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Chairman: Mr. Roberto URDANETA ARBELÁEZ (Colombia).

Allocation to the First Committee of three additional agenda items (A/C.1/557/Add.1)

1. The CHAIRMAN drew the attention of the Committee to a letter from the President of the General Assembly (A/C.1/557/Add.1), referring to the Committee the following items: the question of Formosa; Duties of States in the event of the outbreak of hostilities; and Establishment of a permanent commission of good offices.

United action for peace (*continued*)

[Item 68]*

GENERAL DISCUSSION (*continued*)

2. Mr. GUTIERREZ (Cuba) supported the joint draft resolution for the establishment of United action for peace (A/C.1/576). The deterioration in international affairs since the signing of the Charter at San Francisco had convinced all peace-loving persons that the world, instead of advancing toward the goal of maintaining peace and international security, seemed to be drifting perilously in the direction of the use of threats and force as determining influences in internal development and international action. That deterioration had reached a critical point in the Korean affair and had brought mankind to the brink of a world war of catastrophic magnitude. It was only as a consequence of tactical errors, special circumstances and good luck that the Security Council had been able to act to isolate the Korean conflict and avoid a world war.

3. However, those events had served to show the weakness of the Charter in the face of the possibilities for use of the veto by one of the five permanent members of the Security Council. While the United Nations was sufficiently powerful to maintain collective security

when events which might imperil international peace occurred between nations which did not have the right of veto, the veto could halt or paralyse the machinery for safeguarding peace when one of the five great Powers became involved in international friction. Mr. Gutierrez disagreed with arguments to the effect that opposition to the veto was unrealistic and that the San Francisco declaration¹ made by the permanent members of the Council was an unavoidable obstacle to the control and elimination of the veto. The facts were quite to the contrary. The veto had paralysed efforts to disarm and to control atomic energy, had prevented the admission to the United Nations of States which played a most important part in human progress, and could prevent the pacific settlement of disputes and action under Chapters VI and VII of the Charter. He repeated his delegation's view that the veto had produced only a negative unity and not the positive unity necessary for action to maintain peace.

4. The joint draft resolution would fill the dangerous gap which could exist when the Security Council failed to act because of the lack of unanimity among its permanent members. The proposal would not deprive the Council of any of its powers. Emphasizing the importance of Articles 24, 25 and 27 of the Charter, Mr. Gutierrez said that it followed logically that a solution should be found to a situation which arose when the principal machinery set up for collective security did not function. It would be absurd for the General Assembly to remain inactive through lack of any legal instrument when there was an imminent conflagration.

5. Articles 10, 11 and 14 gave the Assembly the power to recommend measures which might be necessary in relation to any matter within the scope of the

¹ See *Documents of the United Nations Conference on International Organization*, San Francisco 1945, document 852, III/1/37 (1).

* Indicates the item number on the General Assembly agenda.

Charter, including questions relating to the maintenance of international peace and security, except as laid down in Article 12. But Article 12 applied when the Security Council was exercising its functions under the Charter in connexion with a dispute or situation. When the Security Council did not exercise the functions conferred upon it, there was nothing to prevent the General Assembly from making a recommendation with regard to a dispute or situation. In that sense, his delegation shared the opinion that the primary responsibility to maintain international security and peace, conferred on the Council by Article 24, was not an exclusive one.

6. The Council had the power to take decisions and the General Assembly the power only to make recommendations. In that connexion, however, the representative of Cuba pointed out that reality indicated that decisions not backed by public opinion were less likely to be carried out than suggestions or recommendations which interpreted a conscientious feeling. It was necessary to take action which would restore world trust and confidence so that the peoples of the world could dedicate their energies to development and increasing living standards rather than to preparing for war.

7. The delegation of Cuba considered that the USSR, which had also presented proposals concerning peace, could put the principle of unanimity into practice by supporting the joint draft resolution, with such modifications as might be necessary. Such support would be a most important contribution towards relaxing world tension.

8. Mr. VAN HEUVEN GOEDHART (Netherlands), while admitting that other aims of a social and economic nature were of the highest importance, pointed out that the paramount interest for which the United Nations had been created was peace. The average man was not interested in the United Nations unless it was able to secure peace; the average man had not forgotten the years prior to 1940 when the danger of aggression was creeping up, and the cost of the effort that had resulted in the restoration of peace and the establishment of the United Nations in 1945.

9. The United Nations had found itself at the crossroads in June 1950, when it had faced the choice of stopping the aggressors, and thereby proving that it was aware of its primary responsibility, or of failing to do so, as had the League of Nations at more than one crucial moment. Up to that point, the United Nations had fought the idea of aggression in the words of the Charter, in resolutions and in debates. But in June the United Nations had gone into action. For the first time in history, unified forces under a United Nations Command had begun to repel the aggressors who had clearly trampled upon the very heart of the Organization.

10. However, shortly after the action of the United Nations had started, the Security Council had been paralysed through the lack of co-operation of the USSR. Mr. van Heuven Goedhart emphasized that, if the United Nations was to develop into a reliable peace machinery, its equipment must be such as to guarantee that action could be taken at any time, irrespective of where and when aggression occurred. The average man wanted every act of aggression to be stopped, and wanted the United Nations to be the watchdog for the

peace which he held more dear than anything else in the world. The Netherlands delegation knew itself to be in full agreement with the desires of the overwhelming majority of the Netherlands people in welcoming every effort to build the United Nations into strong and alert machinery for the preservation of peace. Only the few Communist members of the Netherlands Parliament had opposed his government's decision to participate in the United Nations anti-aggression action. He was at a loss to understand why and, thinking of the USSR campaign for the so-called Stockholm Peace Appeal, the Netherlands representative wished to ask the representative of the USSR whether he was or was not convinced that the average man considered the repelling of aggression at least as important as the prohibition of atomic weapons. There was no doubt what answer the Soviet people would give to that question if able to answer freely. The USSR, like the Netherlands, had experienced German aggression. It was natural that peoples should differ in ideologies, governmental structure, and economic and social conditions. Disagreement and friction were normal in a free world. The one big step forward which all desired after five years of unprovoked acts, however, was that never again should a nation be at liberty to enforce by aggression its régime upon any other nation.

11. The Netherlands delegation supported the joint draft resolution in principle and was prepared to co-operate in overcoming the unacceptable situation in which the Security Council had found itself by being prevented from performing its paramount duty. That delegation was prepared to accept a courageous and daring interpretation of the Charter if that would promote achievement of the goal of the Charter itself, namely, that immediate and effective action would be the answer to any aggression.

12. However, his delegation had some doubts whether the language of the draft resolution was adequate in some respects, particularly with regard to the right of seven members of the Security Council to convoke the General Assembly. Citing Article 20 of the Charter, the Netherlands representative asked whether the joint proposal was intended to extend that right to seven members of the Council to be exercised outside the Council chamber.

13. Turning to the Chilean draft resolution (A/C.1/575), the Netherlands representative noted that it had the same goal as the joint proposal and suggested the use of similar means; however, he felt that the joint proposal was more carefully and accurately drafted. He suggested that the Chilean representative might be willing to withdraw his proposal in the interest of achieving overwhelming majority support for the seven-Power draft resolution.

14. In conclusion, Mr. Van Heuven Goedhart reiterated the conviction of his delegation that, in establishing ways and means for the prompt repelling of any act of aggression, the General Assembly was getting down to essentials.

15. Mr. VYSHINSKY (Union of Soviet Socialist Republics) noted that the draft resolution (A/C.1/576) submitted by seven delegations headed by the United States contemplated measures designed to ensure the solution of a problem of extraordinary importance, par-

ticularly in the present circumstances, namely the maintenance of peace and the removal of the threat of a new war. War was the greatest misfortune which could befall mankind and it was the sacred duty of every State and of the United Nations Organization to exert every effort to liberate mankind from that scourge. Small wonder therefore that every session of the General Assembly invariably reverted to that issue. The question had stirred hundreds of millions of people whose protests against the threat of a new war and against a policy of a new war were ever increasing and demonstrated the determination of those millions to defend peace with all their might and to the end.

16. In accordance with the peace-loving foreign policy unswervingly adhered to by the Government of the USSR ever since the establishment of the Soviet State, the USSR had repeatedly submitted proposals for the strengthening of international peace and security and had endeavoured to overcome the difficulties in that direction. In 1946, during the first session of the General Assembly, the USSR had submitted proposals² for the general regulation and reduction of armaments and armed forces which had become the basis of an important decision by the General Assembly (resolution 41 (I)). In 1947, as a result of initiative taken by the USSR delegation³ the General Assembly had unanimously adopted another momentous decision (resolution 110 (II)) against propaganda for a new war. In 1948⁴ and 1949⁵ the Government of the USSR had taken new steps for the strengthening of peace, calling upon the five great Powers to reduce by one-third their armaments and armed forces and to combine their peace-loving efforts through the conclusion of a pact for the strengthening of peace. Following the same policy of international co-operation, the USSR had submitted to the present session of the General Assembly a draft declaration (A/1376) on the removal of the threat of a new war and the strengthening of peace and security among the nations.

17. Stressing his delegation's conviction that this path fully satisfied the vital interests of millions of working human beings who protested against all types of military adventures, Mr. Vyshinsky said that it must be recognized that there were numerous hurdles to be overcome in the struggle for peace. Unless cognizance were taken of the nature of those hurdles, it would be impossible to find a method for removing them or to remove them.

18. The sponsors of the joint draft resolution apparently believed that they had found the answer to the question of the nature of those hurdles as well as to that of the ways and means by which they could be removed. Thus, Mr. Acheson, in his speech to the General Assembly on 20 September (279th plenary meeting) had said in effect that the principal obstacle on the path to peace had been created by policies of the USSR which were designed to bring about the destruction of the non-Soviet world and thus fulfil the predictions of Soviet theory. According to Mr. Acheson, the only thing which constituted a threat to the maintenance

of peace was the desire of the Government of the USSR to use force to impose its will and political system on other nations. Mr. Acheson and later Mr. Dulles had outlined and analysed measures to be taken to counteract that threat and Mr. Dulles had analysed them for the First Committee in some detail (354th meeting).

19. Mr. Vyshinsky stated that such fabrications and insinuations concerning USSR policy should have been disposed of long ago. He recalled the answers given by Generalissimo Stalin to Mr. Roy Howard of the United Press in 1936. The Generalissimo had stated that there was no reason whatsoever for fears that the USSR had decided to impose its political theories by force. While the people of the USSR wanted the status of the surrounding countries to change, that was the affair of those countries themselves, and so long as the people of those countries were firmly seated in their respective saddles, he could not see what danger they could discern in the ideas of the Soviet Union. In answer to a further question from Mr. Howard as to whether the USSR had in any way given up plans of effecting world revolution, Generalissimo Stalin had answered that the USSR had never had such plans or intentions; and he had stated that to allege that the USSR wished to bring about revolutions in other countries by interference was to advocate what had never been advocated by the USSR. Mr. Vyshinsky observed that the authors of the joint draft had found it convenient for themselves and their purposes to repeat all kinds of fairy tales about USSR policy, though he was convinced that they themselves did not believe what they propagated.

20. Mr. Vyshinsky said that the USSR delegation agreed to some parts of the joint draft resolution but at the same time had certain amendments to submit and objections to propound regarding some points. However, he wished to analyse some general considerations advanced by the advocates of the joint draft before stating his delegation's views on the draft itself.

21. According to its sponsors, the joint draft resolution was designed to strengthen the United Nations. Mr. Dulles had stated that the organizational weaknesses of the United Nations must be corrected if it was to be able to halt those who were preparing for aggression. Similar ideas had been expressed by other delegations, including the view that adoption of the joint proposal would be the best method of strengthening the United Nations, raising respect for it, and turning it into a mainstay of peace. Apparently the United Nations was not respected throughout the world and not the mainstay of peace but had to be turned into one. Mr. Vyshinsky said that his delegation must take exception to those premises.

22. However, the important element in the argument of the proponents of the joint draft resolution was the emphasis placed upon the necessity of strengthening the United Nations and removing organizational weaknesses which were supposed to have come to light. Unfortunately, those were only empty phrases. There could be no question of strengthening the United Nations by weakening the Security Council, which would be the inevitable result of the adoption of proposals like those contained in the joint draft resolution. The purpose of that draft was to relieve the Security

² See *Official Records of the General Assembly, First Session, second part*, 42nd plenary meeting.

³ *Ibid.*, *Second Session, Volume I*, 84th plenary meeting.

⁴ *Ibid.*, *Third Session, Part I*, 143rd plenary meeting.

⁵ *Ibid.*, *Fourth Session*, 261st plenary meeting.

Council of its primary responsibility, the maintenance of peace and security as stipulated in Article 24 of the Charter. There could be no strengthening of the United Nations if the cornerstone of the Organization, the organ which under the Charter had the exclusive right and power to fight against aggression, to forestall the threat of aggression, and to call upon forces not available to other organs under the Charter, was to be weakened. The proclaimed purpose of the sponsors of the joint draft resolution—the strengthening of the United Nations—would thus inevitably have a contrary result, through the implementation of measures which would weaken the Security Council.

23. Mr. Dulles' speech of 9 October (354th meeting) had contained four implicit conclusions about the Security Council. They were that the Council was incapable of acting speedily or of acting at all; that the Council could not have the information required for the adoption of quick and decisive actions; that the Security Council, or the United Nations as a whole, could not have armed forces at its disposal; and that the Security Council, or the United Nations as a whole, was incapable of fighting against or forestalling aggression. The reason in each case had been ascribed to the principle of unanimity in the Security Council in connexion with action on non-procedural questions, or, in other words, to the veto. The same spectre of the veto was discerned in every direction and the general conclusion to be drawn was that the principle of unanimity must be liquidated. However, if that was the conclusion reached by the sponsors of the joint draft resolution led by the United States, why was it that the constitutional method provided in the Charter for the revision and amendment of the Charter was not resorted to? If the establishment of a new method of operation to circumvent the Security Council was demanded, why was it that the sponsors of the joint proposal remained silent about the possibility of changing the Charter, which was what was actually proposed? The fact was that the seven-Power draft resolution would explode and crush the Charter.

24. Of course, it could be contended that the veto was no good; that it was an obstruction; that it doomed the Security Council to a palsied state, that it prevented the Council or the United Nations from taking measures to discharge their responsibilities. If that were so, however, common sense and elementary good faith would require, in accordance with Article 109 of the Charter, that steps be taken to abolish such a provision. But the sponsors of the joint proposal avoided that course, although they attached considerable significance to speeches attacking the principle of unanimity in the Security Council, which was said to be the source of all the sorrows, failures and fiascos which the United Nations had experienced. All that was clear, at least to those members of the Security Council who had firmly and consistently championed the principle of unanimity, without trying to circumvent the Charter and without introducing unconstitutional principles into the work of the Council.

25. Everything that had been said and that would be said in the future against the principle of unanimity, however, could not withstand criticism from the point of view of the implementation of those principles which formed the basis of a United Nations composed of sovereign States. The principal questions relating to

implementation of measures for the maintenance of peace and security had remained unsolved, not because of the veto but because of the position taken in the Security Council by the Anglo-American bloc, which had consistently tried to foist decisions designed for its own benefit, on the Security Council, decisions which consistently failed to take into consideration the interests of the United Nations and were designed to favour the American monopolists. That had been done by dint of the Anglo-American bloc's majority in the Security Council. There was no use in the veto if a majority could always be commanded. The advantage was always on the side of the majority, particularly when it had reached an understanding and had set forth an objective to which all members of the majority must submit, though perhaps not all of them sympathized with it. When a country was completely in debt to another Power, it could not take an independent position. That was the situation in the Security Council.

26. The majority of delegations in the Security Council belonged to the Anglo-American camp, or the North Atlantic Alliance and other bodies which had put themselves in competition with the United Nations. The majority had repeatedly tried to foist its decisions on the Council on such vital questions as the admission of new Members, the organization of the armed forces of the United Nations in accordance with Article 43 of the Charter, the prohibition of the atomic weapon, the regulation and reduction of armaments and many others. The majority had recklessly endeavoured to put through their proposals at any cost, paying no heed to the will of other States, or to the principle of agreed decision. The Anglo-American bloc did not wish to seek agreed decisions in the international sphere and did not wish to pay heed to the principle that it was impossible in international relations to impose one's will on another State but that one must seek agreement with another State. The Anglo-American camp was not acting in the interests of the United Nations as a whole, but in the interests of groups of Members, principally of one or two States which headed it. That was the situation which underlay the paralysis which was said to have effected the work of the Security Council.

27. Under such conditions, there might have been many more vetoes than there had been. The veto was a method of self-defence against pressure and dictation by those countries which regarded themselves as powerful, mighty and glorious and therefore entitled to implement their plans. An international organization could hardly have become viable if a sovereign State had been unable to rely on the veto to defend its interests. Such an organization could hardly have failed to become an alliance of groups of States, kept together by their own interests, rather than by the interests of mankind, which had guided the efforts of the States that had sponsored the United Nations five years previously.

28. Mr. Dulles had been wrong in ascribing the state of affairs in the Security Council to the principle of unanimity. The basis of every international organization was the obligation of each of its members to respect the governmental and national independence and equality of rights of all other members. The root of the evil was the use of the method of imposing one's will at any cost in international relations. Quite apart from the fact that on one issue alone—the admission of new

Members—the veto had had to be employed seventeen times because the matter had been brought up repeatedly, Mr. Vyshinsky stated that had there been ten times as many vetoes or occasions for vetoes any self-respecting State would have utilized its veto right, which was the only guarantee of the independence and freedom of action of each State, a fundamental principle in the establishment of the United Nations Organization from the time of the Dumbarton Oaks Conference of 1944.

29. Mr. Vyshinsky said that all the arguments against the principle of unanimity had been put forth as early as 1944 and again in 1945, 1946 and 1947. They were always based on the same thought. It was constantly said that that principle had to be either liquidated or limited, and some delegations had dwelt on the fact that the Security Council was incapable of acting. At the third session of the Assembly, the United States delegation had contended⁶ that the veto power had made it impossible for the Security Council to be effective and that, therefore, it was essential to seek other means, within the framework of the Charter, for the maintenance of international peace and security. The sponsors of the joint draft resolution now believed that those means were embodied in their proposals.

30. Mr. Vyshinsky recalled that, at the very beginning of the Organization, the principle of unanimity had aroused discontent and protests, leading to various attempts to deprive the Security Council of its role. At San Francisco, there had been an argument over the question of the inter-relationship of the Security Council and the General Assembly and the rights and obligations of those two organs. Various amendments which had been submitted at that time could be divided into two categories, as follows: proposals for granting the General Assembly rights equivalent to those of the Security Council; and proposals to turn the General Assembly into the supreme organ of the United Nations with a view to subjugating the Security Council to the General Assembly. The motivation at San Francisco had been exactly the same as that which had been repeated before the Committee by Mr. Dulles when he said that more rights should be granted to the General Assembly because the Security Council might not be able to act on account of the veto. The events in Korea had not occurred in 1944 and 1945 and there had been no possibility of evoking those events to justify the campaign against the Security Council. But that had not prevented some delegations from seeking to weaken the Security Council, in direct contravention of the principles agreed upon among the sponsors of the Organization, who had decided that the Security Council should have an independent role in the United Nations with primary responsibility for the maintenance of peace and security.

31. Mr. Vyshinsky recalled that when the Interim Committee had been established in 1947 (General Assembly resolution 111 (II)), over the objection of the delegation of the USSR, many hopes had been vested in that Committee by the opponents of the principle of unanimity in the Security Council. The Committee had then been called the Interim Committee on Peace

and Security. In welcoming its establishment, the *New York Times* had indicated that the Interim Committee would be given various functions in the hope that it would be able to take rapid and effective measures if and when the Security Council found itself incapable of action. However, there had been some scandal in connexion with the establishment of the Committee and it had, therefore, been found necessary to change its name. It had been decided to make it a subsidiary organ of the General Assembly, since there would otherwise have been no constitutional justification for it. That attempt to counteract the Security Council had failed, but new attempts were now being made on the basis of the present political situation in Korea. Those new attempts were being made with a view to implementing a plan which had been consistently pursued year after year by certain delegations since the Dumbarton Oaks Conference in 1944.

32. Mr. Vyshinsky reminded the Committee of repeated references to Korea by advocates of the thesis that the principle of unanimity had prevented the Security Council from discharging its responsibilities for the maintenance of international peace and security. They had maintained that the adventitious absence of one of the permanent members of the Security Council had made it possible for the Council to discharge its functions. Mr. Vyshinsky contended that such arguments were inconsistent and irrelevant since one could not keep on representing the actions of a group of members of the Security Council, who had adopted their own decisions on the Korean question, as legitimate decisions of the Security Council itself. He questioned the legality of such actions.

33. Recalling that the Committee had just completed consideration of the Korean question, Mr. Vyshinsky said that while there was such a thing as an arithmetical majority, no arithmetic could settle questions quite alien to the province of that science. He said that he was profoundly convinced that, before stigmatizing the North Koreans as aggressors, Mr. Dulles should at least have granted them a hearing. Not having done so, one could not contend that the sentence had been just and that, in the case of Korea, the Security Council had found it possible to act justly because the Soviet Union representative had been unaccountably absent. Of course, the Council had acted because the USSR representative was absent, but it had acted unjustly. The decision had been adopted in abnormal circumstances and the very composition of the Council was at that time abnormal.

34. Mr. Vyshinsky recalled that, on 14 October 1947,⁷ his delegation had exposed the tendency of the United States delegation to use all quibbles and excuses to transfer to the Interim Committee as many as possible of the powers and rights of other organs of the United Nations, particularly those belonging to the Security Council. Now that that had failed, it was proposed to endow the General Assembly with functions clearly vested in the Security Council under the Charter. The purpose of that proposal was to get the United Nations to do without the Security Council and allow the General Assembly to act in lieu of the Security Council, thus undermining the very basis of the joint, common

⁶ See *Official Records of the General Assembly, Third Session, Part I, Ad Hoc Political Committee, 17th meeting.*

⁷ *Ibid., Second Session, First Committee, 74th meeting.*

and mutual responsibility of the five great Powers for the maintenance of peace.

35. Mr. Vyshinsky said that the importance of the principle of unanimity and the heavy responsibility which it placed upon the permanent members of the Security Council had been clearly pointed out in a report of the Secretary of State of the United States of America to the Foreign Affairs Committee of the United States Senate in July 1945. The report had set forth ideas and principles which should not be lost sight of in the present discussion. It had noted that the five Powers having the greatest power to maintain or breach the peace must agree to act jointly if the peace was to be maintained, just as they had had to agree to act jointly in order to achieve the victory of the United Nations in the war. The Secretary of State had pointed out that the Charter did not grant to the great Powers any rights that they did not enjoy in reality since their power to maintain or break the peace already existed. The Charter merely vested in them a particular binding obligation to use their might jointly for the maintenance of peace, and not to use it separately for war. The rule of unanimity was the expression of that special obligation and responsibility. The Secretary of State had made it clear that no joint action by the United Nations could be hoped for in the absence of the principle of unanimity. That was the significance of the principle of unanimity, which formed the very cornerstone of the United Nations; that fact was realized by all those who had made the effort to set up the Organization as it was set up.

36. In a message in December 1944, the late President of the United States, Franklin D. Roosevelt, had described the permanent members of the Security Council as the main guardians of peace, who should have a special role in the maintenance of peace by force if necessary. That was natural inasmuch as those permanent members possessed the most powerful forces. That was why Article 47 of the Charter stipulated that the Military Staff Committee should consist of the Chiefs of Staff of the permanent members of the Security Council, not the Chiefs of Staff of any States that happened to be Members of the United Nations. Thus was it made quite clear that a special role had been given to the permanent members of the Security Council because they had the economic and military resources necessary for joint action that might have to be taken to forestall all aggression.

37. Mr. Vyshinsky recalled that, on 6 November 1944, when the Charter of the United Nations was being drafted, Generalissimo Stalin had indicated that the actions of the proposed international organization would be effective if the great Powers that had borne on their shoulders the main burden of the war against Hitlerite Germany would act in the future in the spirit of unanimity and agreement. They would not be effective if that essential prerequisite were violated. Such were the principles on which the United Nations had been erected and must continue to stand in the future.

38. Now, however, another policy had been predicated, namely, the uprooting of the Charter. It had been proposed by the authors of the American draft resolution, who contemplated that the General Assembly would delegate to itself the function of acting in lieu of the Security Council.

39. To give that proposal the cloak of legality, Mr. Vyshinsky said, reference had repeatedly been made to Articles 10, 11 and 14 of the Charter. Those Articles had been cited to prove that the General Assembly had the right to deal with all questions that might be dealt with by any other organ of the United Nations. That was clear to anyone who read the Charter and could not be contested. Nor was it debatable that the General Assembly could submit, to all other organs of the United Nations, and to Member States, recommendations on any questions coming within the competence of the Assembly or of the other organs of the United Nations, within the framework of the Charter, except as provided in Article 12. But the representative of France had stated (355th meeting) that Article 11, if taken in conjunction with Article 10, would even strictly forbid any discussion or consideration of a question. The representative of France had reached that conclusion because the last sentence of paragraph 2 of Article 11 stated that "any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion". It followed that, if action was necessary, the question must be referred to the Security Council. If the General Assembly wished to make a recommendation on that question, it could not do so because action must be taken by the Security Council alone.

40. Therefore, there could be no question of contradiction between the powers of the General Assembly and those of the Security Council, particularly since the last paragraph of Article 11 stated that Article 11 should not be construed as limiting the powers possessed by the Security Council under Article 10 of the Charter. But what kind of recommendations might be made to the Security Council by the General Assembly? Article 11, Mr. Vyshinsky explained, made it quite clear that if a recommendation were to involve some action, the General Assembly would have no right to take such action and, consequently, could not recommend what was to be done. In other words, the General Assembly could not arrogate to itself the right to take action that was incumbent on the Security Council. One could not say that the General Assembly must make a recommendation and, therefore, there was a moral obligation for the Security Council, or for any other organ, or for the Members of the United Nations, to act. That would violate the provisions of Article 10, since only the Security Council could take action on questions falling within the scope of Articles 10 and 11.

41. Mr. Vyshinsky said that the representative of France had also committed a fallacy in contending that Article 11 was not applicable to Article 10 because Article 11 spoke of recommendations to the States concerned and not to Members of the United Nations in general, whereas Article 10 referred to Members of the United Nations rather than to States concerned, in particular. In fact, Mr. Vyshinsky explained, the beginning of Article 11 also made a reference to "Members" of the United Nations and not to States concerned. Furthermore, every Member of the United Nations was, of course, concerned and interested. There was no State Member of the United Nations which was not interested or not concerned in forestalling a threat of aggression, in counteracting a breach of the

peace, and in acting against war or aggression. Therefore, Mr. Vyshinsky concluded, the argument advanced about the applicability of the last sentence of paragraph 2 of Article 11 to recommendations which might be made by the General Assembly under Article 10 was fallacious and lacking in legal meaning. In fact, all speakers other than the representative of France had deliberately omitted any reference to Article 11, paragraph 2, the meaning of which was of paramount importance. To say that the General Assembly could recommend action under the Charter to forestall aggression would be a flagrant violation of Article 11, paragraph 2, which clearly vested that prerogative in the Security Council. That was a very important prerogative whose fulfilment might be fraught with dire consequences for the peace of the world since it related to the kind of action which required the concurring votes of the five permanent members of the Security Council. Elimination of that requirement was the essential proposal of the seven-Power draft resolution.

42. Explaining the position of his delegation regarding the joint draft resolution (A/C.1/576), Mr. Vyshinsky stated that it had no objection to the provision contained in section A calling for extraordinary sessions of the General Assembly. Article 20 of the Charter had directly provided for such special sessions. However, his delegation could not agree to the proposal that such special sessions should be convoked at the request of seven members of the Security Council. According to the Charter, a decision to convoke a special session of the Assembly could not be made by any seven members of the Council; it must be a decision of the Council as legally constituted, which required the concurring votes of the permanent members. Moreover, the delegation of the USSR believed that, since a special session would be called in special circumstances, special preparation would be necessary. Obviously, such preparation would require more than the twenty-four hour period proposed in the joint draft resolution. His delegation was of the opinion that a period of two weeks would be needed to allow Members to send specially prepared and qualified representatives.

43. Mr. Vyshinsky stated that his delegation also accepted the establishment of the peace observation commission proposed in section B of the joint draft resolution. The General Assembly had the right, under Article 22 of the Charter, to establish such subsidiary organs as it deemed necessary for the performance of its functions. Nevertheless, the USSR delegation wished to draw attention to the fact that the primary issue in connexion with this proposal was the question of the membership of the commission. His delegation believed that such a commission should be a representative organ of the United Nations and not a mere tool in the hands of one group of States.

44. Section C, as well as some parts of the preamble to the joint draft resolution, contemplated the setting up of armed forces of the United Nations. The USSR delegation could not agree to the proposal because it constituted an attempt to usurp the rights of the Security Council and violated Chapter VII of the Charter, which provided for armed forces to be put under the control not of the General Assembly but of the Security Council through its Military Staff Committee. The

proposal would call upon Member States to earmark armed elements to await orders. But whose orders? They would be subject to the orders not of the Security Council, as provided in the Charter, but of the General Assembly. Mr. Dulles had contended that the General Assembly would not order but would merely recommend. Various representatives, however, had pointed out in the Committee that a recommendation, morally speaking, was tantamount to an order. But where did the Charter endow the General Assembly with the function of recommending troop movements? Moreover, it was contended that the General Assembly had the right to recommend anything it wished. Mr. Vyshinsky begged to differ. The Assembly could recommend everything except that which Article 11 stated it could not do. Article 11 stipulated that any question on which action was necessary must be referred to the Security Council. The movement of armed forces obviously would be for the purpose of taking action. Therefore, Section C of the joint draft resolution was basically and fundamentally incompatible with the Charter. It short-circuited both the Military Staff Committee and the Security Council. Mr. Vyshinsky also objected to paragraph 9 of the joint draft resolution on the ground that it suggested that military experts and advisers would be under the orders of the Secretary-General.

45. The representative of the USSR declared that Mr. Dulles and Mr. Acheson had endeavoured to camouflage the question as to what authority would control the proposed armed forces. They had not specified the organ of the United Nations at whose disposal those armed elements would be placed. He would assume that the Security Council would act, in such a case, in the name of the United Nations since that was what the Charter provided under Articles 23, 25, 47 and 48 and under Chapter VII. If that was so, it should be said.

46. It was further suggested, Mr. Vyshinsky continued, that in case of aggression, some steps preliminary to the measures stipulated in Article 43 should be taken. But the Charter did not leave a vacuum before the agreements referred to in Article 43 were concluded. Article 106 of the Charter stipulated that, pending the coming into force of such agreements, the parties to the Four-Nation Declaration, signed at Moscow on 30 October 1943, and France, should, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and, as occasion required, with other Members of the United Nations with a view to taking such joint action on behalf of the Organization as might be necessary for the purpose of maintaining international peace and security. Article 106 was in force since no agreements existed under Article 43; but thus far no one had even tried to act in accordance with the provisions of Article 106. The USSR delegation intended to submit a formal proposal in that connexion. There was no reason, therefore, for the establishment of panels of military experts which would encroach upon the exclusive province of the Security Council. Instead, the United Nations should endeavour to implement Chapter VII of the Charter, especially Article 43.

47. Finally, as to section D of the joint draft resolution calling for the establishment of a collective measures committee, Mr. Vyshinsky said that his delega-

tion was of the opinion that that section was contradictory to Chapters V and VII of the Charter and would encroach upon the functions of the Security Council. The Soviet delegation was therefore opposed to section D.

48. In conclusion, Mr. Vyshinsky stated that the Security Council was faced with the task of elaborating measures to implement the provisions of Articles 43, 45, 46 and 47 of the Charter. The Council was also acutely faced with the adoption of measures for removing threats to peace, for dealing with aggression, and for the peaceful settlement of disputes likely to endanger the maintenance of international peace and security. It must take measures for the effective functioning of the Military Staff Committee. The Council and, in the first instance, its permanent members, must take all necessary steps to remove the obstacles which thus far had prevented the implementation of those measures, thus discharging the duties vested in them by the Charter of the United Nations.

49. Mr. Maurice SCHUMANN (France), in reply to Mr. Vyshinsky, explained that his argument concerning Article 11 had not been based on the last sentence of paragraph 2 of that Article but on para-

graph 4, which stated that the powers of the General Assembly set forth in Article 11 should not limit the general scope of Article 10. On the other hand, Mr. Schumann said that he had noted that the representative of the USSR, in his legal refutation, had not referred to Article 12. Was that omission to be construed to mean that Mr. Vyshinsky confirmed the interpretation given to that Article by the representative of France? Mr. Schumann considered that the real problem was not whether the veto power would continue to be active in the Security Council but whether or not, in case the veto power paralysed the Security Council, the other organs of the United Nations should discharge the functions vested in them by the Charter, in particular by Article 12.

50. Mr. VYSHINSKY (Union of Soviet Socialist Republics) replied that the representative of France was mistaken about his failure to mention Article 12. He had mentioned the Article.

51. The CHAIRMAN invited delegations wishing to speak to submit their names as soon as possible, because he intended to close the list of speakers the following day.

The meeting rose at 5.15 p.m.