaks Proposals Submitted on behalf of Australia', Doc 2, G/14 (1), 5 May 1945 (hereafter 'Australian Amendments') U.N.C.I.O. Documents, vol. 3, p.543.
43. Ibid. p.544.

> problems and promote respect for human rights and fundamental freedoms. Responsibility for the discharge of this function should be vested in the General Assembly and, under the authority of the General Assembly, in an Economic and Social Council.[44]

should read

> With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations amongst nations, the United Nations shall be responsible for making continuous studies of economic and social conditions; for promoting the solution of inter-national economic, social, cultural and other like problems; and for promoting respect for human rights and the observance by all members of fundamental freedoms. Responsibility for the discharge of these functions shall be vested in the General Assembly and, under the Authority of the General Assembly, in an Economic and Social Council.[45]

Australia also proposed the inclusion of additional sections (3) and (4) at the end of Section A. These embodied a full employment pledge.

> (3) All members of the United Nations pledge themselves to take action both national and international for the purpose of securing for all peoples including their own, improved labour standards, economic advancement, social security and employment for all who seek it; and as part of that pledge they agree to take action through the instrumentality of the General Assembly, the Economic and Social Council, the International Labour Organization, and such other bodies as may be brought into relationship with the United Nations.

44. 'Dumbarton Oaks Proposals for a General International Organization', Doc 1, G.1 (hereafter 'Dumbarton Oaks Proposals') U.N.C.I.O. Documents, vol. 3, p.18.

45. 'Amendments to the Dumbarton Oaks Proposals Submitted on behalf of Australia', Doc 2, G/14 (1), 5 May 1945, U.N.C.I.O. Documents, vol. 3, p.546.

> (4) All members of the United Nations undertake to report annually to the General Assembly upon the action they have taken in fulfilment of the pledge set forth in paragraph (3), and generally upon the action they have taken in relation to the recommendations of the Economic and Social Council.[46]

An amendment to paragraph 1 (b) of Section C of Chapter IX reinforced the changes which Australia had proposed in Chapter I 3. While the Dumbarton Oaks text had empowered the Economic and Social Council to make recommendations, on its own initiative, with respect to international economic, social and other humanitarian matters,[47] the Australian amendment provided that the recommendations could be made 'to the General Assembly or to individual members of the United Nations' and that they were able to be made not merely with respect to economic, social and other humanitarian matters but with respect to 'international, economic, social, cultural and other like matters, for the advancement of human welfare'.[48] Australia also proposed that a new sentence be added at the beginning of paragraph 1 of Section D, Organization and Procedure, to permit the Economic and

46. Ibid. pp.546-7.
47. 'Dumbarton Oaks Proposals', U.N.C.I.O. Documents, vol. 3, p.20.
48. 'Australian Amendments', U.N.C.I.O. Documents, vol. 3, p.547.

Social Council to function continuously.[49]

In the course of the Conference, it became apparent to Australia 'that it would be easier to secure acceptance of the principles of the main proposals by including in the statement of objectives the matters we had proposed should be covered by the pledge and by adding the pledge as a separate obligation'.[50] In other words, the reference to a pledge was to be separated from Australia's proposed Section A (3) and made a separate paragraph. A detailed account of the way in which Australia, particularly Dr. Roland Wilson, argued successfully for the inclusion of the pledge in the Charter has subsequently been written by a member of the Australian delegation.[51]

Australia's amendments relating to the role of the World Court and the need to have armed force available for use by the Security Council, were largely the extension of Evatt's comments on these subjects in 1943 and 1944, although he had not spoken of compulsory jurisdiction for the international court until he reached London for the British Commonwealth

49. Ibid. p.548.
50. Australian Report on U.N.C.I.O., p.21.
51. L.F. Crisp, 'The Australian Full Employment Pledge at San Francisco', Australian Outlook, vol. 19, no. 1, April 1965, pp.5-19.

Meeting. The Dumbarton Oaks Proposals had provided, in Chapter VIII B 6 that

> In order to enable urgent military measures to be taken by the Organization there should be held immediately available by the members of the Organization national air force contingents for combined international enforcement action.[52]

The Australian amendment provided that the first sentence of VIII, B 6 should read as follows -

> In order to enable urgent military measures to be taken by the United Nations, there shall be held immediately available by the members national air forces or mixed contingents for combined international enforcement action.[53]

Here was clearly an attempt to strengthen the effectiveness of a collective security system, an attempt which was further reflected in Australia's amendment to VIII B 5. This amendment proposed that agreements to place forces at the disposal of the Security Council should be 'negotiated on the initiative of the Security Council' and should be 'concluded between the Security Council and members or groups of members.'[54]

52. 'Dumbarton Oaks Proposals', U.N.C.I.O. Documents, vol. 3, p.16.
53. 'Australian Amendments', U.N.C.I.O. Documents, vol. 3, p.552.
54. Ibid. VIII B 5 in the Dumbarton Oaks Proposals had required that all members should undertake to make armed forces available to the Security Council, on its call, and in accordance with a special agreement or agreements concluded among themselves. 'Dumbarton Oaks Proposals', U.N.C.I.O. Documents, vol. 3, p.15.

Under the Dumbarton Oaks Proposals, Chapter VII, An International Court of Justice, paragraph 4 had provided that

> All members of the Organization should ipso facto be parties to the statute of the international court of justice.[55]

Australia proposed that this should read

> All members of the United Nations shall, by virtue of their membership, be parties to the statute of the International Court of Justice, and as between themselves shall recognize as compulsory, without special agreement, the jurisdiction of the Court in the classes of legal disputes specified in the statute, and subject to the terms and conditions therein contained.[56]

Australia also proposed the inclusion, in this Chapter, of an undertaking by members of the United Nations to comply with any decision of the Court to which they might be parties and a provision that members of the United Nations should undertake not to enter into any agreement inconsistent with the Charter. The Australian amendment providing for the extensive utilization of the Court in the settlement of international disputes proposed that paragraph 6 of Section A, Pacific Settlement of Disputes, of Chapter VIII, which provided that justifiable disputes should normally bereferred to the

55. Ibid. p.11.

56. 'Australian Amendments', U.N.C.I.O. Documents, vol. 3, p.553.

International Court and that the Security Council should be empowered to refer to the Court, for advice, legal questions connected with other disputes,[57] should be amended, subject to the adoption of the Australian amendment to VII 4, to read as follows:

> In appropriate cases the Security Council shall ensure that the International Court of Justice is invoked in accordance with paragraph (4) of Chapter VII and in general the Security Council shall avail itself to the maximum extent, of the services of the Court in the settlement of disputes of a legal character, in obtaining advice on legal questions connected with other disputes, and in the ascertainment of disputed facts.[58]

A declaration that members of the proposed International Organization should refrain in their relations from the threat of force and use of force against the territorial integrity or political independence of any State, had been included in the Wellington Conclusions. Evatt spoke in support of this proposal in London, but also spoke of the need for the Charter to allow for alteration of the status quo.[59] In Committee I/1 at the Conference Australia took a less rigid

57. 'Dumbarton Oaks Proposals', U.N.C.I.O. Documents, vol. 3, p.14.
58. 'Australian Amendments', U.N.C.I.O. Documents, vol. 3, p.553.
59. 'Statement by the Rt. Hon. H.V. Evatt at the Fifth Meeting of British Commonwealth Representatives, London, 6 April, 1945', Australian Report on U.N.C.I.O., pp.64-5.

stand than New Zealand in discussion on this issue.[60]

Australia's amendment read

> Chapter II. Principles.
>
> 4. All members of the United Nations shall refrain in their international relations from the threat or use of force against the territorial integrity in political independence of any member or State, or in any other manner inconsistent with the purposes of the Charter.[61]

Australia's amendment relating to criteria for non-permanent membership of the Security Council provided that election should be made from among those members

> which, by their past military contribution to the cause of world security, have proved able and willing to assume substantial security responsibilities, or which are willing, and by virtue of their geographical position in relation to regions of primary strategical importance are able, to make a substantial contribution to the maintenance of international peace and security.[62]

Chapter XI of the Dumbarton Oaks Proposals required that amendments to the Charter should come into force when they had been adopted by a vote of two-thirds of the members of the General Assembly and had been ratified, in accordance with their respective constitutional processes, by the permanent members of the Security Council and a majority of other members of the Organization.[63] The amendment of the

60. 'Summary Report of Eleventh Meeting of Committee I/1' Doc 784, I/1/27, 5 June 1945, U.N.C.I.O. Documents, vol. 6, p.334.
61. 'Australian Amendments', U.N.C.I.O. Documents, vol. 3, p.543.
62. Ibid.
63. 'Dumbarton Oaks Proposals', U.N.C.I.O. Documents, vol. 3, p.23.

Sponsoring Powers called for the retention of the Dumbarton Oaks provisions but suggested that, in addition, provision should be made for a general conference of the members of the United Nations to be held

> at a date and place to be fixed by a three-fourths vote of the General Assembly with the concurrence of the Security Council voting in accordance with the provisions of Chapter VI, Section C, [affirmative vote of seven members] for the purpose of reviewing the Charter.[64]

At such a conference each member would have one vote. Any alteration of the Charter recommended by a 2/3 vote of the general conference would come into force only when ratified by the permanent members of the Security Council and by a majority of the other members of the Organization.

Australia's amendment read as follows:

> Chapter XI. Amendments.
>
> This Charter may be amended by a resolution of the General Assembly which is
>
> (a) adopted by a two-thirds majority of the General Assembly, and confirmed by a like majority at the next session of the General Assembly; and
>
> (b) concurred in on each occasion by at least three permanent members of the Security Council.[65]

The Australian proposal therefore removed the possibility of

64. 'Amendments Proposed by the Governments of the United States, the United Kingdom, the Soviet Union and China', Doc 2, G/29, 5 May 1945, U.N.C.I.O. Documents, vol. 3, p.628.

65. 'Australian Amendments', U.N.C.I.O. Documents, vol. 3, p.544.

the veto of an amendment by a single permanent power. In the course of discussion in Committee I/2, the United States on behalf of the Sponsoring Governments, put forward a further amendment reducing the requirement contained in the Sponsoring Powers amendment for the calling of a general conference from a 3/4 to a 2/3 vote of the General Assembly and seven members of the Security Council. The United States delegate also moved that an additional paragraph be added to the amendment of the Sponsoring Governments, as amended by his further amendment, which would provide that if such a general conference had not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a conference should be placed on the agenda of that meeting of the Assembly. The decision to call the conference would, however, still require a vote of 2/3 of the Assembly and of seven members of the Security Council. The United States subsequently put forward yet another proposal to facilitate the calling of a general conference

> If such a general conference has not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a conference shall be placed on the agenda of the meeting of the Assembly and the conference shall be held if so decided by a simple majority of the Assembly and by any seven members of the Security Council.[66]

Australia supported this proposal but abstained in the final vote because an individual Great Power veto was still applicable to the ratification of decisions by the amending conference.[67]

The tenacity of Evatt's fight at San Francisco on the subject of whether an individual Great Power should be able to veto Security Council action in relation to the pacific settlement of disputes under VIII A of the Dumbarton Oaks Proposals, no doubt reflected the fact that debate on this issue was contemporaneous with discussion on the question of Charter Amendment in Committee I/2. During the London talks, Evatt had told Curtin in a telegram of his anxiety at the Great Power veto on enforcement action under VIII B.

66. This account is based upon 'Report of the Rapporteur of Committee I/2 in Chapter XI (Amendments)', Doc 1069, 1/2/73(1), 18 June 1945, U.N.C.I.O. Documents, vol. 7 pp.435-446.

67. Ibid. p.442.

While he had been willing to accept such a veto as necessary for the establishment of an International Organization with the full support of the Great Powers, he had linked this acceptance with an increased emphasis on a need to remove the Great Power veto from Charter amendment; a need to limit the application of the veto; and a need to give greater emphasis to regionalism as a second line of defence.[68] At the time, (June 9-13) when Evatt was taking his stand in Committee III/1 on the question of the Great Power veto on pacific settlement of disputes, it had become clear in Committee I/2 that the Great Power veto on amendment of the Charter was being strongly adhered to by those powers despite minor concessions in regard to the calling of a general conference. If Evatt in London had been prepared to accept a veto on enforcement action in the hope of possible future Charter amendment, it is hardly surprising that, having become aware at San Francisco of what he considered to be an unnecessary and mistaken application of the Great Power veto to the peaceful settlement of disputes, the strength of his opposition should have been reinforced by the likelihood that amendment of the Charter would remain subject to the Great Power veto.

68. See above p. 270.

An illustration of Evatt's aggressive attitude in discussion in Committee III/1 is provided by the verbatim minutes of the Sixteenth Meeting on 9 June. The Representative of the United Kingdom (not named) commented that he was

> very glad to know that the Honourable Delegate of Australia [Dr. Evatt] accepted the credentials of the five powers, and those credentials were described by Senator Conally and I think they may be summed up in the words, 'blood, sweat and tears'.
>
> Delegate of Australia: Other countries have suffered too.
> Representative of United Kingdom: Certainly.
> Delegate of Australia: Then don't introduce the topic.[69]

These verbatim minutes also provide evidence of the way in which Evatt was conscious of the relationship between the Great Power veto on amendment of the Charter and discussion in Committee III/1 on the veto on pacific settlement.

> If you could go to your peoples and say 'We can alter it. If it is a failure after seven or ten years and one Great Power acts unreasonably you can alter the constitution or get rid of it' [Individual Great Power veto in pacific settlement of a dispute]. But you have to say 'No, you can't alter it, because every alteration is subject to a veto.' I say that it is the difficulty we are in. If that process, the amending process, if the veto were modified in relation to that, matters of this kind could be more easily explained.[70]

69. Verbatim Minutes, Sixteenth Meeting of Committee III/1, 9 June 1945, Running numbers 46-7 (Reel 4).
70. Ibid. Running numbers 35-6.

In the Australian amendment relating to voting in the Security Council, the Yalta voting formula was modified to read as follows:

> (1) Each member of the Security Council shall have one vote.
>
> (2) Except as otherwise expressly provided, a decision of the Security Council may be made upon the affirmative vote of seven members.
>
> (3) In decisions of the Security Council under Section A of Chapter VIII and under the first paragraph of Section C of Chapter VIII, a party to a dispute shall abstain from voting.
>
> (4) Under Section B of Chapter VIII a decision of the Security Council shall require the affirmative vote of seven members including the five permanent members. Under paragraph (2) of Section C of Chapter VIII, a decision of the Security Council shall require the affirmative vote of seven members, including at least three of the permanent members.[71]

The main object of the Australian amendment was to prevent the application of the veto by a single Great Power, not a party to a dispute, to the procedure for the peaceful settlement of a dispute under Chapter VIII A. Forde in his opening address at San Francisco had shown the increased precision of Australia's understanding of the Dumbarton Oaks draft when he had noted

> Why any one of the five powers which is not a party to a dispute should be empowered to prevent attempts to settle it by means of conciliation or arbitration,

71. 'Australian Amendments', U.N.C.I.O. Documents, vol. 3, p.550.

> we are quite unable to discover. We think that a mistake has been made, and that all the powers concerned should be ready to cancel it at the Conference.[72]

The Sponsoring Powers, however, were to show no such willingness, as became clear in discussions in Committee III/1. Although a United Kingdom delegate assured the Committee, in response to a request by the Prime Minister of New Zealand that he give an interpretation of the Yalta voting proposals, that the veto did not apply to paragraphs 1, 2, or 3 of Chapter VIII A and that therefore investigation of a dispute could not be blocked by a permanent member not a party to a dispute, he felt that the veto would apply to recommendations under paragraph 4.[73] Evatt, speaking at this meeting, provided aninterpretation of the Dumbarton Oaks text in which he made clear that, by a strict reading of the text, even the investigation of a dispute would not be free from the veto.[74]

72. 'Verbatim Minutes of the Second Plenary Session, 27 April, 1945', Doc 20, P/6, 28 April 1945, U.N.C.I.O. Documents, vol. 1, p.173.
73. 'Summary Report of Ninth Meeting of Committee III/1, 17 May 1945', Doc 417, III/1/19, 18 May 1945, U.N.C.I.O. Documents, vol. 11, p.305. 'Committee III/1, Statement of Questions by the Delegate of New Zealand and of Replies by the Delegate of the United Kingdom at Ninth Meeting, 17 May 1945', WD/3, Ibid. pp.317-25. See also Australian Report on U.N.C.I.O., p.16.
74. Ibid. and 'Corrigenda to Summary Report of Ninth Meeting of Committee III/1, 17 May 1945', Doc 417, III/1/19(1), 21 May 1945, U.N.C.I.O. Documents, vol. 11, p.309.

A sub-committee of Committee III/1, including representatives of the Sponsoring Powers, Australia, Cuba, Egypt, the Netherlands, Greece, and France, was established at the following meeting to clarify the meaning of the Yalta text.[75] A questionnaire containing twenty-two questions, in the formulation of which Australian suggestions played a part, was drawn up by the members of the sub-committee other than the representatives of the Sponsoring Powers and was submitted to the Sponsoring Powers on 22 May.[76] In their answer on 7 June, the Sponsoring Powers, having overcome an initial reluctance by Russia to except any part of Chapter VIII A from the operation of the veto, would now only except from its operation preliminary discussion of a question under paragraph 2.[77] Evatt thereupon took a prominent part in spirited debates in Committee III/1. A roll-call vote was finally taken on 13 June on an Australian amendment to the Yalta proposals which would have added the following to VI, C, 2 of the Dumbarton Oaks text, which was

75. 'Summary Report of Tenth Meeting of Committee III/1, 18 May 1945', Doc 459, III/1/22, 21 May 1945, U.N.C.I.O. Documents, vol. 11, p.336.

76. 'Memorandum - Questionnaire on Exercise of Veto in Security Council', Doc 855, III/1/B/2(a), 8 June 1945, U.N.C.I.O. Documents, vol. 11, pp.699-708.

77. 'Statement by the Delegation of the Four Sponsoring Governments on Voting Procedure in the Security Council, 7 June 1945', Doc 852, III/1/37(1), 8 June 1945, U.N.C.I.O. Documents, vol. 11, pp.711-2.

identical with the second section of the Yalta voting proposals which formed the basis of committee discussion.

> Decisions made by the Security Council in the exercise of any of its duties, functions and powers under Chapter VIII, Section A, shall be deemed to be decisions on procedural matters.[78]

The Australian amendment was defeated by twenty votes to ten with fifteen abstentions.[79] As the Australian Report on U.N.C.I.O. points out, the effect of carrying this amendment would have been to remove the veto from the pacific settlement of disputes.[80]

Evatt in his uncompromising fight in this Committee did not however feel that he was running the risk of causing a major failure in the Conference as a whole by pressing this point against the Sponsoring Powers. It is certain that he was convinced before the final vote in Committee III/1 on 13 June that his proposal would be defeated. Two days before the vote Evatt told Chifley in a telegram that he would not secure the required 2/3 majority although he would press the issue until the last.[81]

78. 'Summary Report of Nineteenth Meeting of Committee III/1, 13 June 1945', Doc 956, III/1/47, 13 June 1945, U.N.C.I.O. Documents, vol. 11, p.494.
79. Ibid. p.495.
80. Australian Report on U.N.C.I.O., p.80.
81. H/45/771/1. Proceedings and Australian Policy. This telegram has an E prefix.

The Dumbarton Oaks Proposals had provided under Chapter V B1 that the General Assembly

> should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armament; to discuss any question relating to the maintenance of international peace and security brought before it by any member of members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such question on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the main of international peace and security which is being dealt with by the Security Council.[82]

Australian amendments were designed both to broaden the scope of discussion in the General Assembly and to prevent a dispute being 'frozen' in the Security Council. Paragraph 1 of V B was therefore to be amended as follows:

> (1) The General Assembly may consider, and may make such recommendations as it thinks fit with regard to any matter affecting the international relations (including the principles governing disarmament and the regulation of armaments); provided that, while in relation to any dispute or situation the Security Council is exercising the functions assigned to it under Chapter VIII, the General Assembly may not, unless on the request of the Security Council, make any recommendation with regard to that dispute or situation.

82. 'Dumbarton Oaks Proposals', U.N.C.I.O. Documents, vol. 3, pp.4-5.

> (2) When the Security Council commences to exercise its functions in relation to any dispute or situation, and also when it has ceased to do so, the Secretary-General shall immediately notify the General Assembly through its President. The President of the General Assembly may at any time require the Secretary-General to report on the position of any dispute or situation before the Security Council. If the General Assembly by a three-fourths majority is of the opinion, having considered the Secretary-General's report, that the Security Council has ceased to exercise its functions in relation to the dispute or situation, it may proceed to make any recommendation it thinks fit with regard thereto.[83]

On 29 May, Committee II/2 voted at its Fifteenth Meeting to adopt a text of Chapter V B1 allowing the General Assembly to discuss 'any matter within the sphere of international relations'. The Summary Report of this meeting notes that the question of safeguarding domestic jurisdiction was raised in discussion on this text. Some delegates are reported to have suggested that this matter was adequately cared for by 'a paragraph to be included elsewhere in the Charter' [paragraph 7 of Chapter II] which would be applicable to the Charter as a whole.[84] On 17 June, after the issues of the veto in the Security Council and the veto on amendment of the Charter had been decided in favour of the Great Powers,

83. 'Australian Amendments', U.N.C.I.O. Documents, vol. 3, pp.544-5.

84. 'Summary Report of Fifteenth Meeting of Committee II/2, 30 May 1945, Doc 686, II/2/34, 30 May 1945, U.N.C.I.O. Documents, vol. 9, p.109.

Russia called a meeting of the Executive Committee to re-open this question of the General Assembly's powers of discussion. Russia's argument was that the words 'any matter within the sphere of international relations' allowed interference in matters of domestic jurisdiction.[85] Evatt led the opposition to Russia's argument claiming that paragraph 7 of Chapter II would be applicable to V B 1. He and Gromyko virtually monopolized discussion in the meeting. Evatt was unyielding.

> But I will say this Mr. President, that the nations that have been anxious on the matter, and who have succeeded in spite of opposition in the early stage of the Conference, in getting this great right of discussion and recommendation vested in the Assembly will not give up that right.[86]

It was decided at this meeting to establish a sub-committee of the Executive Committee comprised of Stettinius, Gromyko and Evatt to attempt to agree on a text.[87] The Soviet subsequently agreed to a text, drafted by Evatt, which provided that the General Assembly could discuss any questions or any matters within the scope of the Charter or relating to the

85. 'Summary Report of Ninth Meeting of the Executive Committee, 17 June 1945', Doc 1063, EX/27, 18 June 1945, U.N.C.I.O. Documents, vol. 5, pp.522-3.

86. Verbatim Minutes, Ninth Meeting of Executive Committee, 17 June 1945, Running number 11 (Reel 9).

87. Ibid. pp.526-7.

powers and functions of any organs provided in the Charter, and that the General Assembly should have the right to make recommendations on any such questions or matters either to members or to the Security Council or to both, except only in the case of matters actually being dealt with by the Security Council.[88]

The fact that at the Final Meeting of the Steering Committee the Delegate of Penn, Mr. Gallagher, could propose a motion 'to pay homage here to the small nations represented at the Conference and to their great champion, Dr. Evatt',[89] was a reflection not only of Evatt's legal ability, or of the fact that Australia was a small power and as such shared the interest of many small powers in democratization of the Charter. It was also a reflection of the prominence which Evatt had achieved for himself and his country through his membership of the Executive Committee and of the persistence and aggressive energy with which he had argued Australia's policies at San Francisco.

88. 'Summary Report of Tenth Meeting of Executive Committee, 18 June 1945', Doc 1108, EX/28, 20 June 1945, U.N.C.I.O. Documents, vol. 5, p.536. See also Australian Report on U.N.C.I.O., p.20.

89. Verbatim Minutes, Eleventh Meeting of the Steering Committee, 23 June 1945. Running number 40 (Reel 9).

# CONCLUSION

Dr. Evatt, and therefore Australia, assumed an aggressive small-power posture at San Francisco. He also espoused policies, which may be called policies of national assertion, of (i) obtaining a seat for Australia on the Executive Committee of the Conference with a view to Security Council membership and (ii) advocating criteria for non-permanent membership of the Security Council which would further increase the chances of Australia's early election to that body. Both this posture and these policies sprang largely from a strong desire to assert and enhance Australia's distinct international status. The exercise of distinct international status had become the predominant means of Evatt's foreign policy with the implementation of the Australian-New Zealand Agreement in a context of dissatisfaction with Great Britain in particular, and the Great Powers in general because of their apparent willingness to take decisions affecting the Pacific peace settlement without consulting Australia.

Evatt's intense interest in the Pacific peace settlement (which could be expected to include questions of territorial disposition and interim policing arrangements) rested on his conviction that Australia's post-war security was closely related to the extent to which she was able to play, with

New Zealand, a dominant role in the military security of the South-west and South Pacific. The events of a war in which the Australian mainland had been bombed, and in which the source of aggression had lain to Australia's Asiatic north no doubt contributed to this sense of the immense strategic significance of the South-west and South Pacific to Australia. 'Never again,' Evatt said in March 1944, 'will the people of Australia and New Zealand leave their vital interests in the [South-west Pacific] region unprotected.'[1]

The significance which Evatt attached to the South-west Pacific region did not, however, imply a concomitant isolationism. Nor, on the other hand, did it involve concepts of close American or increased British involvement in the defence of the area. Menzies, for example, had always stressed the Empire connection rather than regionalism and had pointed to the value of friendship with the United States.[2] Even Curtin had placed emphasis on the Commonwealth, although he showed an additional awareness of the need for an Australian role in the Pacific. Evatt's view of the need for Australian

1. H.V. Evatt, Foreign Policy of Australia, p.173.
2. See his contribution entitled 'Post-war International Relations' in D.A.S. Campbell (ed.) op. cit., pp.11-50.

and New Zealand predominance in the region was allied to a belief in the efficacy of collective security. Regionalism was to provide the basis of Australia's defence in the transition to a stable peace in the period before the International Organization was established and working efficiently. Once that body was functioning, regionalism would form part of a collective security system - 'Because of its vulnerable position, Australia is vitally concerned in the establishment of a successful peace and a world security system, and as portion thereof, a regional defence system.'[3]

Given that Evatt's South-west and South Pacific regions were to form part of a collective security system, it would still have been possible, as one imagines Curtin would have been more inclined to do, to seek to foster and increase American and British involvement in the post-war security of the area. That Evatt, while acknowledging British, and paying due regard to American, participation in the post-war security of the areas sought, with the Australian-New Zealand Agreement, to prevent United States territorial expansion in the South

3. C.P.D., vol. 179, 8 September 1944, p.602.

Pacific; spoke, in a strategic context, of a reduction of the British colonial presence in these areas; and spoke of Australia and New Zealand having a pivotal role and a decisive voice in these regions, may have been in part a reflection of the nationalism of the Australian Labor Party and of a personal nationalism which had, no doubt, been stimulated by the events of the war. Evatt's national sentiment is evident in a statement made in March 1944. 'Australians are a great and virile people. They have proved magnificent pioneers in many fields of human endeavour. Above all Australians fought in many battle fronts of this war and the last war with unexampled courage and resource. I suggest that the conduct of the foreign affairs of this country, which in the long run serves the same ends, should be worthy of our soldiers.'[4]

But Evatt may well have had further reasons for seeking an Australian and New Zealand predominance in the regional security of the South-west and South Pacific. Britain, after all, had been of little help in Australia's struggle with the Japanese, whom Evatt, like many at the time, saw as Australia's probable post-war enemy. Evatt had, furthermore, been

4. H.V. Evatt, Foreign Policy of Australia, p.178.

concerned at what he regarded as Britain's failure either to administer effectively or to fortify her Pacific colonies. He would, presumably, have been very conscious of the struggle which the Australian Government, on occasion using him as its instrument, had waged to have the Pacific war regarded as more than a mere holding operation while Allied preference centred on the European theatre. Although Evatt made no known reference in this period to the possibility of a future return to isolationism in the United States, he may reasonably have chosen to rely more on the hope of an American commitment to a world-wide collective security system than such a commitment to the long term defence of a far corner of the Pacific. If America stayed in the Pacific, north of the Equator, so much the better. What Australia wanted above all was to ensure a degree of military preparedness and social and economic stability in the South-west and South Pacific. If it is borne in mind that this regionalism was to be associated with a collective security system Evatt's view seems a tenable approach to his country's post-war defence. P.E. Corbett, for instance, wrote in 1945 in the Austral-Asiatic Bulletin

> Even after the establishment of the United Nations and as a long term project, Australia and New Zealand might profitably be encouraged to accept responsibility, as a provisionally autonomous unit, for the regional defence zone roughly sketched in the Canberra Agreement. There can hardly be a better way of securing their wholehearted collaboration in keeping pace in the Pacific than in this kind of initiative.[5]

Whether Evatt should or should not, in this pre-atomic, pre cold-war situation, have placed such faith in the efficacy of a world collective security system, is related more to what Geoffrey Sawer has called 'a general dispute between conservatives and progressives'[6] than to any ultimate standard of judgment. It could be suggested, however, that Evatt's adoption, on the eve of the San Francisco talks, of the notion that regionalism might serve as a second line of defence in the event of a failure of collective security, was evidence of both a limited belief in that concept and an inconsistency in his foreign policy. What use, after all, would this second line be without appreciable British or American support? It is suggested, however, that Evatt's

5. P.E. Corbett, 'North America Views Anzac Agreement. Vital Questions Seen', Austral-Asiatic Bulletin, vol. VI, no. 3, September 1945, p.21.
6. Geoffrey Sawer, 'The United Nations', in Gordon Greenwood and Norman Harper (eds.), Australia in World Affairs, 1950-1955, Melbourne, 1957, p.97.

faith in collective security would at this time have outweighed any real expectation of its failure. At the time of his reference to the second line he was also speaking of the need to amend the Charter to prevent, in the future, the continued possibility of a Great Power veto. Australia's opening address to the Conference contained a strong plea for effective collective security. And at the end of his fight on the veto on the pacific settlement of disputes, Evatt, as quoted in the Australian Report on U.N.C.I.O.,[7] placed faith in assurances by the Great Powers on the limited use of the veto in the resolution of international conflict.

Evatt's awareness of the importance of South-west and South Pacific regionalism to Australia had been accompanied by an intense interest in the Pacific peace settlement - 'The decisions which will be made on this matter [disposition of Japanese occupied territory] at the Pacific Peace Settlement will vitally affect the future security of these two countries. Anyone who denies this is not prepared to face the realities of the position. The same considerations apply to non-Japanese

7. Australian Report on U.N.C.I.O., p.18.

Pacific islands.'[8] This interest was accompanied in turn by difficulties in consultation with Great Britain and other Great Powers on this subject, difficulties which had led to an increasing reliance on the exercise of distinct international status rather than reliance on Empire consultation as the predominant means of Australian foreign policy. It was inevitable that there should be a concomitant concern to augment and assert that status. As Evatt remarked on 22 February 1945, 'This [external] policy is designed to allow Australia to work to the fullest extent possible with the other United Nations in plans for the post-war world order. Its object is also to ensure, so far as we can, that the place and status of Australia among the United Nations, and in the major post-war international arrangements, shall be commensurate with what Australia has contributed to the common cause during the war, not only in the field of operations, but also in supply and production at home.'[9] Whether Evatt's pursuit of status at San Francisco was

8. H.V. Evatt, Foreign Policy of Australia, p.175.
9. C.P.D., vol. 181, 22 February 1945, p.65.

relative neglect of detailed consideration of the form and functions of the international body which was to replace the League of Nations. During late 1942 and in 1943 Evatt's commitment to collective security, and his desire to ensure that the international body be supplied with adequate armed force, were established. He had also shown a concern that the peace should be built not only on freedom from fear, although he was ever mindful of the need for military security, but also upon freedom from want - a concern that men should live in conditions of social and economic justice. 'No world or regional system of security, however, can be permanent unless it has an adequate basis in economic justice.'[11] This concern for social and economic justice would explain, in part, and in part only, the interest which Evatt took in the questions of trusteeship and international full employment policy.

The former question, which had given rise to discussion between Great Britain and the United States in 1942 and 1943,

11. 'The Post-war Settlement in the Pacific', address delivered by Dr. H.V. Evatt at the Overseas Press Club, New York, 28 April 1943, C.N.I.A., vol. 14, no. 5, 15 May 1943, p.140.

was of interest to Australia not only because of a general concern for economic justice, or for her position as a colonial and mandatory power in Papua and New Guinea respectively, but because trusteeship was an issue with direct relevance to the military stability of the post-war Pacific. As Evatt put it in 1943 'One striking result during the Papuan campaign has been the devotion and loving care shown to our wounded by the Fuzzy-Wuzzies. We must further develop those great and valuable territories, treating the welfare of the natives as one of our most imperative duties.'[12] With full employment policy a desire for social and economic justice was allied to an awareness of the possible need for Australia, as a trade dependent nation, to maintain tariffs in the post-war period. It was also accompanied by advocacy of a novel approach to the expansion of world trade. Considerable attention was given to both these policies in Australia during 1943 and 1944. In regard to both she was to make distinctive contributions to the content of the United Nations Charter.

12. 'The Australia's Future Role in the Pacific', an article by Evatt in the Sydney Daily Telegraph, 18 August 1943. This article is reprinted in H.V. Evatt, Foreign Policy of Australia, pp.131-3. The quotation is from p.133.

The Wellington Agreement, although, unlike the Australian-New Zealand Agreement, it gave some sustained attention to the proposed general international organization, represents little more than a codification of policies already clear in Evatt's, or, in the case of the enhanced power of the General Assembly, in Curtin's, speeches during the preceding two years. The question of the territorial integrity and political independence of nations, although urged by Evatt, had a particular attraction for New Zealand. Evatt in his speech of 8 September 1944 had already made reference to the need to utilize the World Court in the determination of facts in disputes. If he had failed, in this speech to make the reference to increased powers for the General Assembly, which Curtin had made in July,[13] it was perhaps a reflection of the attention which Evatt gave to the question of defining criteria for representation on the Executive Authorities of the proposed body. This was a policy which was not, however, represented in the Wellington Conclusions. It was a policy, nonetheless, which continued to occupy a central position in Evatt's public addresses in the United States on

13. C.P.D., vol. 179, 17 July 1944, p.37.

his way to the pre-San Francisco Commonwealth meeting in London and during that meeting. In London it was complemented by his campaign to obtain a seat for Australia on the Executive Committee of the Conference.

The London talks were to show, also, an increasing Australian attention to the detail of the Dumbarton Oaks Proposals which had only been recently finalized at the time of the Wellington Conference. Thus Evatt's alarm, following Fraser's suggestions, at the possible operation of the Great Power veto on enforcement action under VIII B of the Dumbarton Oaks Proposals, was accompanied by a strong attachment to the principle of removing the veto from Charter amendment. The recognition of a necessity to accept the veto on enforcement action reinforced the importance which Evatt gave to the removal of the veto on amendment. In London also Evatt spoke of the need for compulsory jurisdiction for the World Court and of the need to augment the powers of the Economic and Social Council.

Australian policy, in full detail, was embodied in the amendments submitted on 3 May at San Francisco after further detailed consideration of the Dumbarton Oaks draft. An awareness of the application of the Great Power veto to the

Pacific settlement of disputes under Chapter VIII A of the Dumbarton Oaks Proposals was accompanied by an amendment to prevent such application. An awareness also of the power and need to make recommendations under Chapter VIII B was accompanied by the desire to prevent such recommendations in relation to threats to the peace or acts of aggression arising from matters coming solely within the domestic jurisdiction of nations. The Economic and Social Council was to be a principal organ of the world body. Regionalism, as Evatt had foreshadowed in London, was given added importance as a second line of defence, but within what clearly remained an attachment to the operation of a collective security system.

The development of Australian policy has the overall characteristic of a consistent evolution even if the process was somewhat hurried in its final stages. It is quite impossible to agree with Hasluck's judgement of Evatt, delivered some ten years after the Conference when Hasluck has not only left Evatt's service but had subsequently become a Member of Parliament and a Minister in the Government of R.G. Menzies.

> Just as Mr. Stettinius was first and last a successful American organizer of industry, so Dr. Evatt was first and last a successful politician. The hallmark of the politician is that he looks first at "issues". I think that was probably characteristic of his judgments when on the Bench - though on that I am not qualified to speak - and I know it was true of his approach to the material for the San Francisco Conference. He detected them easily: "This will be one of the main issues"; "This is a good issue"; "No, that is not the issue; the real issue is this." The veto, powers of the General Assembly, trusteeship, and so on were "issues" to him. Having detected the issues, the next political step is to decide what side you are on, and then you work like hell to see that you win. Dr. Evatt always went through that sequence in a flash.[14]

It is quite untrue that Evatt showed this kind of 'sequence' in regard to trusteeship, full employment and the idea of collective security as earlier chapters have shown in detail. It might be argued that Evatt's opposition to the veto in the Security Council was something which occurred to him suddenly and might have been worked out earlier; but his attitude towards the veto was essentially derived from his views about the need for effective collective security and for small and middle powers to have a say in security matters. It can be regarded as largely an application, in particular circumstances, of those views. Hasluck may have mistaken Evatt's resourcefulness in immediate circumstances for the assumption of basic attitudes. Only

14. Paul Hasluck, Journal and Proceedings, p.176.

rarely did Evatt have to 'decide which side he was on', and this was usually on matters of tactics. Most of the time he knew what he wanted, because he had thought it out in advance, and because it arose from his deeper convictions. He may have been awkward in dealing with other people, and sometimes unaware of the implications for Australia's future of what he was advocating; but he had a solid basis of constructive belief for what sometimes appeared to be wilful or thoughtless action.

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Reel 4. Committees III/1, III/1/A, III/1/B.
Reel 5. Committees III/2, III/2/A.
Reel 6. Committees III/3, III/4.
Reel 7. Committees IV/1, IV/2.

[Reel 8. Verbatim Minutes of the Co-ordination Committee is restricted].

Reel 9. Heads of Delegations Committee, Steering Committee, Executive Committee.

These verbatim minutes, in typescript, are an uncorrected and unofficial record of committee proceedings. They were retained in the secretariat and not circulated at the conference. They have been used in this thesis as a supplement, where they seem consistent and complete, to the official Summary Reports, which were circulated at the Conference; were, where necessary, corrected by Delegations; and were subsequently published.

(b) General File.

Box 2. Credentials, Full Powers: Reports. Assignments to Commissions and Committees.

Box 4. Delegation Lists.

Box 5. Dumbarton Oaks Proposals: Comments and Amendments.

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