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Chairman: Mr. Roberto URDANETA ARBELÁEZ (Colombia).

United action for peace (*continued*)

[Agenda item 68]*

CONSIDERATION OF DRAFT RESOLUTIONS AND AMENDMENTS (*continued*)

Section C (A/C.1/576/Rev.1)

1. U TIN (Burma) recalled that a number of representatives had said that section C was, in effect, the heart of the draft resolution, and he felt that he should present the Burmese position on it. He recalled the statement by the Prime Minister of Burma in Parliament, on 5 September 1950, when he called upon the House to support the government's stand on Korea and said that foremost among the reasons for joining the United Nations was that Burma would receive assistance if subjected to aggression and that, therefore, it felt obliged to make some contribution when the United Nations opposed any aggression. Consequently, the Burmese delegation would support any measures designed to prevent threats to the peace or acts of aggression, which section C of the draft resolution appeared to do. It looked at the draft resolution not so much from a legal point of view but rather as an instrument to make the United Nations effective in its primary function of preventing threats to the peace in any part of the world.

2. In voting in favour of section C, the Burmese delegation wished to clarify its position with regard to paragraph 8. The Committee was aware that Burma was a young country still in the process of development in all respects, including its armed forces, and that this process had been retarded by continuing troubles. U Tin said that his government, therefore, for the present and the foreseeable future, would be unable to take any action to implement that paragraph but it trusted that fact would not vitiate its acceptance of the principles embodied in the draft resolution. The Burmese delegation was happy to note that the proposal stated that any forces contributed would be made available in accordance with the appropriate constitutional processes and without prejudice to their use under Article 51 of the Charter.

* Indicates the item number on the General Assembly agenda.

3. Mr. KISELEV (Byelorussian Soviet Socialist Republic) stated that his delegation could not agree to the establishment of armed forces in the manner proposed in section C of the draft resolution as it would detract from the powers of the Security Council. Such action would be contrary to the Charter and in particular to Chapter VII, under which powers of that nature had been given to the Military Staff Committee.

4. The Byelorussian SSR delegation would support the Soviet Union draft resolution (A/C.1/579) in accordance with which the General Assembly would recommend to the Security Council that it should devise measures for the earliest application of those articles of the Charter concerned with the placing of armed forces at the disposal of the Security Council. They also supported the other Soviet Union draft resolution (A/C.1/580) which stressed the importance of concerted action by the permanent members of the Security Council and recommended that, before armed forces were placed at the Council's disposal under Article 43 of the Charter, the permanent members should ensure that Article 106, providing for consultation between them, was implemented.

5. The Byelorussian SSR delegation endorsed also the eleventh amendment proposed by the Soviet Union (A/C.1/586/Rev.1, amendment 11) to the revised draft resolution submitted by the seven Powers, which would have the effect of deleting section C because that section violated the Charter and usurped the functions of the Security Council and the Military Staff Committee. The seven-Power draft resolution placed armed forces at the disposal of the General Assembly, as well as the Security Council, and provided for military advisers for the Secretary-General; those provisions were not contained in the Charter. There was no necessity to point out other ways in which section C violated the Charter, and as that was the basis on which all proposals should be examined it was his delegation's opinion that section C should be deleted from the draft resolution.

Section D (A/C.1/576/Rev.1)

6. Mr. PEARSON (Canada) said that he would indicate on behalf of the sponsors of the draft resolution the

changes which, as a result of the discussions in the Committee, had been made in that draft with respect to section D, which provided for the establishment of a collective measures committee and stated its duties. It was suggested that, as in the case of the peace observation commission, the composition of the committee should be determined later. Mr. Pearson wished to clarify his remarks of the previous day (366th meeting) concerning the membership of the peace observation commission as he had been interpreted as indicating that the Soviet Union proposal (A/C.1/586, amendment 8) to include the five permanent members of the Security Council was unacceptable to the sponsors of the draft resolution. That had not been the purport of his remarks. He had proposed that the whole question of the membership should be left open. The same applied in the case of the collective measures committee.

7. Since the drafting of the original text certain changes had been introduced in section D of the resolution to meet points raised by other delegations. Mr. Pearson recalled that the Australian representative (356th meeting) had expressed doubts as to the wisdom of including a provision by virtue of which the collective measures committee could investigate and report upon resources as well as methods because such a provision might give the Committee wider authority than was intended by the authors of the resolution. An attempt had been made to meet that point by inserting in paragraph 11 after the words "on methods" the words: "including those of part C of this resolution".

8. The new text of section D included certain amendments proposed by Egypt (A/C.1/581, amendments 2 and 3). It should be noted that, according to paragraph 11, the committee was now directed to consult with Member States as well as with the Secretary-General as proposed by the Egyptian delegation. Another of the Egyptian amendments was reflected in paragraph 12.

9. The purpose of section D was to establish a committee which would report on methods to maintain and strengthen international peace and security to the General Assembly not later than 1 September 1951. A committee of that kind might perform very useful services and its report could provide a starting point for further developments in that important question. The Canadian representative pointed out that it was not proposed that the Committee should be permanent or even continuing in character. It would be simply an *ad hoc* committee set up for a specific purpose.

10. HASSAN Pasha (Egypt) said that he wished to withdraw his delegation's amendments (A/C.1/581, amendments 2 and 3) to the original seven-Power draft resolution. The Egyptian delegation was pleased that the sponsors of the draft resolution had found most of its suggestions acceptable and had included them in the revised text.

11. The Egyptian delegation, however, had proposed a first amendment to the text which had now become paragraph 11 of the revised draft. That amendment proposed that the collective measures committee should consult with each State directly concerned and, although the representative of Canada had said that the amendment had been accepted, some doubts remained on that point. The question was whether the new text imposed

upon the committee the obligation to consult with each State or left it to its discretion. The Egyptian delegation considered that it would be hazardous to leave that decision to the committee and felt that a clarification should be given for its guidance.

12. His delegation had also proposed a second amendment to the same paragraph 11, which had not been incorporated in the revised text of the draft resolution, and he therefore wished to submit it anew. The amendment (A/C.1/587) proposed that, at the end of paragraph 11, the following sentence should be added: "The committee should give particular attention in its study to the degree of preparedness of national forces and their various requirements to the end that acts of aggression in any area may be readily met". That amendment involved neither legal nor political questions and did not alter the meaning of paragraph 11 but rather added to it and clarified it. The sponsors of the draft resolution had considered only the positive aspects of the study to be undertaken by the Committee and had disregarded its negative side. The Egyptian delegation felt that the collective measures committee should also study any obstacles which might stand in the way of making resources available. Such a provision would not imply any obligation or commitment on the part of any nation and there did not seem to be any grounds for objecting to it. Indeed, it would appear that, in any event, the collective measures committee ought to make a study of that nature but it would be better to give it a directive.

13. Mr. VYSHINSKY (Union of Soviet Socialist Republics) recalled that during the general debate his delegation had expressed the views that section D of the draft resolution was unacceptable. The provisions it contained endowed the collective measures committee with functions which were clearly in conflict with those assigned to the Security Council by the Charter and so led to overlapping and parallelism. Such a committee was, in short, both unnecessary and contrary to the Charter. Although those remarks pertained mainly to paragraph 11, it followed that the Soviet Union delegation also had a negative attitude towards paragraphs 12 and 13. In objecting to the establishment of a collective measures committee, the Soviet Union delegation took its stand on practical considerations as well as on the Charter. There was no need for a new committee when an organ already existed with comparable powers. Moreover, the proposal would lead to a derogation of the rights of the General Assembly, for the functions of the Members of the Assembly were to be entrusted to a committee of ten to fourteen members.

14. The question of the responsibility of the collective measures committee for its actions was not clear. It might be asserted that its responsibility would be the same as in the case of other subsidiary organs of the General Assembly but if it were a subsidiary organ its powers should be suitably defined. However, as in the case of the Interim Committee, the collective measures committee would be given authority and prerogatives far beyond those appropriate for subsidiary organs. That had been confirmed by the remarks of the representative of Canada.

15. The representative of Canada had emphasized the importance of the committee's function with regard to collective measures, and had made references to Ar-

ticles 51 and 52 of the Charter and, indeed, so had the draft resolution. The proposal, however, would involve the use of armed forces and therefore required the elaboration of military and strategic plans. The function of drawing up such plans had been entrusted to the Security Council and no new body to carry out those duties could be set up without disregarding Chapter VII of the Charter. No such body could be considered legally or constitutionally established.

16. While the Security Council existed and there was a desire to cure it of its paralysis and make it effective, there was no need to set up new bodies and give various of them a part of the Security Council's powers even if it were done with elaborate legal skill which concealed the attempt to detract from the powers of the Security Council.

17. Mr. Vyshinsky reminded the Committee that the draft resolution also contained a proposal that special sessions of the General Assembly could be convened by the vote of any seven members of the Security Council, although the Charter provided that all permanent members should concur. That was one small point which amounted to a violation of the Charter. If the legalistic phrases were removed, it became clear that an attempt was being made to have substantive decisions taken by any seven members of the Security Council. Such matters were fundamental and did not merely raise problems of formulations and wordings. A similar case had arisen in section D, for the collective measures committee, according to its mandate, would so act as to derogate from the rights of the General Assembly and the Security Council.

18. Although he had not considered it necessary to deal with subsidiary points, since the Soviet Union delegation was opposed to section D in its entirety, Mr. Vyshinsky thought it desirable to comment upon the remarks of the Canadian representative in which he referred to the peace observation commission and the collective measures committee as though they were comparable. The two organs, in fact, had nothing in common. The Soviet Union delegation approved of the tasks allotted to the peace observation commission and supported its general idea. It considered such a commission to be essential and would endorse the proposal if the commission was composed of fourteen members and was made fully representative. The Soviet Union delegation would ignore the representative basis of the collective measures committee as it considered that body useless and illegal. However, it was concerned that the peace observation commission should include the five permanent members of the Security Council, among them the Chinese People's Republic and nine other members, one of which should be either Poland or Czechoslovakia and the remainder distributed appropriately throughout the nations of the world. The Soviet Union delegation had submitted an amendment to that effect (A/C.1/586/Rev.1, amendment 8) and would press the point when the matter came to a vote. Mr. Vyshinsky stressed his delegation's opinion that the peace observation commission could be set up provided that appropriate provision were made for a representative membership.

19. The Soviet Union delegation did not oppose the establishment of a collective measures commission without offering a substitute proposal. In conformity with

its peaceful aims, it had presented a draft resolution (A/C.1/579) which would lead to practical steps designed to meet the purposes in view. The draft resolution was not novel in character but called for the implementation of various articles of the Charter. The implementation of the Charter should not be prevented by disagreements among the Powers, and the General Assembly ought to remind the Security Council of its duties. The Soviet Union draft resolution both reminded the Security Council that it should take action with respect to threats to the peace or acts of aggression and urged it to devise measures under Articles 43, 45, 46 and 47 regarding the placing of armed forces at its disposal. The Soviet Union's position was not that armed force should not be used; the United Nations should have effective forces to oppose aggression but they should be established in accordance with the Charter, which contemplated certain effective measures. Action should be taken by applying the procedures prescribed by the Charter and not by the addition of new measures.

20. Mr. PEARSON (Canada), replying to the representative of Egypt, said that the wording inserted in the revised text of paragraph 11 was broader in scope than that contained in the first Egyptian amendment. The amendment would have called for consultation with each State directly concerned, whereas the text before the Committee would allow for consultations also with other States.

21. With regard to the second Egyptian amendment which had not been included, Mr. Pearson said that it had been omitted as it would have given the proposed committee wider powers than had been contemplated. The draft resolution would lead to a study of the general methods whereby forces could be used in the interest of peace. The amendment would go further and instruct the committee to study the degree of preparedness and the requirements of the forces of all nations and not only of those who accepted the principles laid down in the resolution. That would be going far beyond the question of method and entering into matters of preparedness in general and, indeed, into the dangers confronting each State. As the sponsors of the draft resolution had wished to avoid any such general powers, which might be considered contrary to the Charter, they had limited the functions of the committee and omitted that amendment.

22. With regard to the remarks of the Soviet Union representative, Mr. Pearson pointed out that the collective measures committee was empowered only to study and report. The committee might report that the measures proposed in section C of the draft resolution were unconstitutional or unwise or it might recommend other measures. It was difficult to understand how the committee could violate the Charter in making a report or why any Member would not wish to serve on it.

23. HASSAN Pasha (Egypt) accepted the explanation given by Mr. Pearson concerning the first Egyptian amendment to paragraph 11 but reserved the final opinion of his delegation.

24. Mr. VYSHINSKY (Union of Soviet Socialist Republics) said that the representative of Canada had contended that the proposed collective measures committee was a very innocent body and that it would merely collect information, study it, and submit a report

thereon. But Mr. Pearson also said that such a committee could submit a report about the unconstitutionality of certain actions that had been recommended. Was Mr. Pearson referring to section C or section B of the joint draft? Such a report concerning the unconstitutionality of an action could be submitted only by a most authoritative organ since, in its submission, explanations might be required and it might be necessary to elicit the character of the action through direct communication with the organ accused of adopting an unconstitutional measure.

25. Moreover, paragraph 11 (section D) spoke not only of studies and reports but of reports on methods which might be used to maintain and strengthen international peace and security. That would apparently utilize all the resources mentioned in section C, particularly in paragraph 7 dealing with the survey of those resources. Such survey would presumably be made for the benefit of the collective measures committee; consequently, the committee could deal with methods for the maintenance of peace and security and with elements of armed forces referred to in paragraph 8. As a result, all Member States, as referred to in paragraph 9, would come under the control of that committee and would be compelled to inform it of the measures taken, presumably under the authority of Articles 51 and 52 of the Charter.

26. Mr. Vyshinsky said that paragraph 11 (section D) referred to Article 51 of the Charter. However, the right contained in Article 51 had been conferred on the Security Council. A glance at that article would make it clear that all the measures taken by Member States in the exercise of the right of self-defence should be immediately reported to the Security Council and should not in any way affect the authority and the responsibility of that body to take, at any time, such action as it deemed necessary in order to maintain or restore international peace and security.

27. Since the collective measures committee was to study and make a report on methods, including those contained in section C, the use of armed force was implied because paragraphs 7, 8, and 9 (section C) made it clear that all States would have to submit reports to the committee on the measures taken by them. Therefore, that committee would come into direct control of the measures taken in self-defence and in the assignment of armed forces by Member States. Thus, the Members would not report to the Security Council as provided in Article 51 of the Charter but to the collective measures committee. But such a procedure would also be contradictory to Article 51 of the Charter. Moreover, the Security Council and the Military Staff Committee were the bodies competent to deal with methods concerning the utilization and survey of armed forces. The difference was that both the Security Council and the Military Staff Committee were the bodies competent to deal with methods concerning the utilization and survey of armed forces. The difference was that both the Security Council and the Military Staff Committee could undertake studies of such questions by virtue of the rights conferred upon them by the Charter, whereas the proposed committee would be acting under a resolution the provisions of which were in contradiction to the Charter. Moreover, that Committee would have all Member States subordinated to

it in respect of action to be taken by them, whereas Article 51 specified that such control should be exercised by the Security Council.

28. In conclusion, Mr. Vyshinsky said that his delegation considered that the proposed committee would be vested with rights which would transcend the duties of a subsidiary organ; and no such organ could control the actions of sovereign States, particularly in the survey of resources and in the use of armed forces. There was no reason for the establishment of such an ostensibly subsidiary but in reality main organ of the United Nations.

29. Mr. BARANOVSKY (Ukrainian Soviet Socialist Republic) said that a careful study of section D of the revised joint draft resolution made it clear that the proposed new organ would have vested in it authority which, under the Charter, was assigned only to the Security Council. There was no need to set up another body that would duplicate the functions of the Security Council. Moreover, as Mr. Vyshinsky had made clear, the establishment of such a subsidiary organ as the collective measures committee would detract from the powers not only of the Security Council but also of the General Assembly. His delegation believed that in voting for section D, the First Committee would be violating the Charter in general, and Chapter V, Article 24, and Chapter VII, in particular, since those chapters clearly stated that the Security Council was the only competent organ to deal with the measures contained in section D. The Ukrainian SSR delegation would oppose the whole of section D for the same reasons given by the USSR delegation.

30. Mr. AMMOUN (Lebanon) said that in the opinion of his delegation war should not be merely suppressed but also prevented. To that end, the United Nations should take all collective measures provided for in the Charter which were likely to prevent and not just suppress conflicts. If armed forces were at the disposal of the United Nations, any aggressor aware of that fact would be deterred from embarking upon aggression. Thus, prevention would include the threat of immediate counter-action and the creation among the peoples of the world of an awareness of the fact that peace would be preserved by the United Nations through collective action. That implied the preservation not only of political justice but also of economic and social justice because their absence caused war. The sponsors of the seven-Power draft resolution had recognized that principle since the preamble of that draft resolution contained a reference to preventive measures appropriate to the creation of an atmosphere of peace.

31. The revised text also contained evidence of that concern, particularly in section E, which incorporated the substance of the Chilean draft resolution (A/C.1/575) concerning the observance of individual human rights and fundamental freedoms, and the establishment and maintenance of conditions of economic and social well-being in all countries. Moreover, the preamble of the revised draft resolution referred to General Assembly resolution 290 (IV), entitled "Essentials of Peace". It was not enough, however, to recall merely that important resolution; endeavours should be made to implement it. The Lebanese representative stressed that the observance of the principles of the Charter made it obligatory upon all Member States to implement the resolutions of the Security Council and of the Gen-

eral Assembly for the maintenance of international peace and security.

32. Although the revised draft incorporated the principle of the amendments submitted to paragraph 11 by his delegation (A/C.1/578), Mr. Ammoun preferred the inclusion of that amendment in its entirety. He felt that the draft resolution should be more precise in stating specifically that the United Nations should ensure the implementation of its decisions. Inasmuch as the revised draft had incorporated section E, which dealt with the importance of preventive measures, it was still possible to give greater clarity to that new section. His delegation did not wish to press its amendment to paragraph 11 but reserved its right to submit an amendment to paragraph 14 (section E).

33. Mr. WIERBLOWSKI (Poland) felt that the establishment of the collective measures committee proposed in section D was not covered either by Article 22 or 29 of the Charter. Actually that committee would be in flagrant contradiction to the provisions of Article 47, which provided for the establishment of a Military Staff Committee to advise and assist the Security Council on all questions relating to the Council's military requirements for the maintenance of international peace and security.

34. It was clear from Articles 43, 45, 46 and 47 of the Charter that the Military Staff Committee was entrusted with four tasks, namely, to act as an advisory organ of the Security Council on all questions concerning the Council's military requirements for the maintenance of international peace and security; to assist the Council in connexion with the conclusion of agreements for the use of armed forces by Members of the United Nations; to assist the Council in relation to the employment and command of forces placed at its disposal; and to assist the Council in the regulation of armaments and possible disarmament.

35. Section D of the joint draft resolution would transfer to the collective measures committee functions which were within the province of an organ that already existed under the Charter, namely, the Military Staff Committee. Consequently, the proposal contained in section D constituted a flagrant violation of the Charter.

36. In establishing the collective measures Committee, the General Assembly would be setting up a subsidiary organ to deal with questions relating to armed forces. But Article 47 of the Charter had excluded those questions from the competence of the General Assembly. The fact that the authors of the joint draft resolution had tried to camouflage their true objectives did not change the substance of the situation for, although the Security Council was mentioned in section D along with the General Assembly as a recipient of the proposed committee's reports, such a proposal was obviously contrary to the provisions of the Charter. Moreover, if the Military Staff Committee were to be dissolved under the proposed section D, such a step would be tantamount to a revision of the Charter. When the Charter provided specifically for the establishment of a particular organ, and when such an organ was already in existence, it was evident that its liquidation would be inadmissible. Similarly, it would be inadmissible to transfer its competence, or a part thereof, to another organ, the establishment of which was not provided for by the Charter. To argue, under the circum-

stances, that the establishment of a collective measures committee was in conformity with the provisions of the Charter was tantamount to the belief, naïvely expounded or implied by the Canadian representative, that either the representatives on the First Committee did not know the Charter or did not understand the scope of its provisions.

37. With regard to the membership of the proposed committee, Mr. Wierblowski recalled that, when the membership of the Military Staff Committee had been considered at San Francisco, it had been decided that that Committee should be composed only of representatives of the great Powers in view of the fact that the entire military machinery of the Allies during the war had been conceived on the same principle. It was therefore proper to apply that fruitful experience to the United Nations.

38. The Polish representative stated that the proposed collective measures committee was supposed to approve a list of military experts as provided for in section C (paragraph 10) of the draft resolution. An analysis of section C made it clear that such a proposal was designed to confer control, illegally, on the proposed committee over the units provided for under that section. Moreover, in that case, the competence of the Military Staff Committee was brushed aside. Furthermore, the proposed committee would have to consider the problem of individual or collective self-defence and regional agreements under Articles 51 and 52 of the Charter. But how could an organ which, ostensibly, was a subsidiary of the General Assembly deal with the questions of self-defence and regional agreements when Article 51 clearly stated that those questions were inextricably linked with the functions of the Security Council? Besides, under Article 39 of the Charter, only the Security Council was qualified to determine the existence of any threat to the peace, breach of the peace, or act of aggression. Article 53 stipulated also that no enforcement action should be taken under regional agreements or by regional agencies without the authorization of the Security Council. There again another principle of the Charter was violated.

39. In summing up, the Polish representative said that section D of the seven-Power draft resolution would be tantamount to the liquidation of the Military Staff Committee and would withdraw from the Security Council the powers vested in it under Chapter VII of the Charter as well as its powers relating to action through self-defence and regional agreements.

40. All those manoeuvres were aimed at the establishment of an organ which, leaving out certain great Powers and with a fortuitously small membership, would be capable of taking decisions on questions of great importance, such as the utilization of armed forces at the service of the United Nations. An organ, such as the one envisaged in the draft resolution, could, with no curb imposed upon it, become the obedient instrument of one Power as in the case of the North Atlantic Treaty. The proposed collective measures committee could likewise, and with no great difficulty, be subordinated to one Power.

41. The Polish delegation was categorically opposed to section D of the joint draft resolution since it was contrary to the Charter and designed to weaken the

essential principles of co-operation called for by the Charter.

42. Mr. HADJU (Czechoslovakia) stated that his delegation also was opposed to section D as a whole because every one of its provisions was contrary to the Charter. Since the principles contained in section C were illegal, it followed that section D, which was mainly based on the previous section, was also illegal. Moreover, the provisions of section D represented further violations of other articles of the Charter, namely, Articles 43, 45, 46, 47, 51 and 52.

43. The Czechoslovakian representative believed that there was another way to ensure that the functions attributed to the proposed committee by the draft resolution would not violate the Charter. That was shown by the USSR draft resolution (A/C.1/579) regarding the implementation of the relevant articles of the Charter concerning the armed forces to be placed at the disposal of the Security Council. Accordingly, his delegation would vote against section D and would support the USSR draft resolution.

The meeting rose at 12.50 p.m.