

DR H.V. EVATT AND THE NEGOTIATION OF THE UNITED NATIONS CHARTER

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At the end of the 1945 United Nations Conference on International Organisation meeting in San Francisco, the *New York Times* summed up the performance of one of the Australian delegates, Dr Herbert Vere Evatt:

When Dr Evatt came here he was a virtually unknown second-string delegate ... He leaves, recognized as the most brilliant and effective voice of the Small Powers, a leading statesman for the world's conscience, the man who was not afraid to force liberalization of the League charter¹

Who was Herbert Vere (Bert) Evatt and what had he done to provoke such an effusive outpouring? This paper will look at H.V. Evatt, the man and his role as an Australian delegate in San Francisco, and in covering the major issues with which he is usually associated, determine whether Evatt did indeed make the impact claimed on the conference and leave a mark on the negotiation of the United Nations Charter.

A lawyer, constitutionalist and Australia's youngest appointed High Court judge, at the time of the conference, Evatt was Australia's Attorney-General and Minister for External Affairs—two demanding portfolios. When he and his Prime Minister, John Curtin, received Australia's invitation to send a delegation to San Francisco, both recognised that the conference provided one of those rare opportunities for a minor power like Australia to importune the great powers and to hope to have some impact on international society. Evatt was also firmly of the opinion that Australia's 'strategic position in the South Pacific and the nature of our war effort' not only entitled it to a role in the political outcome of the war, but also to a place in international politics at large.² In his view, there was no reason why

¹ *New York Times*, 27 June 1945, quoted in Kylie Tennant, *Evatt: Politics and Justice*, Angus & Robertson, Sydney, 1970, p. 174.

² Evatt to the Australian delegates to the Institute of Pacific Relations Conference, 17 January 1945, in *Documents on Australian Foreign Policy* (hereafter *DAFP*), Volume VIII, 1945, Australian Government Publishing Service, Canberra, 1989, p. 19. Evatt here was making the point that these factors even gave

representatives of a small power could not be as constructive and inventive as those of a great power. Australian chagrin at being excluded as a minor ally from allied decision-making on postwar planning no doubt added an extra spur to the determination at San Francisco to improve Australia's status in international affairs.

The Australian delegation thus went to San Francisco well informed on the Dumbarton Oaks proposals and with every problem—as Australia saw it—and intricacy memorised. Thoroughly rehearsed and furnished with the services of a small band of advisers and expert consultants, it was exceptionally well prepared to play the very active role that Evatt decided that it should play. Contrary to the great powers' view, Evatt regarded the Dumbarton Oaks plan as a draft for discussion and it was, therefore, 'the duty and the opportunity of [the] conference to pass from general principles to the practical working rules of the proposed organisation'. And he saw much work to be done.³ Overall, the Australian view was that the proposals, as then drafted, bore 'very many characteristics of a mere prolongation, into the years of peace, of the type of Great Power leadership that [had] been found necessary in order to win the war'.⁴ There were real concerns about the almost unlimited power to be given to a small Security Council, the highly restricted function proposed for the General Assembly, the procedure for the settlement of disputes, and issues relating to social and economic cooperation and territorial trusteeship. Particularly worrying was the extensive veto power to be given to the permanent members in the Security Council, meaning, of course, that the Council would only be effective when there was unanimity among all the great powers.⁵ This did not sit well with the Curtin Labor government's commitment to the principles of liberal internationalism in international relations.⁶ The immediate plan of action was to develop an Australian plan for the establishment of a new international organisation that was more democratic and 'ensur[ed] a wider and more binding assumption of obligations and responsibilities by [its] constituent members' than that proposed in Dumbarton Oaks text. An organisation directed 'towards the maintenance of

Australia a strong claim to a place on the proposed Security Council. See also Minutes of British Commonwealth Meeting BCM (45) 5th Meeting, 6 April 1945, *ibid.*, pp. 118–19.

³ See, Australian Delegation to Commonwealth Government, 29 April 1945, *DAFP, Vol. VIII, 1945*, pp. 150–4.

⁴ Speech at Plenary Session UNCIO, 27 April 1945, *Current Notes on International Affairs (CNIA)*, vol. 16, no. 4, 1945, p. 109.

⁵ *Ibid.*, 117–27; and Forde and Evatt to Curtin, 17 April 1945, *DAFP, Volume VIII, 1945*, pp. 133–40.

⁶ See David Lee, 'The Curtin and Chifley Governments, Liberal Internationalism and World Organisation', in David Lee and Christopher Waters (eds), *Evatt to Evans: The Labor Tradition in Australian Foreign Policy*, Allen & Unwin, Sydney, 1997, pp. 48–61.

world peace and ... towards the promotion of economic and social welfare' and applying the rule of law to international relations.⁷

Australia's quest to make a difference, however, could well have been over before it even began. Evatt had great difficulty in concealing his bitterness that the Australian Deputy Prime Minister, Frank Forde, the other senior minister to go to San Francisco, and not he—like other foreign ministers—was chairman of the Australian delegation. A tumultuous personality with a towering intellect, Evatt believed Forde failed to grasp the importance of the issues that hung in the balance and the significance of the amendments that Australia was proposing. To make matters worse, Forde was too much the politician, too agreeable and too willing. Evatt, for his part, believed that such niceties did not support the approach Australia needed to take at the conference, arguing 'we have got to deal with tough people and in Australia's interests we have to be equally tough'.⁸ Despite the undercurrent between the two, once the conference was underway Forde, in the main, let Evatt do the job he was more fitted to do.⁹ In the days after the opening formalities Evatt soon established himself as the effective head of the Australians and had few qualms about doing so. From this point on, with boundless enthusiasm and extraordinary stamina, he was almost manic in his pursuit of the amendments deemed important to Australian interests.

And he needed to be. The elaborate committee system of the conference presented a considerable challenge to a delegate like Evatt, pursuing an Australian concept of how the whole charter should be formulated and who accordingly had submitted a host of amendments. As Chairman of the Australian delegation Forde was the Australian voting member on the Steering Committee, but he arranged for Evatt to attend as a non-voting adviser 'when any special matter on which he might like to state his views is being considered'.¹⁰ Evatt, however, was the Australian representative on the Executive Committee of 14¹¹ and also managed to get himself elected to 20 other committees and sub-committees.

⁷ Minutes of British Commonwealth Meeting BCM (45), 6 April 1945, *DAFP, Volume VIII, 1945*, pp. 117–27.

⁸ Evatt to Beasley (Minister for Supply and Shipping and Member of the War Cabinet), 1 May 1945, *DAFP, Volume VIII, 1945*, pp. 154–6.

⁹ While the Australian delegation was in London prior to the conference, Australia's former Prime Minister and then High Commissioner to the United Kingdom, Stanley Bruce, counselled Forde that 'his course was to go on quietly maintaining his position ...[and] not to attempt ... to take on jobs that Evatt was more fitted to do'. Note by Bruce of conversation with Forde, 2 April 1945, *DAFP, Volume VIII, 1945*, p. 96.

¹⁰ Forde to Curtin, 27 April 1945, *DAFP, Volume VIII, 1945*, p. 146.

¹¹ Australia's election to the Executive Committee resulted from Evatt's direct diplomatic efforts in Washington, Paris and London in the three weeks prior to the conference. It had been omitted from the

He usually achieved this by following up an Australian amendment with an early, energetic and well-informed speech on the topic which would secure his position. His subsequent schedule was exhausting and the wide range of involvement and attack meant that he was attending meetings of commissions and committees until the end of the day's session after ten at night. When meetings clashed, he seems to have had the uncanny knack of being able to choose the one that would prove the toughest fight. His seven, thinly stretched aides would then cover the others together with the relevant Australian expert attached to the delegation. If major issues arose, they sent for Evatt who would be briefed on the status of the debate as he hurried along the corridor from one committee room to another. He was able to maintain his effectiveness on that number of committees and in dealing with the many different issues through his ability to grasp significant points quickly and also to ensure he was equipped with the information essential to the arguments he was developing. To keep his edge, at the end of each full day, he and his officials would work until around two in the morning. One of these aides Paul Hasluck, who himself would be the Minister for External Affairs twenty years later, wrote that 'he [Evatt] 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 of the draft'. It is scarcely surprising that he should appear manic and that Hasluck should also recall 'an eighty-hour week for ten weeks. We were all slightly mad by the end'.¹²

In addition to his long suffering officials, Evatt also saw one other avenue that he could use to advantage. He courted the hundreds of news-hungry journalists covering the conference. With the British and American delegation adopting a policy of diplomatic evasion of the press and the Soviets going incommunicado behind closed hotel doors, Evatt was happy to keep the press informed of proceedings, particularly those in which he was involved. He called regular press conferences and in concise, understandable language, he would explain the points he was trying to establish on the conference floor and in the committees and would always answer questions bluntly with conviction. Not surprisingly, subsequent press coverage of the issues important to Evatt heightened their public profile and rallied other small powers to the Australian side. To the journalists 'virtually everything about Evatt [was] big' and perhaps in today's parlance 'they couldn't get enough of him':

original list prepared by the sponsors. See, Forde and Evatt to Curtin, 28 April 1945, *DAFP, Volume VIII, 1945*, p. 148.

¹² See Paul Hasluck, *Diplomatic Witness*, Melbourne University Press, Melbourne, 1980, p. 202.

Dr Evatt talks hard and listens hard and his simplicity is so basic that yesterday's conference had the intimacy of a seminar ... He has a sharp sense of humour and can spot a foul ball almost before it is tossed to him ...

There are few delicate nuances connected with Dr Evatt, either mental or physical. He hews to the line and if the line wavers, then the hell with it. He'll draw a new one.¹³

What then were the issues that engaged Evatt and was he successful in having the influence on the Charter that he sought? With 38 Australian amendments to the Dumbarton Oaks draft, indeed there were few issues with which Evatt was not engaged, although it is with the Security Council veto and the General Assembly powers that he is usually associated. Before considering briefly a number of aspects of Evatt's involvement at the UNCIO, it must first be acknowledged that the scope of this paper precludes giving proper attention to the work of other delegations at the conference. The paper, therefore, is only a partial account of the considerable debate that took place on these issues.

The Yalta Formula giving the right of veto to the permanent members of the Security Council was the most provocative and contentious issue at the conference—and, thanks to Evatt, the most public. Evatt, of course, represented only one of 20 nations concerned about, and trying to restrict, the scope of this great power veto. But engaging the interest of the press from the outset with the plea that there was 'no reason why one great power should be able to veto an attempt to settle a dispute through negotiation and arbitration, particularly when that dispute might be in an area outside the power's sphere of influence',¹⁴ Evatt became the face of the smaller nations' struggle to decide international issues in concert with the other powers. That discussion of an issue by the Council could be vetoed was incomprehensible.¹⁵ (It must be noted here that there were some members of the US and UK delegations who also felt that the scope of the veto needed to be restricted on this point.) Evatt thought that the Security Council should be able to carry any measure with the support of seven of its eleven members and he wanted clear procedures established whereby the Council could investigate any threat to world peace without any of the great powers being able to sabotage those procedures.¹⁶ But although Australia's amendments to the veto proposals, in general terms, were designed to 'exclude "veto" of permanent members from all arrangements relating to peaceful settlement of disputes', unlike those of most of the other nations, they did allow one exception. Evatt

¹³ Carolyn Anspacher in *San Francisco Chronicle*, 14 May 1945, quoted in Tennant, *Evatt*, p. 171.

¹⁴ *Californian News*, 5 May 1945, quoted in Tennant, *Evatt*, p. 168.

¹⁵ Australian Delegation to Commonwealth Government, 29 April 1945, *DAFP, Vol. VIII, 1945*, p. 151.

¹⁶ Forde and Evatt to Chifley (A/Prime Minister), 3 June 1945, *DAFP, Volume VIII, 1945*, p. 189.

conceded that the great power veto could apply on 'decisions involving enforcement action'. That is, that it should be confined to economic and military sanctions after all peaceful means had failed.¹⁷ It was the harsh reality that the great powers could not be forced to take action against their wishes and without them there would be no United Nations or collective security system. As he explained it to the press: 'We don't mind a veto on a shooting-match, because the big powers have to carry the burden of shooting. What we object to is a veto on a talking match'.¹⁸ He would have been even more reconciled to the enforcement action veto if he could have separated the question of revision of the Charter from the Yalta voting formula as it was being interpreted.¹⁹

No doubt because of his belief that the Australian constitution was unduly rigid,²⁰ Evatt felt particularly strongly that the great powers should not be able to veto any amendment to the United Nations Charter. In his view, periodical revision of the Charter would be necessary to meet changing world conditions. It was, therefore, preposterous if just one of the powers failed to ratify an amendment, that amendment was effectively vetoed, even if ratified by all other members of the United Nations. With the support of seven other countries, Evatt tried to water down this proposal so that amendments would be carried after they had been twice approved by a two-thirds majority in successive General Assemblies that included the concurrence of three of the five permanent members.²¹ He was alone, however, in being prepared to allow some lee-way. Evatt accepted that the great powers had to lead the new organisation into peace but he regarded this period as a transitional phase.²² The charter being negotiated, then, was a temporary document suited to this transitional period. This proposition, of course, was totally unacceptable to the Soviet Union, which was only interested in a fixed and permanent charter, and to the not completely unsympathetic United States delegation, which could not consider the prospect of a document ratified by Congress being amended by others at a later date.

¹⁷ Department of External Affairs to Posts, 24 May 1945, *DAFP, Volume VIII, 1945*, p. 174.

¹⁸ *San Francisco Chronicle*, 31 May 1945, quoted in Tennant, *Evatt*, p. 171.

¹⁹ Forde and Evatt to Curtin, 17 April 1945, *DAFP, Volume VIII, 1945*, p. 134.

²⁰ See, Alan Renouf, *Let Justice be Done: The Foreign Policy of Dr H.V. Evatt*, University of Queensland Press, St Lucia, 1983, p. 219.

²¹ See Minutes of British Commonwealth Meeting BCM (45) 5th Meeting, 6 April 1945; Forde and Evatt to Curtin, 17 April 1945; and Department of External Affairs to Posts, 24 May 1945, *DAFP, Volume VIII, 1945*, pp. 125–6, 137, & 174.

²² Australian Delegation, San Francisco Conference, to Commonwealth Government, 29 April 1945, *DAFP, Volume VIII, 1945*, p. 153.

One other aspect of the veto that alarmed Evatt was the provision that the Security Council must authorise enforcement action at a regional level. This was a situation that struck at the heart of national security concerns for a large, sparsely populated country like Australia. With the memories of the first attacks ever on Australian soil still fresh, it was vital that Australia have a regional security system as a second line of defence should the world security system fail.²³ The basis of the alternative arrangements that Evatt sought was that, if the Security Council itself did not act in an emergency, it had a right only to be kept informed of regional disputes.²⁴ Australia, of course, was not alone in its opposition to the regional security veto—the Latin Americans proving to be the most outraged. The issue eventually became one of the main topics of the conference and while Australia's proposals no doubt contributed to the debate and Australian concerns about collective security were assuaged, Evatt's later claim that Australian proposals 'played an important part in helping to shape the amendment eventually adopted' is perhaps exaggerated.²⁵ The fact is that the formula that went into Article 51 was provided by the United Kingdom delegation.

Although he fought long, hard and tirelessly, Evatt was unsuccessful in obtaining any of the amendments he sought to the veto. At best he got a softening of the terms for amendment finally included in the Charter and, by the end of the conference, Soviet agreement that the veto should not be used to block free discussion of an issue. Yet it was mainly for his fight over the veto that he was recognised. For ten days he had pounded away at the implications of the proposals for the smaller nations and as the *New York Times* reported 'by fighting head-on with Russia, tying up for days decisions which in more pliable hands might have slipped by silently, had dramatised the misuse of the veto power'.²⁶ Although this was Evatt's biggest and most drawn-out fight of the conference, it was one that he accepted that he could never win completely and, importantly, he knew when to back away. He knew he was never going to overcome Soviet determination to have the veto they wanted, as he also knew that without the veto United States Congress support of the United Nations would rapidly vanish. He was less accommodating to the United Kingdom delegation, however, who he believed had hampered the Dominions through a lack of

²³ Forde and Evatt to Curtin, 17 April 1945, *DAFP, Volume VIII, 1945*, p. 137.

²⁴ See, Forde and Evatt to Chifley, 18 May 1945; and Department of External Affairs to Posts, 24 May 1945, *DAFP, Volume VIII, 1945*, pp. 170 & 175.

²⁵ Parliament of the Commonwealth of Australia, *United Nations Conference on International Organization, Report by the Australian Delegates*, Canberra, 1945, p. 27.

²⁶ *New York Times*, cabled to Australian newspapers, quoted Tennant, *Evatt*, p. 176.

consultation on the British interpretation of the Yalta formula and their apparent divergence from points agreed at the British Commonwealth Meeting prior to San Francisco.²⁷

The second great issue with which Evatt is associated was his campaign to enlarge the powers of the General Assembly. Here he was more successful. He emerged as the leading voice of the small powers in the long and complex process of dealing with this topic, eventually negotiating directly with the great powers. Like the some 20 other delegations that submitted amendments to raise the status of the Assembly, Evatt rejected the great powers' plan to give the Security Council dominance and confine the Assembly to considering 'principles' and 'questions' and only making recommendations on generalities. Evatt's view was that ultimately the Assembly 'should become the central organ or the forum in which the conscience of the people of the world should have its most potent expression'.²⁸ He was resolved that the smaller nations had to have the maximum possible role in international relations. The heart of the issue was which organ should be dominant: the Security Council of 11 members, the great powers where they were protected by the veto, or the General Assembly, representing the whole membership and where none enjoyed veto protection.

Initially, the Australian amendments were extreme. The Council would have become the creature of the Assembly with very particular functions and subject to constant Assembly surveillance even in the exercise of those functions. Evatt quickly discarded these and circulated a new amendment that included two major rights for the Assembly. The first was the right of the Assembly to discuss and make recommendations on any matter 'affecting international relations', with just the one exception that the Security Council be left 'unhampered in handling immediate threats to peace'.²⁹ The second was a bid to avoid the difficulties that had arisen in the League of Nations, with the League Assembly unable to deal with matters under discussion by the Council even if these matters had become bogged down. Evatt's amendment sought that if a three-fourths majority of the Assembly considered that the

²⁷ Forde and Evatt to Chifley, 4 June 1945, *DAFP, Volume VIII, 1945*, p. 195.

²⁸ Speech at the Plenary Session UNCIO, 27 April 1945, in *CNIA*, vol. 16, no. 4, 1945, p. 98. See also, Commonwealth Government to Cranborne, 5 September 1944, *DAFP, Volume VII, 1944*, p. 521.

²⁹ Speech at Plenary Session in *CNIA*, vol. 16, no. 4, 1945, p. 99; and Forde and Evatt to Curtin, 17 April 1945, *DAFP, Volume VIII, 1945*, p. 135.

Security Council 'had ceased to exercise its function in relation to [a] dispute', the Assembly would have the right to take over and make recommendations on the issue.³⁰

While the great powers could accept much in Evatt's amendment, they rejected these two key principles. Many of the delegations of the small powers felt as strongly as Evatt about restricting the functions of the Assembly and with their support and sensing that this was a fight that could be won, this time Evatt did not give way. By sheer energy and persistence, he eventually wore down the great power delegations which acknowledged that, as the accepted voice of the small powers, he was the delegate who had to be satisfied. With the conference at an impasse, Evatt entered into direct negotiations with the United States's Edward Stettinius and the Soviet Union's Andrei Gromyko. Stettinius tried to persuade Evatt to limit freedom of discussion in the Assembly to 'questions relating to the maintenance of international peace and security'. Evatt's subsequent amendment held an inspired solution. Dropping the reference to the Assembly's powers as being anything 'within the scope of international relations', he referred to its scope as being that of the United Nations Charter itself.³¹ Given that Article 2(7) of the Charter prohibited UN intrusion into the domestic jurisdiction of states, Evatt's change went a long way to allaying the great powers' fears that majorities in the Assembly might be able to direct the domestic policies of states. After further negotiation Evatt overcame continuing Russian attempts to limit the scope of discussion by laying three versions of a formula on the table and demanding they accept one. Such effrontery succeeded with United States support. The small powers had enlarged the function of the General Assembly, which now had the right to discuss and make recommendations on anything within the scope of the United Nations Charter or 'relating to the powers and functions of its organs'. The only exception was under Article 12 of the Charter, which prohibited the Assembly from making recommendations with regard to any dispute or situation that the Security Council was dealing with, unless requested by the Council to do so.³²

The veto question and the powers of the General Assembly, although the most significant, were only two of the issues on which Evatt actively contributed to the debate at

³⁰ Amendment cited in W.J. Hudson, *Australia and the New World Order: Evatt at San Francisco, 1945*, Australian National University, Canberra, pp. 93–4. See also, Department of External Affairs to Posts, 24 May 1945, *DAFP, Volume VIII, 1945*, pp. 174–5.

³¹ Amendment dated 25 May is cited in Hudson, *Evatt at San Francisco*, pp. 99–100.

³² See Lee, 'The Curtin and Chifley Governments, Liberal Internationalism and World Organisation', pp. 52–3; and Tennant, *Evatt*, p. 173. Also Articles 10–12, UN Charter.

San Francisco. He concerned himself deeply with the narrow social provisions of the Dumbarton Oaks draft and helped to widen the scope of the United Nations in economic, social and humanitarian areas, as well as strengthen the authority of the Economic and Social Council.³³ Declaring that ‘peace and security must rest on economic justice and social security’, he also sought a separate agreement to maintain full employment.³⁴ Here he came up against the United States delegation, a number of whom thought that ‘the Australians were trying to use the international Charter to force a change in their own country’.³⁵ This was not the case. Nor was it naïveté on Evatt’s part (as his domestic critics claimed) to think he could go head to head with the United States on such an issue. Although never particularly interested in economics, Evatt understood that Australia needed the larger industrial states to maintain full employment if it was not to suffer under the United States vision of a new world economic order. Eventually it was the Soviet Union that brokered a formula acceptable to all. It was convoluted, but Evatt prevailed to the extent that his desired full employment obligation became one of taking ‘joint and separate action ... for the achievement of these purposes’.³⁶ The late Bill Hudson, a former editor of the Australian *Documents on Australian Foreign Policy* series, who in his own words ‘immersed’ himself in the UNCIO records, saw Evatt’s performance here as being ‘so remorseless in pursuing the pledge, mainly in opposition to the United States, that finally he bored the great powers into submission’.³⁷

Evatt also regarded the future of the dependent territories as important and entered the fray in the debate on the trusteeship provisions of the Charter. His particular concern here was that the draft failed to make the welfare of the dependent peoples an aim of guardianship.³⁸ But the trusteeship question became a great power tussle and Evatt was pretty much frozen out in the closed sessions. Although he was prominent in the final drafting of the trusteeship Articles, his actual contribution to the Charter on this issue was limited to the inclusion of a requirement that colonial powers provide the United Nations with regular statistical reports on

³³ Forde and Evatt to Curtin, 17 April 1945; Australian Delegation to Commonwealth Government, 29 April 1945; and Department of External Affairs to Posts, 24 May 1945, *DAFP, Volume VIII, 1945*, pp. 137–8, 152–3, & 174.

³⁴ Speech at Plenary Session, in *CNIA*, vol. 16, no. 4, 1945, p. 101; and Department of External Affairs to Posts, 24 May 1945, *DAFP, Volume VIII, 1945*, p. 176.

³⁵ US Delegation, Minutes of 56th Mtg, San Francisco, 28 May 1945, *Foreign Relations of the United States*, 1945, vol. 1, p. 947.

³⁶ Eighth Reporting of Drafting Subcommittee II/3/A, p. 401, quoted in Hudson, *Evatt at San Francisco*, p. 134.

³⁷ W.J. Hudson, ‘Dr H.V. Evatt at San Francisco’, in Department of Foreign Affairs and Trade, *Monthly Record*, vol. 62, no. 4, 1991, p. 170.

³⁸ Australian Delegation to Commonwealth Government, 29 April 1945, *DAFP, Volume VIII, 1945*, p. 153.

the economic, social and educational development of their dependencies.³⁹ He also had qualified success in seeking to establish criteria for the election of non-permanent members of the Security Council. On this issue, Evatt, as did the Canadians and other middle power delegations, contended that the non-permanent members of the Council should be drawn from and 'represent powers whose material resources, geographical location and willingness to resist aggression make their actual cooperation with the great powers absolutely essential to the effective working of a security system'.⁴⁰ But this view was countered by the significance that some of the smaller countries attached to geographical representation and in end both criteria were accepted with equal weight.

Of the 38 formal Australian amendments on the Dumbarton Oaks draft, 26 were either adopted without material change, adopted in principle or made unnecessary by other alterations. In addition to those mentioned, these included the amendments protecting the territorial integrity and political independence of states, and those providing that peaceful settlement proceed 'not arbitrarily but in conformity with the principles of justice and international law'.⁴¹

For two months, in a display of prodigious energy, Evatt had achieved this result through the tenacity of his advocacy and the care with which he judged the limits to which his arguments could be pushed. Deadlock or the withdrawal of one of the great powers was never part of his strategy, which was to 'vote for the third reading, even if [Australia] did not get the amendments'.⁴² At times he was obstinate and abrasive and, as did a number of the other delegations, often irritated the great powers. But the powers had of course set up a conflict situation by convening a conference and then expecting to control it. Any such discussion necessarily was going to see either acquiescence by Evatt and the other small power delegates or some degree of conflict arise when they did not. The records show, however, that the Soviets were not offended by Evatt's approach and that the United States delegation overall had accepted him as a good political operator. The United Kingdom officials—not ministers⁴³—on the other hand had mostly been horrified at such barefaced Dominion disrespect. The more pertinent fact is that the records also show that while there had been the

³⁹ Department of External Affairs to Posts, 24 May 1945, *DAFP, Volume VIII, 1945*, p. 175.

⁴⁰ Australian Delegation to Commonwealth Government, 29 April 1945, *DAFP, Volume VIII, 1945*, p. 152.

⁴¹ Evatt to Makin, 23 June 1945, *DAFP, Volume VIII, 1945*, p. 230.

⁴² Eggleston (Australian Ambassador to US) to Bruce, 9 July 1945, *DAFP, Volume VIII, 1945*, p. 246.

⁴³ Evatt to Makin, 23 June 1945, *DAFP, Volume VIII, 1945*, p. 232.

occasional brawl, from day one, Evatt had been a busy and constructive participant. The reality was that if he was to have any impact of what kind of organisation the United Nations would be, San Francisco was his one opportunity. Evatt's efforts and those of the rest of the overworked Australian delegation were indeed recognised the following year when Australia replaced the initial choice Canada as a non-permanent member of the Security Council. For the moment, Australia had achieved the place it sought in from the margins of international society. Evatt himself would be the third President of the General Assembly, the only Australian to have been ever elected to the position.

In going to San Francisco Evatt sought to defend or advance particular Australian interests in the shaping of a world organisation that would not only meet Australia's needs but also the security, social and economic, humanitarian and judicial needs of international society at large. Cabling a summary of the work of the Australian delegation to his Acting Minister at the end of the conference, Evatt set out his own thoughts and hopes for what had been achieved: 'Perhaps the most important achievement of the Conference is the work of the small nations in liberalising and making more democratic the Dumbarton Oaks text. Australia could not possibly have succeeded to the extent indicated herein but for the resolution and steadiness of many nations ... In view of this valuable cooperation it is in my opinion certain that the General Assembly of the World Organisation will be a democratic institution and will not tolerate any resurgence of Fascism'.

At the final session of the Steering Committee, every delegate, including the leaders of the Big Five, rose and applauded Evatt, concurring with Edward Stettinius's statement that he had contributed more to the conference than any other delegate. Approve or disapprove of his audacity, agree or disagree with his arguments, Herbert Vere Evatt had left his mark on the negotiation of the United Nations Charter and it had been a virtuoso performance.