

UNITED NATIONS

**REPORTS OF THE
INTERIM COMMITTEE
OF THE
GENERAL ASSEMBLY**

(5 January — 5 August 1948)



GENERAL ASSEMBLY

OFFICIAL RECORDS : THIRD SESSION

SUPPLEMENT No. 10 (A/578, A/583, A/605, A/606)

PARIS, 1948

TABLE OF CONTENTS

Page

THE PROBLEM OF VOTING IN THE SECURITY COUNCIL (document A 578)	
Introduction	1
Part I. Classification by categories of possible decisions of the Security Council	2
Part II. List of possible decisions of the Security Council, with conclusions and comments :	
A. The Charter	3
B. The Statute of the International Court of Justice	15
Part III. Methods for implementation	15
Part IV. Conclusions	16

* * *

CONSULTATION BY THE TEMPORARY COMMISSION ON KOREA WITH THE INTERIM COMMITTEE (document A/583)		18
I. Request for consultation		18
II. Discussion in the Interim Committee		18
III. Advice of the Interim Committee on the application of General Assembly resolution 112 (II)		20

* * *

STUDY OF METHODS FOR THE PROMOTION OF INTERNATIONAL CO-OPERATION IN THE POLITICAL FIELD (document A/605) :	
Introduction	22
Part I. Duties of the Interim Committee under paragraph 2 (c) of resolution 111 (II)	23
Part II. Pacific settlement of disputes :	
A. Approach to the problem	23
B. Initial survey of methods of pacific settlement and of procedures for making them effective ; synthesis of proposals.	24
C. Detailed examination of proposals	26
Part III. Preparation of research studies by the Secretariat	31
Part IV. Recommendations of the Interim Committee	32
A. Specific recommendations	32
B. Continuation of long-range study programme	33
C. Draft terms of reference for the continuation of the studies initiated by the Interim Committee	33
D. Other aspects of international co-operation	34

Annexes to document A/605

I. Restoration to the General Act of 26 September 1928 of its original efficacy: draft resolution for consideration by the General Assembly	34
II. Proposed amendments to the rules of procedure of the General Assembly submitted for consideration by the General Assembly	34
III. Appointment of a rapporteur or conciliator for a situation or dispute brought to the attention of the Security Council : draft resolution for consideration by the General Assembly.	35
IV. Creation of a panel for inquiry and conciliation : draft resolution for consideration by the General Assembly	35

REPORTS OF THE INTERIM COMMITTEE OF THE GENERAL ASSEMBLY TO THE GENERAL ASSEMBLY

(5 January to 5 August 1948)

THE PROBLEM OF VOTING IN THE SECURITY COUNCIL

Rapporteur : Mr. Nasrollah ENTEZAM (Iran)

Document A/578

15 July 1948

[Original text: English]

Introduction

1. On 21 November 1947, by its resolution 117 (II), the General Assembly requested the Interim Committee to:

"1. Consider the problem of voting in the Security Council, taking into account all proposals which have been or may be submitted by Members of the United Nations to the second session of the General Assembly or to the Interim Committee;

"2. Consult with any committee which the Security Council may designate to cooperate with the Interim Committee in the study of the problem;

"3. Report, with its conclusions, to the third session of the General Assembly, the report to be transmitted to the Secretary-General not later than 15 July 1948, and by the Secretary-General to the Member States and to the General Assembly."

2. At its fourth meeting, the Interim Committee adopted a resolution (A/AC.18/3) requesting the Members of the United Nations which desired to submit proposals on the problem of voting in the Security Council, to transmit them to the Secretary-General on or before 15 March 1948.

3. Following a general discussion of the proposals submitted by Argentina (A/AC.18/12), China (A/AC.18/13), the United Kingdom (A/AC.18/17 and Corr. 1), New Zealand (A/AC.18/38) and the United States of America (A/AC.18/41), the Interim Committee, at its twelfth meeting, adopted a resolution (A/AC.18/45) appointing a sub-committee (Sub-Committee 3) to "examine and analyse all proposals already submitted to the second session of the General Assembly, or which may be submitted subsequently to the Committee or to the Sub-Committee, and to make a preliminary report to the Interim Committee not later than 15 May 1948". The Sub-Committee was composed of representatives of Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Cuba, France, Guatemala, India, Norway, Siam, Syria, Turkey, the United Kingdom and the United States of America, and held seven meetings under the chairmanship of Mr. Arce (Argentina).

4. Subsequently, additional proposals were submitted by Canada (A/AC.18/49), Belgium (A/AC.18/50 and A/AC.18/54), Turkey (A/AC.18/52) and Argentina (A/AC.18/53).

5. At the second meeting of the Sub-Committee, it was agreed to appoint a working group composed of representatives of Argentina, Australia, Belgium, Canada, China, Norway, Turkey, the United Kingdom and the United States of America. The representative of New Zealand, who had submitted a proposal on the subject, was invited to attend the meetings of the working group. The working group was instructed to study the various proposals and to prepare a draft recommendation, such as might eventually be submitted to the General Assembly. The working group held eleven meetings under the chairmanship of Mr. Arce (Argentina) and submitted a preliminary report (A/AC.18/SC.3/5 and Corrs. 1 and 2) and a second report (A/AC.18/SC.3/7).

6. The Sub-Committee examined, first, a list of possible decisions of the Security Council and classified them in categories according to the voting procedure applicable to each of them. The Sub-Committee used as the basis for its work a list,¹ prepared by the Secretariat and amended by the Sub-Committee, of ninety-eight possible decisions "adopted or which might be adopted by the Security Council in application of the Charter or the Statute of the International Court of Justice" (A/AC.18/SC.3/3). The Sub-Committee, in its study of this list, sought to determine those decisions which its members considered as procedural within the meaning of Article 27, paragraph 2, of the Charter, and those decisions which, whether considered procedural or non-procedural by the various members of the Sub-Committee, should, in the opinion of the Sub-Committee, be taken by a vote of any seven members of the Security Council. The Sub-Committee, on 3 June 1948, submitted a preliminary report (A/AC.18/62).

¹This list is reproduced in part II of the report. The numbered items referred to hereafter are those contained in part II.

7. Having thus prepared a list of possible decisions of the Security Council, with conclusions and comments as to the appropriate voting procedure, the Sub-Committee proceeded to examine the suggestions advanced in the various proposals concerning the methods whereby effect might be given in the procedure of the Security Council to these conclusions. The Sub-Committee, on 24 June 1948, submitted a second report (A/AC.18/66) on this subject.

8. At its fifteenth to nineteenth meetings, the Interim Committee took up the consideration of the two reports of Sub-Committee 3 and, after discussing the amendments submitted by China (A/AC.18/69) and India (A/AC.18/70) approved the two reports which, with certain modifications and additions, are embodied in the present report.

9. At the end of the nineteenth meeting, the Committee noted the announcement made by the Chairman that the consultations envisaged in paragraph 2 of General Assembly resolution 117 (II) had not taken place.

10. The present report is divided into four parts :

Part I contains the classification by categories of possible decisions of the Security Council and the criteria on which this classification is based ;

Part II contains a list of possible decisions of the Security Council, with conclusions and comments as to the appropriate voting procedure applicable to each of them ;

Part III deals with the methods for implementation of the conclusions stated by the Committee with regard to the various possible decisions listed in part II ;

Part IV contains the final conclusions of the Interim Committee submitted for the approval of the General Assembly.

Part I

CLASSIFICATION BY CATEGORIES OF POSSIBLE DECISIONS OF THE SECURITY COUNCIL

11. The Interim Committee reached definite conclusions on the voting procedure which should apply to the following four categories in the list of possible decisions reproduced in part II :

(a) Decisions which, according to the Statute of the International Court of Justice, are taken by an absolute majority of votes of six members of the Security Council, without distinction between permanent and non-permanent members (Article 10, paragraphs 1 and 2 of the Statute). This provision applies to items 89 and 93;

(b) Decisions which, according to the Charter or the Statute of the International Court of Justice, are taken by a vote of any seven members of the Security Council,

without distinction between permanent and non-permanent members (Article 109, paragraphs 1 and 3, of the Charter and Article 10, paragraph 2, of the Statute of the International Court of Justice) (items 87, 88 and 91).

(c) Decisions which are of a procedural character within the meaning of Article 27, paragraph 2, of the Charter ; and

(d) Decisions which the Interim Committee recommends should be adopted by the vote of any seven members of the Security Council, whether these decisions are considered procedural or non-procedural.

12. The conclusions reached by the Interim Committee on the decisions referred to in paragraph 11 (c) are based, *inter alia*, on the following criteria :

(a) That all decisions of the Security Council adopted in application of provisions which appear in the Charter under the heading "Procedure" are procedural, and, as such, are governed by a procedural vote (items 14, 23, 24, 25, 26, 28, 29, 30 and 31). The representatives of Belgium and Norway reserved their position as to this criterion.

(b) That all decisions which concern the relationship between the Security Council and other organs of the United Nations, or by which the Security Council seeks the assistance of other organs of the United Nations, relate to the internal procedure of the United Nations, and, consequently, are subject to a procedural vote (items 10, 11, 12, 13, 14, 17, 18, 77, 79, 80, 83, 92, 94 and 95).

(c) That all decisions of the Security Council which relate to its internal functioning and the conduct of its business are procedural and consequently are to be taken by a procedural vote (items 3, 15, 24, 25, 28 and sub-headings 29, 34, 38, 40 and 45).

(d) That certain decisions of the Security Council, which bear a close analogy to decisions included under the above-mentioned criteria, are procedural and are therefore subject to a procedural vote (e.g., items 64 and 68 have a special relationship to items 30 and 28, respectively).

(e) That certain decisions of the Security Council, such as those taken on items 32, 33, 46 or 27, which are instrumental in arriving at or in following up a procedural decision, are procedural. The Interim Committee considered that if the rule of unanimity among the permanent members of the Security Council were allowed to govern decisions on items 32, 33, 46 or 27, which are indispensable steps in reaching or applying decisions on items 31, 45, or 26, the procedural nature of these latter items, which is well established under the Charter, would be nullified.

13. On the decisions of the nature referred to in paragraph 11 (d) above, the Interim Committee reached its conclusions

LIST OF POSSIBLE DECISIONS OF THE SECURITY COUNCIL, WITH CONCLUSIONS AND COMMENTS

A. The Charter

CHAPTER I

1. *Whether a matter is essentially within the domestic jurisdiction of any State.*

CONCLUSION

No recommendation.

COMMENT

- A. Inclusion of this item as a separate decision of the Security Council.

(a) The United States representative, supported by certain delegations, stated that this item should be deleted from the list of possible decisions, as it does not constitute a separate decision by the Security Council and would arise only in connexion with some other decision, such as the adoption of the agenda or proposals for action under Chapters VI or VII of the Charter. The nature of the vote required would then be determined by this other decision.

(b) The majority of the Interim Committee recognized that this item would most probably arise in conjunction with some other decision, but considered that it might possibly arise by itself. It was decided, therefore, to retain the item in the list of possible decisions.

- B. Recourse to advisory opinions of the International Court of Justice.

(a) The representatives of Ecuador and Norway considered that whenever there is disagreement on the question of domestic jurisdiction, the Security Council should not vote but should request an advisory opinion of the International Court of Justice. The representatives of Belgium and Turkey supported this procedure for cases in which the question arises in isolation.

(b) Certain other members of the Interim Committee recognized the value of recourse to the Court in most cases, but opposed recommending it as a general rule :

(i) The representative of China felt that in certain circumstances it might be impossible to delay a decision while awaiting the opinion of the Court ;

(ii) The representatives of Argentina and the United States considered a recommendation of this nature to be outside the terms of reference of the Interim Committee.

(c) The representative of Norway suggested that in urgent cases recourse should be had to the chamber of five judges established by the Court, which, in accordance

by considering whether the decision, if taken by a vote of any seven members of the Security Council, would improve the functioning of that body and permit it, promptly and effectively, to fulfil its responsibilities under the Charter. It was agreed to recommend for inclusion in this category items 2, 21, 21 (a), 22, 22 (a), 35, 36, 41, 42, 43, 44, 47, 48, 49, 50, 51, 74, 81, 90, 96 and 98. Recommendations made by the Interim Committee on these items should not be considered, however, as an expression of opinion on the question whether or not these decisions are procedural or non-procedural in character. Opinion in the Interim Committee varied on several of these decisions; some members judged that they were procedural, while other members did not share this opinion. The Interim Committee agreed, however, to recommend that these decisions should be taken by a vote of any seven members of the Security Council.

14. The representative of Norway felt that, in connexion with items 1, 21, 21 (a), 22, 22 (a), 33, 35, 36 and 46, in case of disagreement among the members of the Security Council, the question should be referred to the International Court of Justice for an advisory opinion. If this suggestion were not adopted, he wished to reserve his position as to the recommendations made by the Interim Committee with regard to these items.

15. The representative of France reserved the position of his Government on the decisions mentioned in sub-paragraphs (c) and (d) of paragraph 11 above.

16. No recommendations were made by the Interim Committee on the voting procedure which should apply to items 1, 4, 5, 6, 19, 20, 52, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63, 65, 66, 69, 70, 71, 73, 75, 76, 78, 82, 84 and 86. Opinion on certain of these items was divided, some members expressing the view that the decisions on certain of these items are procedural.

17. Certain items in the list of possible decisions, viz., items 7, 8, 9, 16, 56, 67 and 85, are stated in broad terms. The voting procedure to be followed in connexion with these items would depend in each instance on the exact nature of the particular action to be taken by the Security Council. The Interim Committee agreed that, for items 7, 8, 9, 16, 56, 67 and 85, it was therefore not possible to submit recommendations.

18. The representative of the Philippines reserved the position of his Government on all the items on which the Interim Committee made no recommendations, as well as on the majority of those items which fall under Chapters VI, VII and VIII of the Charter.

19. The representative of India reserved the right to explain at the third session of the General Assembly India's position on the various points covered by the report.

with Article 29 of the Statute of the Court, may hear and determine cases by summary procedure. The Court might be requested to make special provisions in its rules of procedure for speedy action on requests for advisory opinions. He submitted a memorandum on this question (A/AC.18/SC.3/7).

Some doubts were expressed by certain representatives concerning the applicability of Article 29 of the Statute of the Court to the procedure of delivering advisory opinions.

C. Voting procedure applicable to this item

The representatives of Argentina and Turkey were of the opinion that the principle of unanimity among the permanent members should not apply to this decision, as the question whether a matter is within the domestic jurisdiction of a State is a problem of international law.

CHAPTER II

2. *Recommendation to the General Assembly on the admission of a State to membership in the United Nations.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

Some of the members supported this recommendation as a necessary measure, whether the decision itself is considered procedural or non-procedural, in order to ensure the prompt and effective exercise of the functions of the Security Council provided in Article 4 of the Charter.

In the opinion of the representative of Australia, this decision is procedural.

In the opinion of the representatives of Argentina, Greece and Iraq, the question of admission of new Members is within the specific powers of the General Assembly, and the recommendation of the Security Council is not therefore covered by a privileged voting procedure, which the Charter has clearly designed for questions within the specific jurisdiction of the Security Council.

The representative of Norway expressed doubts as to the possibility of implementing this recommendation.

The Interim Committee wished to draw attention, in connexion with this decision, to the advisory opinion of the International Court of Justice concerning the admission of new Members to the United Nations.

3. *To postpone consideration of or voting on a recommendation of a State for membership until the next occasion for the consideration of applications.*

CONCLUSION

That this decision is procedural.

COMMENT

The representative of Norway reserved his opinion on this conclusion.

4. *Recommendation to the General Assembly on the suspension from the exercise of the rights and privileges of membership of a Member of the United Nations against which preventive or enforcement action has been taken by the Security Council.*

CONCLUSION

No recommendation.

COMMENT

(a) In the opinion of the representatives of Argentina, Australia and Turkey, this decision is procedural. Certain other representatives expressed disagreement.

(b) The question was raised whether a member of the Security Council affected by the measure under consideration should be allowed to vote on the decision concerning its own case.

(c) In the view of some representatives, the decision to which this item refers constitutes an additional sanction, to be adopted after measures have been taken under Chapter VII, and the principle of unanimity of the permanent members should therefore apply.

Some other representatives were of the opinion that, since this decision is subsidiary to a decision taken under Chapter VII, the principle of unanimity need not apply.

5. *Restoration of the exercise of these rights and privileges.*

CONCLUSION

No recommendation.

COMMENT

See comments (a) and (b) on item 4.

6. *Recommendation to the General Assembly on the expulsion of a Member of the United Nations which has persistently violated the principles contained in the Charter.*

CONCLUSION

No recommendation.

COMMENT

See comments (a) and (b) on item 4.

CHAPTER IV

7. *Steps in pursuance of recommendations addressed to the Security Council by the General Assembly on any questions or*

any matters within the scope of the Charter or relating to the powers and functions of any organs provided for in the Charter.

CONCLUSION

That no definite recommendation can be made on this item since the voting procedure would depend upon the specific steps to be taken by the Security Council.

8. *Steps in pursuance of recommendations to the Security Council by the General Assembly on the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments.*

CONCLUSION

That no definite recommendation can be made on this item, since the voting procedure would depend upon the specific steps to be taken by the Security Council.

9. *Steps in pursuance of recommendations by the General Assembly on any questions relating to the maintenance of international peace and security brought before the General Assembly by any Member of the United Nations, or by the Security Council, or by a State which is not a Member of the United Nations in accordance with Article 35, paragraph 2.*

CONCLUSION

That no definite recommendation can be made on this item since the voting procedure would depend upon the specific steps to be taken by the Security Council.

COMMENT

The representative of Turkey was of the opinion that where recommendations of the General Assembly are made to the Security Council at the request of the latter, the adoption of these recommendations in the Security Council should be made by the vote of any seven members. Indeed, the responsibility of the Security Council vis-à-vis the General Assembly is greater in this case than in others.

10. *Submission to the General Assembly of any questions relating to the maintenance of international peace and security.*

CONCLUSION

That this decision is procedural.

11. *Request to the General Assembly that the General Assembly make a recommendation on a dispute or situation in respect of which the Security Council is exercising the functions assigned to it in the Charter.*

CONCLUSION

That this decision is procedural.

COMMENT

The representative of the United Kingdom recalled that, at its 202nd meeting, the Security Council was prevented from reaching a conclusion that this decision was procedural by the use of the "double veto" on the preliminary question under part II, paragraph 2, of the statement by the four sponsoring Powers at San Francisco. The representative of the United Kingdom added that he was not prepared to admit that the use of the "double veto" in any way changes the law or the correct interpretation of the Charter. It may frustrate the action of the Security Council at the time, but it cannot alter the nature of any question under the provisions of the Charter. The United Kingdom representative did not therefore regard the instance referred to as a precedent that the decision is substantive.

12. *Consent to notification by the Secretary-General to the General Assembly or Members of the United Nations of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council.*

CONCLUSION

That this decision is procedural.

13. *Consent to notification by the Secretary-General to the General Assembly or to Members of the United Nations of any matters relative to the maintenance of international peace and security with which the Security Council ceases to deal.*

CONCLUSION

That this decision is procedural.

14. *Request to the Secretary-General for the convocation of a special session of the General Assembly.*

CONCLUSION

That this decision is procedural.

CHAPTER V

15. *Approval of credentials of representatives of members of the Security Council.*

CONCLUSION

That this decision is procedural.

16. *Acceptance and discharge of responsibilities devolving upon the Security Council under international instruments other than the Charter and the Statute of the International Court.*

CONCLUSIONS

(a) That no definite recommendation could be reached on this item since the

voting procedure would depend upon the specific steps to be taken by the Security Council.

(b) That the Belgian proposal (A/AC.18/54) should be adopted.

COMMENT

The Belgian proposal is to the effect that, in agreements conferring functions on the Security Council, such conditions of voting should be provided as would exclude the application of the veto rule.

17. *Approval of annual reports to the General Assembly.*

CONCLUSION

That this decision is procedural.

18. *Submission and approval of special reports to the General Assembly.*

CONCLUSION

That this decision is procedural.

19. *Formulation of plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments*

CONCLUSION

No recommendation.

20. *Submission to the Members of the United Nations of plans for the establishment of a system for the regulation of armaments.*

CONCLUSION

No recommendation.

COMMENT

The Interim Committee agreed that the actual transmission of plans concerning the regulation of armaments should be considered procedural.

21. *Whether a matter is or is not procedural within the meaning of Article 27, paragraph 2.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

A. The voting procedure applicable to this item

(a) Some members considered that, whether the decision itself was procedural or non-procedural, the conclusion was necessary in order to ensure the effective exercise of the functions of the Security Council. This was the opinion of the United States representative, supported by the represen-

tative of Canada. The United States representative declared that the San Francisco statement had been abused by the Union of Soviet Socialist Republics as regards the application of part II of that document. The Soviet Union had prevented the Security Council from declaring certain items procedural which, under the Charter, were clearly procedural. The San Francisco statement was never intended to be used for such a purpose. The purpose of part II of the statement was to provide a method for determining how to settle the voting procedure applicable to additional categories of decisions not specifically designated as procedural or non-procedural. The United States representative declared further that part II of the statement was meant to be read in the light of part I, where a general definition was given. It was only because agreement was obtained on part I that it had been possible to introduce part II, paragraph 2, with the words: "... it will be unlikely that there will arise in the future any matters of great importance on which a decision will have to be made as to whether a procedural vote would apply".

(b) In the opinion of the representatives of Argentina and Turkey, this decision is procedural. The representative of Argentina added that his Government did not consider the San Francisco statement to be binding on the other Members of the United Nations. He considered that the answer to the question raised by this item is to be found in the Charter itself, which binds all Members. Article 18, paragraph 3, provides for an analogous decision in connexion with the work of the General Assembly and establishes the principle that an unqualified majority is sufficient to determine whether a vote by an unqualified or a qualified majority is applicable.

(c) The representatives of France and the United Kingdom were of the opinion that this decision is not procedural and, as contemplated in the statement by the four sponsoring Powers, should be governed by the principle of unanimity of the permanent members. They stated that at this time they could not be associated with the conclusion given above.

(d) The representatives of Belgium, India, Netherlands and Norway wished to reserve their position concerning this item.

B. Recourse to advisory opinions of the International Court of Justice

(a) The representatives of Belgium and Norway suggested that, in case of disagreement, the Security Council should refer the matter whether a question is procedural within the meaning of Article 27, paragraph 2, to the International Court of Justice for an advisory opinion, rather than decide the question itself. This view was supported by the representative of the United Kingdom.

21 (a) *Whether any matter before the Security Council falls within one of the categories which the Interim Committee and the General Assembly recommend should be determined by the vote of any seven members of the Security Council.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

(a) This item was first introduced by the representative of the United States as a substitute for item 21. The Sub-Committee decided to include both items, as it was considered that item 21 would still be necessary, since the Security Council may be confronted with decisions not covered by the list which may eventually be recommended by the General Assembly. The inclusion, however, of this item as a new category was agreed to on the understanding that, if a different conclusion were reached by the Interim Committee on items 21 and 21 (a), the whole question would have to be reconsidered.

The representative of Norway proposed that item 21 (a) be reworded to conform with the recommendations contained in part IV, 1 and 2, which leave the final decision to the five permanent members of the Security Council and to the other members thereof. In his view, a decision by the Security Council that a matter falls within a category which the General Assembly has recommended, but which the five permanent members have not agreed to exclude from the unanimity clause, would have no legal significance. Thus, the decision would not prejudice the right of a permanent member to invoke the unanimity clause in respect to non-procedural matters. Nor would it decide the question whether the matter is procedural.

(b) The representative of the United States expressed the view that the value of any list of categories of decisions which the Interim Committee or the General Assembly may recommend would be greatly minimized if any permanent member could by itself determine whether or not the matter coming before the Security Council fell into one of these categories. The representatives of Argentina, China and Turkey concurred in this view.

(c) The representative of Norway suggested that in cases of disagreement the Security Council should refer the matter to the International Court of Justice (see comment B on item 1).

(d) The representative of Canada indicated that he would like to reserve his comments.

22. *To determine whether a question is a situation or a dispute for the purposes of Article 27, paragraph 3.*

CONCLUSIONS

(a) That this decision should be adopted by the vote of any seven members of the Security Council.

(b) That a definition of the word *dispute* for the purposes of Article 27, paragraph 3, should be adopted (see below).

COMMENT

The Interim Committee agreed on the principle that no member of the Security Council should be in a position to thwart the mandate of the Charter which requires a member to abstain from voting in any dispute to which it is a party.

In discussing the procedure which might be recommended for the application of this principle, the following proposals were considered:

(A) Proposals concerning the voting procedure applicable to this item: (a) The Chinese proposal (A/AC.18/13, part A, No. 1), recommending to the Security Council that this decision be considered procedural; (b) The United States proposal (A/AC.18/41, No. 9), recommending to the permanent members of the Security Council that this decision should be made by an affirmative vote of any seven members of the Security Council, whether or not this category is regarded as procedural;

(B) The United Kingdom proposal (A/AC.18/17 and Corr. 1, paragraph 6) suggesting that a formula be devised for the definition of a dispute in order to ensure proper application of the Charter;

(C) The United States proposal (A/AC.18/SC.3/4), suggesting that the Charter requires that a party to a dispute or a party involved in a situation shall abstain from voting on decisions under Chapter VI or under Article 52, paragraph 3, relating to that dispute or situation.

I. Voting procedure applicable to this item.

The representative of Norway wished to reserve his position regarding this item. In addition, he suggested the advisability of recommending that the Security Council, in case of disagreement, should refer the matter to the International Court of Justice for an advisory opinion.

II. Definition of a dispute.

The representative of the United Kingdom submitted a definition of a dispute which was prepared in collaboration with other members of the Interim Committee. This definition was discussed and amended, and the following formula was approved:

"(1) In deciding, for the purposes of Article 27, paragraph 3, whether a matter

brought before the Security Council by a State or States is a dispute or a situation, the Security Council shall hold that a dispute arises:

"(a) If the State or States bringing the matter before the Security Council, and the State or States whose conduct is impugned, agree that there is a dispute.

"(b) Whenever the State or States bringing the matter before the Security Council allege that the actions of another State or States in respect of the first State or States constitute a breach of an international obligation or are endangering or are likely to endanger the maintenance of international peace and security, or that such actions demonstrate preparation to commit a breach of international obligations or to endanger the maintenance of international peace and security, and the State or States which are the subject of these allegations contest, or do not admit, the facts alleged or inferences to be drawn from such allegations.

"(2) Further, if a State bringing before the Security Council a matter of the nature contemplated under paragraph (1) above, alleges that another State is violating the rights of a third State, and the latter supports the contention of the first State, then the third State shall also be deemed to be a party to the dispute.

"(3) Nothing in this definition shall prevent the Security Council from deciding that a dispute exists in circumstances not covered by the above definition."

It was agreed that this definition is to be used only for the purpose of applying Article 27, paragraph 3. The definition is not intended to apply to the word *dispute* as used in other provisions of the Charter.

In connexion with paragraph (1) (b) above, the representative of Norway suggested that it might simplify the problem if, in case separate claims are advanced by or against different States, a separate vote could be taken on each claim at the request of any member.

III. Requirement of abstention from voting by Security Council members pursuant to Article 27, paragraph 3, of the Charter.

The representative of the United States submitted a paper suggesting that all parties involved in matters arising before the Security Council, whether these matters technically be considered disputes or situations, must abstain from voting. This paper was supported by the representative of Argentina.

The representative of the United Kingdom stated that he recognized the force of the historical arguments presented in the United States paper, but believed that, on the basis of these arguments, the Interim Committee should recommend the adoption

of a liberal definition of the word *dispute* as used in Article 27, paragraph 3, of the Charter (see (B) above), rather than attempt an extensive interpretation of the relevant provisions of this Article. The representatives of Norway and Turkey supported this position.

22 (a). *Whether any member of the Security Council is a party to a dispute before the Security Council for the purposes of Article 27, paragraph 3.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

The Chinese proposal (A/AC.18/13, part A, No. 2) recommends that this decision should be considered procedural.

The representative of Norway suggested that in cases of disagreement the Security Council should refer the matter to the International Court of Justice (see comment B on item 1).

23. *Organization of the Security Council in such manner as to enable the Council to function continuously.*

CONCLUSION

That this decision is procedural.

24. *Arrangement of the holding of periodic meetings.*

CONCLUSION

That this decision is procedural.

25. *Holding of meetings at places other than the seat of the United Nations.*

CONCLUSION

That this decision is procedural.

26. *Establishment of such subsidiary organs as the Security Council deems necessary for the performance of its functions.*

CONCLUSION

That this decision is procedural.

COMMENT

The representative of Belgium thought that the character of this decision would depend on the nature and terms of reference of the subsidiary organs.

27. *Steps incidental to the establishment of a subsidiary organ: appointment of members, terms of reference, interpretation of terms of reference, reference of questions for study, approval of rules of procedure.*

CONCLUSION

That this decision is procedural.

It was agreed, however, that the approval of the terms of reference of such subsidiary organs should require the unanimity of the permanent members if the subsidiary organ were given authority to take steps which, if taken by the Security Council, would be subject to the veto, or if the conferring of such authority would constitute a non-procedural decision.

28. *Adoption of rules of procedure.*

Decisions to adopt rules of procedure and decisions in application of the provisional rules of procedure, not contained elsewhere in the list:

(1) Overruling of ruling of the President on a point of order (rule 30).

(2) Order of principal motions and draft resolutions (rule 32).

(3) To suspend the meeting; to adjourn the meeting; to adjourn the meeting to a certain day or hour; to postpone discussion of the question to a certain day or indefinitely (rule 33).

(4) Order in which amendments to motions or draft resolutions are to be voted upon (rule 36).

(5) Request to members of the Secretariat or to other persons for information or for other assistance (rule 39).

(6) Publication of documents in any language other than the official languages (rule 47).

(7) To hold a meeting in private (rule 48).

(8) To determine what records shall be kept of a private meeting (rule 51).

(9) To approve important corrections to the records (rule 52).

(10) To grant access to the records of private meetings to authorized representatives of other Members of the United Nations (rule 56).

(11) To determine which records and documents shall be made available to other Members of the United Nations, which shall be made public, and which shall remain confidential (rule 57).

CONCLUSION

That these decisions are procedural.

29. *Adoption of method of selecting the President.*

CONCLUSION

That this decision is procedural.

30. *Participation without vote of Members of the United Nations not members of the Security Council in the discussion of any question brought before the Security Council whenever the Security Council considers that the interests of those Members are specially affected.*

That this decision is procedural.

31. *Invitation to a Member of the United Nations which is not a member of the Security Council or to any State which is not a Member of the United Nations to participate without vote in the discussion relating to a dispute to which it is a party.*

CONCLUSION

That this decision is procedural.

32. *Enunciation of conditions for such participation of a State which is not a Member of the United Nations.*

CONCLUSION

That this decision is procedural.

COMMENT

The representative of Norway felt that this decision is procedural as long as no conditions of a substantive nature are enunciated.

33. *Whether a State not a Member of the United Nations has accepted the conditions deemed just by the Security Council for participation under Article 32.*

CONCLUSION

That this decision is procedural.

COMMENT

The representative of Norway suggested that in cases of disagreement the Security Council should refer the matter to the International Court of Justice (see comment B on item 1).

34. *Approval of credentials of representatives of States invited under Articles 31 and 32 of the Charter and rule 39 of the provisional rules of procedure.*

CONCLUSION

That this decision is procedural.

CHAPTER VI

35. *Determination as to whether a question is a situation or a dispute for purposes other than those of Article 27, paragraph 3.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

The representative of Norway suggested that in cases of disagreement the Security Council should refer the matter to the International Court of Justice (see comment B on item 1).

36. *Determination of the parties to a dispute for purposes other than those of Article 27, paragraph 3.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

This item was retained in the list despite the addition of item 22 (a) because, as was pointed out by the representative of Turkey, it might refer not only to members of the Security Council but also to Members of the United Nations which are not members of the Security Council, and even to States not Members of the United Nations.

The representative of Norway suggested that in cases of disagreement the Security Council should refer the matter to the International Court of Justice (see comment B on item 1).

37. *To remind Members of their obligations under the Charter.*

CONCLUSION

That this decision is procedural.

COMMENT

The representative of Norway considered that this decision should be taken by the vote of any seven members.

38. *Establishment of procedures for the hearing of disputes or situations.*

CONCLUSION

That this decision is procedural.

39. *Request for information on the progress or the results of resort to peaceful means of settlement.*

CONCLUSION

That this decision is procedural.

40. *Deletion of a question from the list of questions of which the Security Council is seized.*

CONCLUSION

That this decision is procedural.

41. *To call upon the parties to a dispute to settle their dispute by peaceful means of their own choice in accordance with Article 33, paragraph 1.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

(a) In connexion with this item, the representatives of Argentina, China and the United States drew attention to their

proposals (A/AC.18/53, No. 18; A/AC.18/13, part B; and A/AC.18/41, respectively). The representative of the United States was of the opinion that as a matter of principle, regardless of whether the decisions under Chapter VI, are procedural or substantive, no one State should have the power to prevent the Security Council from fulfilling its role of mediator in international controversies. Elimination of the veto on all decisions under Chapter VI would allow the Security Council to come much closer to successful fulfilment of its primary responsibility under the Charter for the maintenance of international peace and security. The representative of Brazil recalled that at the San Francisco Conference his delegation had been among those which did not admit the use of the veto as applied to Chapter VI, and that his delegation had not changed its opinion. The representative of Canada supported this opinion and pointed out that any permanent member might break the link between Chapter VI and Chapter VII merely by refusing to determine the existence of a threat to the peace under Article 39.

(b) The representative of the United Kingdom wished to reserve the position of his delegation. Although he was opposed to the abuse of the principle of unanimity, he doubted the wisdom of singling out Chapter VI at the present time and of abolishing the veto in relation to that particular Chapter.

(c) The representative of Norway wished to reserve the position of his delegation. He expressed the fear that in the present world situation an attempt to revise the Charter as far as Chapter VI is concerned would only contribute to weaken the possibilities of the United Nations for peaceful settlement. He also pointed out that a chain of events might develop between Chapter VI and Chapter VII, and that, therefore, as long as the veto applies to Chapter VII, it might be argued that it should also apply to Chapter VI.

42. *To invite the parties to a dispute to continue or to resume their efforts to seek a solution of their dispute in accordance with Article 33, paragraph 1.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

See comments on item 41.

43. *Investigation of any dispute or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

See comments on item 41.

44. *Determination whether the continuance of a dispute or situation is likely to endanger the maintenance of international peace and security.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

See comments on item 41.

45. *To consider and discuss a dispute or a situation brought before the Security Council (adoption of the agenda).*

CONCLUSION

That this decision is procedural.

COMMENT

The representative of Belgium interpreted this item as not involving a decision on the competence of the Security Council.

46. *Whether a State not a Member of the United Nations has accepted, for the purposes of the dispute which it desires to bring to the attention of the Security Council, the obligations of pacific settlement provided in the Charter.*

CONCLUSION

That this decision is procedural.

COMMENT

The representative of Norway suggested that in cases of disagreement the Security Council should refer the matter to the International Court of Justice (see comment B on item 1).

47. *Recommendation of appropriate procedures or methods of adjustment of a dispute of the nature referred to in Article 33, or of a situation of like nature.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

See comments on item 41.

48. *Recommendation that a legal dispute should be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

See comments on item 41.

49. *Whether a dispute referred to the Security Council in accordance with Article 37, paragraph 1, is in fact likely to endanger the maintenance of international peace and security.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

See comments on item 41.

50. *Recommendation of such terms of settlement as the Security Council may consider appropriate for a dispute referred to the Security Council in accordance with Article 37, paragraph 1.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

See comments on item 41.

51. *Recommendation at the request of all the parties to a dispute with a view to pacific settlement of the dispute.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

See comments on item 41.

CHAPTER VII

52. *Determination of the existence of any threat to the peace, breach of the peace or act of aggression.*

CONCLUSION

No recommendation.

COMMENT

(a) The representative of Turkey stated that, in any case, the first part of Article 39, which deals with the determination by the Security Council of "the existence of any threat to the peace, breach of the peace, or act of aggression", should not be subject to the unanimity rule, since this part does not, by itself, involve coercive measures. Moreover, a determination of this nature would have a strong moral effect and might constitute the basis for the application of Article 51.

The representative of Argentina shared this opinion.

(b) The representative of Turkey proposed to include item 52 in part IV, A, paragraph 2, of the present report.

This proposal was the object of detailed discussion at the sixteenth and seventeenth meetings of the Interim Committee (A/AC.18/SR.16 and 17) and had the strong support of various members. Certain representatives objected to the proposal on the grounds that the adoption by the Security Council of the decision referred to under this item would, or might, entail the application of enforcement measures on which the concurrence of all permanent members was necessary. A representative pointed out that in his opinion it was not appropriate to recommend different voting procedures for the first and second parts of Article 39 of the Charter (items 52, 53, 54 of the list).

During the discussion, it was pointed out and agreed that the failure of the Security Council to take a decision under this item, because of the use of the veto, would not detract from the moral effect of a majority opinion, within the Council, which would recognize that a given State had committed a breach of the peace; that such failure would not exempt any Member of the United Nations from its obligations under the Charter; and, finally, that the absence of any decision of the Security Council would not, in any way, constitute an obstacle to the exercise of the right of individual and collective self-defence provided for in Article 51 of the Charter.

At the suggestion of the Turkish representative, the Interim Committee agreed to draw the attention of the General Assembly to the importance attached by the Interim Committee to the above-mentioned matter.

53. *Recommendations after the determination of the existence of any threat to the peace, breach of the peace, or act of aggression.*

CONCLUSION

No recommendation.

54. *Decision as to what measures shall be taken in accordance with Articles 41 and 42.*

CONCLUSION

No recommendation.

55. *To call upon the parties concerned to comply with such provisional measures as the Security Council deems necessary or desirable.*

CONCLUSION

No recommendation.

56. *Ascertainment of compliance with provisional measures under Article 40.*

CONCLUSION

That no recommendation can be made on this item, since the voting procedure would depend upon the specific steps to be taken by the Security Council to ascertain such compliance.

COMMENT

In reaching this conclusion, the Interim Committee made the following observations. The decision should be considered procedural if it merely requests information on the compliance with provisional measures. The decision should be considered non-procedural if it establishes a commission of investigation on the spot. The instance was recalled of a resolution which was before the Security Council to establish a commission of investigation in order to ascertain on the spot the compliance with a "cease-hostilities" resolution. The resolution to establish the commission was rejected through the adverse vote of a permanent member despite the vote in favour by a majority of the members of the Security Council (S/PV.194, page 56).

57. *Decision as to what measures not involving the use of armed forces are to be employed to give effect to the decisions of the Security Council.*

CONCLUSION

No recommendation.

58. *To call upon the Members of the United Nations to apply measures not involving the use of armed force.*

CONCLUSION

No recommendation.

59. *Whether measures provided for in Article 41 would be inadequate or have proved to be inadequate.*

CONCLUSION

No recommendation.

60. *To take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security.*

CONCLUSION

No recommendation.

61. *Establishment of the general principle to govern the special agreements provided for in Article 43.*

CONCLUSION

No recommendation.

62. *Initiation and negotiation of agreements under Article 43 governing the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.*

CONCLUSION

No recommendation.

63. *To call upon the Members of the United Nations not a member of the Security Council armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.*

CONCLUSION

No recommendation.

64. *Invitation to a Member of the United Nations not a member of the Security Council to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.*

CONCLUSION

That this decision is procedural.

65. *Determination of the strength and degree of readiness of the national air force contingents to be held immediately available for combined international enforcement action and of plans for their combined action, within the limits laid down in the special agreements referred to in Article 43.*

CONCLUSION

No recommendation.

66. *Approval of plans for the application of armed force.*

CONCLUSION

No recommendation.

67. *Establishment of and instructions to the Military Staff Committee.*

CONCLUSION

That no recommendation can be made on this item, since the voting procedure would depend upon the specific instructions to be given to the Military Staff Committee.

COMMENT

The representative of the United Kingdom gave the example of instructions to meet elsewhere than at the headquarters of the United Nations, which would be a procedural matter.

68. *Approval of rules of procedure and organization of the Military Staff Committee.*

CONCLUSION

That this decision is procedural.

69. *Solution of questions relating to the command of armed forces placed at the disposal of the Security Council.*

CONCLUSION

No recommendation.

70. *Authorization to the Military Staff Committee to establish regional sub-committees.*

CONCLUSION

No recommendation.

71. *Determination as to which Members of the United Nations shall take the action required to carry out the decisions of the Security Council for the maintenance of international peace and security.*

CONCLUSION

No recommendation.

72. *Deleted.*

73. *Consideration of a report on measures taken by Members in the exercise of the right of self-defence under Article 51.*

CONCLUSION

No recommendation.

COMMENT

It was agreed, however, that a decision of the Security Council to consider a report on measures taken under Article 51, i.e., to adopt it for inclusion in its agenda, is procedural.

CHAPTER VIII

74. *Recommendation to encourage the development of pacific settlement of local disputes through regional arrangements or regional agencies.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

See comments on item 41.

75. *Utilization of regional arrangements or agencies for enforcement action.*

CONCLUSION

No recommendation.

76. *Authorization to take enforcement action under regional arrangements or regional agencies.*

CONCLUSION

No recommendation.

¹ This item, originally included in the list of possible decisions of the Security Council, was subsequently deleted.

77. *Request for assistance from the Economic and Social Council.*

CONCLUSION

That this decision is procedural.

CHAPTER XII

78. *Exercise of the functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment.*

CONCLUSION

No recommendation.

79. *To avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas.*

CONCLUSION

That this decision is procedural.

80. *To dispense, on grounds of security, with the assistance of the Trusteeship Council.*

CONCLUSION

That this decision is procedural.

CHAPTER XIV

81. *Recommendation of the Security Council on conditions on which a State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

COMMENT

The representative of the United States considered that this decision is procedural.

82. *Recommendation or decision in pursuance of Article 94, paragraph 2, upon measures to be taken to give effect to a judgment of the International Court of Justice.*

CONCLUSION

No recommendation.

83. *Request to the International Court of Justice for an advisory opinion on a legal question.*

CONCLUSION

That this decision is procedural.

During the discussion of this item, the Belgian proposal (A/AC.18/50) was considered, and it was agreed that, should no agreement be reached on the above conclusion, the procedure recommended in the Belgian proposal should be examined.

CHAPTER XV

84. *Recommendation on the appointment of the Secretary-General.*

CONCLUSION

No recommendation.

COMMENT

The proposal of the representative of Argentina suggests that this decision should be adopted by the vote of any seven members of the Security Council (A/AC.18/33, No. 24).

85. *Decision to entrust to the Secretary-General additional functions.*

CONCLUSION

That no definite recommendation can be made on this item, since the voting procedure would depend upon the functions to be entrusted to the Secretary-General.

CHAPTER XVII

86. *Enunciation of opinion by the Security Council that there have come into force such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42.*

CONCLUSION

No recommendation.

CHAPTER XVIII

87. *Vote regarding the date and place of a general conference of the Members of the United Nations for the purpose of reviewing the Charter.*

CONCLUSION

That this decision is governed by Article 109, paragraph 1, of the Charter, under which an unqualified majority suffices.

88. *Vote regarding the proposal to call a general conference of the Members of the United Nations for the purpose of reviewing the Charter after the tenth annual session of the General Assembly.*

CONCLUSION

That this decision is governed by Article 109, paragraph 3, of the Charter, under which an unqualified majority suffices.

That this decision is procedural.

CHAPTER I

CHAPTER II

89. *Election of judges of the International Court of Justice.*

CONCLUSION

That this decision is subject to an absolute majority vote of the Security Council, according to Article 10, paragraphs 1 and 2, of the Statute of the International Court of Justice.

90. *Recommendation on the conditions under which a State which is a party to the Statute but is not a Member of the United Nations may participate in electing members of the Court.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

91. *Appointment of three members of the joint conference for the purpose of choosing one name for each vacant seat in the International Court.*

CONCLUSION

That this decision is governed by Article 10, paragraph 2, of the Statute of the International Court of Justice.

92. *Request of the Security Council for the appointment of a joint conference for the purpose of choosing one name for each vacant seat in the International Court.*

CONCLUSION

That this decision is procedural.

93. *Acceptance of names submitted by the joint conference for vacant seats in the International Court.*

CONCLUSION

That this decision is subject to an absolute majority vote of the Security Council, according to Article 10, paragraphs 1 and 2, of the Statute of the International Court of Justice.

94. *Fixation of a period within which those members of the Court who have already been elected shall proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.*

CONCLUSION

That this decision is procedural.

95. *Fixation of the date of the election to fill vacancies in the International Court.*

96. *Determination of conditions under which the International Court shall be opened to States other than the States parties to the Statute of the International Court.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

97. Deleted¹.

CHAPTER V

98. *Recommendation concerning the participation of States which are parties to the Statute but are not Members of the United Nations in the amendment of the Statute.*

CONCLUSION

That this decision should be adopted by the vote of any seven members of the Security Council.

Part III

METHODS FOR IMPLEMENTATION

1. The three principal methods suggested in the proposals before the Interim Committee for the implementation of the conclusions reached with regard to the various possible decisions listed in part II of the report are the following:

(a) Implementation by means of interpretation of the Charter. This method was advocated in the Chinese proposal (A/AC.18/13, part A).

(b) Implementation on the basis of agreement among the five permanent members of the Security Council. This method was advocated in the Chinese proposal (A/AC.18/13, part B), the United Kingdom proposal (A/AC.18/17 and Corr. 1, Nos. 1, 2 and 3) and the United States proposal (A/AC.18/41, part I, B, No. 2, and part II).

(c) Implementation on the basis of convoking a general conference to review the Charter. This method was advocated in the Argentine proposal (A/AC.18/12). In addition, a concrete formula for the amendment of Article 27 was proposed by New Zealand (A/AC.18/38).

2. (a) *Implementation by means of interpretation of the Charter.*

The Interim Committee proposes that the General Assembly should recommend that the members of the Security Council

¹ This item, originally included in the list of possible decisions of the Security Council, was subsequently deleted.

consider the items enumerated in part IV, A, paragraph 1, of the report as procedural, and conduct their business accordingly. This would apply to the positions which the members of the Security Council take on the question whether or not any of these items is procedural, in case this question is raised; to the manner in which any member of the Security Council, when acting as President, interprets the result of a vote on such a question; and, finally, to the manner in which the members of the Security Council vote if the ruling made by the President is challenged.

In connexion with the interpretation of the Charter, several delegations, whose Governments were not parties to the statement of the four sponsoring Governments at San Francisco, declared that their Governments did not consider themselves bound by that statement. But even if a Member considers itself bound by this statement, the view of the majority of the members of the Interim Committee is that this constitutes no obstacle to the application of the recommendation made in the preceding paragraph. According to part II, paragraph 2, of the statement, the question whether a given matter is procedural or not shall be decided by a non-procedural vote. This preliminary vote, however, clearly should not, in the opinion of these members, apply to the matters termed procedural in part I of that statement, nor to those matters for which the Charter itself contains an indication of the voting procedure, as these are covered by part II, paragraph 1, of the statement. Part I, paragraph 12, of the present report sets forth certain indications contained in the Charter as to the procedural nature of those decisions enumerated in part IV, A, paragraph 1, of the report.

(b) Implementation on the basis of agreement among the five permanent members of the Security Council.

The Interim Committee approved the proposals of the United Kingdom (A/AC.18/17 and Corr. 1, Nos. 1, 2 and 3) and of the United States of America (A/AC.18/41, part I, B, No. 2). These proposals are incorporated in the conclusions contained in part IV of the report.

(c) Implementation on the basis of convoking a general conference to review the Charter.

Some expression of opinion, notably on the part of the representative of Argentina, was made on the question of convoking a general conference of the Members of the United Nations for the purpose of discussing whether the proper time had arrived for reviewing the Charter. The representative of Argentina called attention to the draft resolution of his Government (A/AC.18/12). The representative of New Zealand explained the scope and aims of the proposal of his Government (A/AC.18/38).

The representative of Turkey supported the proposal of Argentina and suggested that the Interim Committee should recommend that the General Assembly, at its next regular session, should decide to convoke a general conference for reviewing the Charter, in case the methods of implementation suggested in section (b) above do not achieve results before the closing of the Assembly session.

The representative of Argentina supported this suggestion.

The representatives of Canada, France, Norway, the United Kingdom and the United States of America declared that their Governments could not, at present, support these proposals or any attempt to amend the Charter with respect to voting procedures in the Security Council. The representatives of Canada and the United States stated, in addition, that efforts to liberalize voting procedures in the Security Council by voluntary agreement should first be given a fair trial.

The Interim Committee approved, by 19 votes to 7, with 10 abstentions, a draft resolution submitted by Argentina (A/AC.18/71), as amended by Colombia, recommending to the General Assembly to consider, at its third regular session, whether or not the time has come to call a general conference, as provided for in Article 109 of the Charter. This resolution is incorporated in the conclusions contained in part IV, below.

Part IV

CONCLUSIONS

A. The Interim Committee presents the following conclusions for the approval of the General Assembly :

1. That the General Assembly.

Recommend to the permanent members and the other members of the Security Council that they deem the following items in the list of possible decisions of the Security Council to be procedural:

items 3, 10, 11, 12, 13, 14, 15, 17, 18, 23, 24, 25, 26, 27, 28 (and sub-headings), 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 45, 46, 64, 68, 77, 79, 80, 83, 92, 94 and 95; and that the members of the Security Council conduct their business accordingly.

2. That the General Assembly

Recommend to the permanent members of the Security Council that they agree that the following items in the list of possible decisions of the Security Council should be adopted by the vote of any seven members, whether the decisions are considered procedural or non-procedural:

items 2, 21, 21 (a), 22, 22 (a), 35, 36, 41, 42, 43, 44, 47, 48, 49, 50, 51, 74, 81, 90, 96 and 98; and that steps be taken to make this agreement effective.

3. That the General Assembly

Recommend to the permanent members of the Security Council that:

(a) Wherever possible, consultations should take place among them concerning important decisions to be taken by the Security Council ;

(b) They agree among themselves to consult with one another, wherever possible, before a vote is taken, if their unanimity is required to enable the Security Council to function effectively ;

(c) They agree that, if there is not unanimity, the minority of the permanent members, mindful of the fact that they are acting on behalf of all the United Nations, would only exercise the veto when they consider the question of vital importance to the United Nations as a whole, and that they would explain on what grounds they consider this condition to be present ;

(d) They agree that they will not exercise their veto against a proposal simply because it does not go far enough to satisfy them ;

(e) They agree, for the purposes of Article 27, paragraph 3, of the Charter, on a definition of a dispute, taking into account the proposal contained in the comment on item 22, part II, of the present report.

4. That the General Assembly

Recommend to the Members of the United Nations that, in agreements conferring functions on the Security Council, such conditions of voting within this body be provided as would exclude the application of the rule of unanimity of the permanent members.

B. Whereas the deficiencies observed in the present functioning of the Organization of the United Nations require due consideration,

The Interim Committee recommends to the General Assembly to consider at its third regular session whether the time has come or not to call a general conference, as provided for in Article 109 of the Charter.

SALES AGENTS OF THE UNITED NATIONS PUBLICATIONS

ARGENTINA

Editorial Sudamericana S.A.
Alsina 500
BUENOS AIRES

AUSTRALIA

H. A. Goddard Pty. Ltd.
255a George Street
SYDNEY, N. S. W.

BELGIUM

Agence et Messageries de la
Presse, S. A.
11-22 rue du Persil
BRUXELLES

BOLIVIA

Librería Científica y Literaria
Avenida 16 de Julio, 216
Casilla 972
LA PAZ

CANADA

The Ryerson Press
299 Queen Street West
TORONTO

CHILE

Edmundo Pizarro
Merced 846
SANTIAGO

CHINA

The Commercial Press Ltd.
211 Honan Road
SHANGHAI

COLOMBIA

Librería Latina Ltda.
Apartado Aéreo 4011
BOGOTÁ

COSTA RICA

Trejos Hermanos
Apartado 1313
SAN JOSÉ

CUBA

La Casa Belga
René de Smedt
O'Reilly 455
LA HABANA

CZECHOSLOVAKIA

F. Topic
Narodni Trida 9
PRAHA I

DENMARK

Einar Munksgaard
Nørregade 6
KØBENHAVN

DOMINICAN REPUBLIC

Librería Dominicana
Calle Mercedes No. 49
Apartado 656
CIUDAD TRUJILLO

ECUADOR

Muñoz Hermanos y Cía.
Nueve de Octubre 703
Casilla 10-24
GUAYAQUIL

EGYPT

Librairie "La Renaissance d'Egypte"
9 Sh. Adly Pasha
CAIRO

FINLAND

Akateeminen Kirjakauppa
2, Keskuskatu
HELSINKI

FRANCE

Editions A. Pedone
13, rue Soufflot
PARIS, V°

GREECE

"Eleftheroudakis"
Librairie internationale
Place de la Constitution
ATHÈNES

GUATEMALA

José Goubaud
Goubaud & Cía. Ltda.
Sucesor
5a Av. Sur No. 6 y 9a C. P.
GUATEMALA

HAITI

Max Bouchereau
Librairie "A la Caravelle"
Boîte postale 111-B
PORT-AU-PRINCE

INDIA

Oxford Book & Stationery Company
Scindia House
NEW DELHI

IRAN

Bongahe Piaderow
731 Shah Avenue
TEHERAN

IRAQ

Mackenzie & Mackenzie
The Bookshop
BAGHDAD

LEBANON

Librairie universelle
BEYROUTH

LUXEMBOURG

Librairie J. Schummer
Place Guillaume
LUXEMBOURG

NETHERLANDS

N. V. Martinus Nijhoff
Lange Voorhout 9
S'GRAVENHAGE

NEW ZEALAND

Gordon & Gotch, Ltd.
Waring Taylor Street
WELLINGTON

NICARAGUA

Ramiro Ramírez V.
Agencia de Publicaciones
MANAGUA, D. N.

NORWAY

Johan Grundt Tanum Forlag
Kr. Augustgt. 7A
OSLO

PHILIPPINES

D. P. Pérez Co.
132 Riverside
SAN JUAN

SWEDEN

A.-B. C. E. Fritzes Kungl.
Höfbokhandel
Fredsgatan 2
STOCKHOLM

SWITZERLAND

Librairie Payot S. A.
LAUSANNE, GENÈVE, VEVEY,
MONTREUX, NEUCHÂTEL,
BERNE, BASEL
Hans Raunhardt
Kirchgasse 17
ZURICH I

SYRIA

Librairie universelle
DAMAS

TURKEY

Librairie Hachette
469 Istiklal Caddesi
BEYOGLU-ISTANBUL

UNION OF SOUTH AFRICA

Central News Agency
Commissioner & Rissik Sts.
JOHANNESBURG and at CAPE TOWN
and DURBAN

UNITED KINGDOM

H. M. Stationery Office
P. O. Box 569
LONDON, S.E. 1
and at H.M.S.O. Shops in
LONDON, EDINBURGH, MANCHESTER
CARDIFF, BELFAST and BRISTOL

UNITED STATES OF AMERICA

International Documents Service
Columbia University Press
2960 Broadway
NEW YORK 27, N. Y.

URUGUAY

Oficina de Representación de
Editoriales
Av. 18 de Julio 1333 Esc. 1
MONTEVIDEO

VENEZUELA

Escritoria Pérez Machado
Conde a Piñango 11
CARACAS

YUGOSLAVIA

Drzavno Preduzece
Jugoslovenska Knjiga
Moskovska Ul. 36
BEOGRAD