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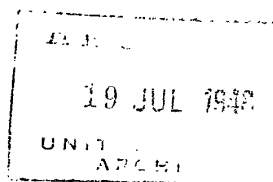
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INTERIM COMMITTEE OF THE GENERAL ASSEMBLY

SUMMARY RECORD OF THE FIFTEENTH MEETING

Held at Lake Success, New York,  
on Wednesday, 7 July 1948, at 11.05 a.m.



The CHAIRMAN explained that the Sub-Committees had not yet completed their work partly on account of the interruption caused by the convening of the Special Assembly. However, this work was well under way. Sub-Committee 2 was considering its report to the Interim Committee; Sub-Committee 3 had completed its two reports, and the report of Sub-Committee 4 would be available soon.

He also drew the Committee's attention to the **first** report of the Secretary-General on credentials of representatives on the Interim Committee (document A/AC.18/42) and reminded those representatives who had not already submitted formal credentials to do so.

DRAFT REPORT OF THE INTERIM COMMITTEE TO THE GENERAL ASSEMBLY ON  
THE CONSULTATION BY THE UNITED NATIONS TEMPORARY COMMISSION ON KOREA  
(document A/AC.18/67)

Mr. ENTENZAM (Iran), Rapporteur, presented the draft report to the Committee.

Without discussion, the Committee agreed unanimously to submit to the General Assembly the report prepared by its Rapporteur on the consultation by the United Nations Temporary Commission on Korea.

THE PROBLEM OF VOTING IN THE SECURITY COUNCIL: PRELIMINARY REPORT  
AND SECOND REPORT OF SUB-COMMITTEE 3 TO THE INTERIM COMMITTEE  
(documents A/AC.18/62 and A/AC.18/66)

The CHAIRMAN pointed out that the preliminary report of Sub-Committee 3 contained the first three parts of its study on the problem of voting in the Security Council while the second report consisted of the last two parts which contained the methods considered by it for the implementation of the conclusions reached with a view to liberalizing the voting procedure in the Security Council. He reminded the Committee that under the terms of resolution 117(II) the Committee was instructed to report with its conclusions to the General Assembly not later than 15 July 1948.

/Mr. ARCE

Mr. ARCE (Argentina), the Chairman of Sub-Committee 3, pointed out that the second report recommended that the Assembly should decide that certain questions, as set forth in the report, should be voted on through the procedure set forth in Article 27 (2) and should be exempt from the provisions of paragraph 3 of that Article. It also recommended that the question whether a matter was substantive or procedural should be decided by the vote of any seven members of the Security Council.

He hoped that the Sub-Committee's work would be a first step towards modifying, as far as possible, the voting procedure of the Security Council. Complete improvement was perhaps too much to expect for the present, but every attempt should be made to obtain satisfactory results.

His delegation maintained its proposal for the convening of a general conference, under the terms of Article 109 paragraph 2, to consider whether the time had come for a revision of the Charter. The Charter could also be amended under the terms of Article 108, but the procedure outlined therein would not allow for any substantial change in the rule of unanimity of the permanent members.

It had been hoped at San Francisco that the Charter would not need to be revised for possibly ten years. However, the Argentine delegation submitted that present circumstances warranted its being amended after only three years. The general conference would serve as a forum for discussion and only if a two-thirds majority so wished, would the Charter be altered.

Mr. ENTEZAM (Iran), Rapporteur, formally presented the report submitted by Sub-Committee 3 to the Interim Committee. He recalled that the report was composed of two separate sections: the first had been prepared by Mr. Starnes of Canada, Rapporteur of Sub-Committee 3, and published as document A/AC.18/62. This section contained the first three parts of the report, i.e.: Part I, the method of work adopted by the

/Sub-Committee

Sub-Committee; Part II, giving a summary of the conclusions reached by the Sub-Committee on the voting procedures to be used in connection with four categories of possible decisions by the Security Council, as well as the criteria on the basis of which these conclusions had been proposed; and Part III, which contained a commented list of 98 kinds of decisions that could be taken by the Security Council in implementation of the Charter, or the Statute of the International Court of Justice. This list, prepared by the Secretariat and amended by the Sub-Committee, was the basis of the work of the Sub-Committee.

The second section of the report (document A/AC.18/66) consisted of its last two parts: Part IV, reviewed the proposed methods of implementation of the voting procedures suggested by the Sub-Committee; Part V, listed the recommendations submitted for approval to the Interim Committee by the Sub-Committee, with a view to improving the voting procedure in the Security Council.

The CHAIRMAN announced that the Committee would first proceed with a general discussion on the report of Sub-Committee 3. He suggested that after the general discussion it would be preferable if the Committee agreed to concentrate its attention on Part V, i.e. to the recommendations which it is proposed that the Interim Committee submit to the General Assembly for the liberalization of the voting procedure in the Security Council with a view to improving the functioning of that organ.

Parts I, II, III and IV of the report of Sub-Committee 3 had already been thoroughly studied by it and as the report had been published quite in advance of the meeting, all members had had time to familiarize themselves with its contents.

Evidently, whenever one member would wish, during the consideration of the various recommendations, to refer to another part of the report for further elucidation, he would be fully entitled to do so.

/The Committee

The Committee agreed and the Chairman opened the general discussion.

#### GENERAL DISCUSSION

Mr. SARPER (Turkey) said that the results of the Sub-Committee's work were, in general, promising and if the recommendations of Sub-Committee 3 could be put into effect as suggested they would constitute a definite improvement of the functioning of the Security Council and of the United Nations as a whole. In particular they would ensure the efficient functioning of the Security Council with regard to the pacific settlement of disputes.

The list of possible decisions for which it was proposed that they be taken in accordance with Article 27 paragraph 2 whether the matter was procedural or not, constituted the first step towards the limitation of the right of "veto". He recalled that the Sub-Committee had been told that great and small nations had each only one vote and that the right of veto was a procedure tending to correct this inequality. That view did not take into consideration the principle of the sovereign equality of States and in any case, the right of veto was not the proper remedy to any disproportion between States. It did rather establish a greater disproportion since its use allowed one nation to oppose the will of all the other nations united. No State can claim such a privilege neither by reason of its population nor by reason of its force. Moreover it was not always the States with the largest population which enjoyed the right of "veto".

It was true that the majority was not infallible but no one could claim that the veto had only been used to correct its fallibility or guarantee that it would only be used whenever such a deficiency would exist when those who enjoy that privilege so often oppose each other.

It had been stated that States who assumed the heaviest responsibility for the maintenance of peace should at the same time have an

/overwhelming

overwhelming voice in international affairs. In his opinion, such States also were more in a position to disturb the peace. Further, the right of veto had not only been applied in cases where heavy responsibility had been involved.

It was particularly satisfactory that the Sub-Committee had recommended that a decision with regard to whether a question was procedural or not, should not be subject to the rule of unanimity. The list of questions which, although not procedural, should not be subject to the rule of unanimity, was a useful one, although it still needed to be completed. As he had stated on previous occasions, his delegation was in favour of the total suppression of the "veto". However, it appeared that present circumstances unfortunately would not permit such a step. What should be ensured was that the veto could only be applied to decisions that would involve action and material responsibility.

Yet the Sub-Committee had made no recommendation on a certain number of types of decision and it naturally followed that in the opinion of the Sub-Committee such decisions should continue to be subject to the rule of unanimity of the permanent members. Among these - and he wished to reserve his right to return to them when the Committee will take up the detailed discussion of the recommendations of the Sub-Committee - the Turkish representative stated that he considered that at least two types of matters should not be subject to the rule of unanimity. First, the determination of whether a question related to the domestic jurisdiction of a state which did not by itself involve any decision for action and was confined to the statement of a rule, or to the creation of a precedent of international law, should be made by a simple majority of seven votes, or, whenever possible, should be referred to the International Court of Justice. Second and for the same reason, that should also be the case with respect to the simple determination of the existence of a threat to the peace, a breach of the peace or an act of aggression. The Turkish representative based his opinion on the following considerations:

/(a) Such a

(a) Such a decision did not involve an action by itself.

(b) The Security Council could, eventually, explain that it was not taking any action, lest such action should entail serious responsibilities. However, it could not refuse to define a threat to the peace, a breach of the peace and especially an act of aggression whenever such circumstances existed.

(c) It did not behoove a great international organization to refrain from calling a situation by its name.

(d) If the Security Council had a possibility of naming an aggressor when an aggressor existed, this simple fact would have a moral effect of considerable value and could even have a preventive and salutary effect.

(e) Such an eventuality could reinforce the legal, moral and even the material position of a state victim of aggression, which would be acting in self-defence, in accordance with Article 51 of the Charter.

Various methods of implementation of the Sub-Committee's recommendations had been proposed. The Turkish delegation was in favour of the three methods suggested. In particular the five permanent members of the Council could be invited to consult with each other during the forthcoming session of the Assembly with a view to putting into practice the recommendations of the Interim Committee and if such consultations should fail, the Assembly could then discuss the question of convening a General Conference under Article 109 of the Charter.

Jonkheer SNOUCK HURGRONJE (Netherlands) expressed appreciation of the thoroughness of the Sub-Committee's work; he considered its report the most exhaustive and fundamental study yet made of the subject.

The Netherlands Government had, at the San Francisco Conference, opposed the rule of unanimity as violating the principle of equality of nations; its final acceptance of the rule had been on the understanding with that it would be used/moderation and only in cases of fundamental importance. In view of the subsequent abuse of the rule, the Netherlands delegation would welcome any attempt to modify the situation; it would like to see the veto limited by common consent to cases where the fundamental rights of members were at stake.

The Netherlands delegation considered the report of Sub-Committee 3 as a valuable contribution toward limitation of the veto, and agreed in general with the report and its recommendations. In particular the Netherlands delegation endorsed the recommendations of the report concerning the admission of new Members to the United Nations, considering it undesirable that a country applying for membership and fulfilling all the requirements could be blocked from membership by the opposition of a single member of the Security Council. The delegation also warmly supported the proposal that decisions on the basis of Chapter VI of the Charter, whether procedural or not, should be taken by a majority of any seven members.

Mr. SOUZA GOMES (Brazil) re-affirmed the position taken by his Government at San Francisco on the question of the rule of unanimity, a position which it had consistently maintained since that time. The Brazilian Government had always opposed the rule, although the delegation had voted in favour of its adoption in an effort to arrive at a constructive solution of the problem; in so voting, the delegation of Brazil had made plain its conviction that the Charter must be revised within a given time and without being subject to the rule of unanimity.

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With the feeling that the powers of the nations should be in proportion to their responsibilities in the maintenance of peace and security, the delegation of Brazil had supported the allocation of certain privileges to the Great Powers. Two years' experience in the Security Council, however, had made it clear that the privilege of the veto had been abused; instead of fulfilling its intended function as a means of strengthening solidarity among the Great Powers, it had become a negative element used to permit one of the Great Powers to block a decision in the face of the will of the majority. The Brazilian delegation was of the opinion that the rule of unanimity must be limited and made more flexible if it were to play the role for which it had been intended.

The Brazilian delegation felt that the recommendations formulated by Sub-Committee 3 represented substantial progress toward perfecting the voting procedure of the Security Council. Of particular importance were the recommendation that decisions on the procedural or non-procedural nature of a question should be taken by a vote of any seven members of the Council, and the recommendation for the elimination of the right of veto in all decisions relating to the pacific settlement of disputes.

Mr. Souza Gomes drew attention also to the opinion expressed by various members of the Sub-Committee to the effect that in case of disagreement on matters involving legal questions, the Security Council should request an advisory opinion of the International Court of Justice. The Brazilian delegation hoped that the Interim Committee would formulate its recommendations with a view to encouraging more frequent requests of the sort by the Council under the terms of Article 96 of the Charter.

The delegation of Brazil was well aware of the difficulties which would face the Council in the adoption of the Sub-Committee's recommendations. It would be necessary for all the Permanent Members to demonstrate their understanding and goodwill, if they desired to aid in accomplishing the aims of the United Nations.

/ Mr. HSU

Mr. HSU (China) thought the Sub-Committee should be congratulated on what it had done; he noted, however, that its achievement was necessarily incomplete, owing to the fact that its members could act only on the basis of instructions from their Governments and consequently could not go beyond certain limits.

The representative of China observed that the existing wrong did not lie with the Charter or with the San Francisco Statement, which granted the veto power to the permanent members; the wrong lay in the abuse of the power. But the power granted in the Statement differed from that granted in the Charter, in that the former was conditioned in two ways, -- first, by a list of matters termed procedural, and second, by a declaration that the Charter itself contained an indication of the application of the voting procedure for matters not listed. Thus the Members of the Organization had the means at their disposal to correct abuses of the power claimed in the Statement, if not of that granted in the Charter.

It was evident that Recommendation 1 of the Sub-Committee did not cover all the cases that it should. The problem of the abuse of the veto power in decisions on whether a matter is procedural or not would never be solved until the members of the Council guided their voting not only by the list of items in Recommendation 1, but also by the principle underlying that recommendation, -- i.e., by interpretation of the Charter.

The representative of China called attention to two outstanding achievements of the Sub-Committee. First, it had distinguished between interpretation of the Charter and agreement among the permanent members, as methods of liberalizing the voting procedure in the Council. Second, it had formulated criteria, from indications in the Charter itself, for the determination of possible decisions on which the method of interpretation of the Charter should apply. Through these achievements a number of possible decisions in which the rule of unanimity was never intended to apply might be removed from the danger of abuse of that rule.

/ The Chinese

The Chinese delegation supported the report of the Sub-Committee, as the best result that could be achieved under the present circumstances. If adopted by the Interim Committee and the General Assembly, it would constitute a definite step forward toward the goal in view.

Mr. FABREGAT (Uruguay) praised the report of the Sub-Committee as being concise and full. His delegation felt, however, that it did not consider the whole problem, since it did not give sufficient study to the historical background of the question. The problem was an omnipresent and highly controversial one; the volume of criticism against the rule of unanimity called for an exhaustive study of the question by the Organization itself.

The delegation of Uruguay was of the opinion that other items must be taken into consideration in the Interim Committee's debate on the question, even though the Committee was not concerned with recommending the abolition of the veto or specific ways of modifying the Charter. The historical background of the question went back further than the San Francisco Conference; it could be traced back to Dumbarton Oaks and even to the Covenant of the League of Nations. The fundamental positions of Member Governments on the rule of unanimity had not changed since they had seen it in operation. There were also other voting procedures in the Security Council, besides the veto and the "double veto", which should be studied as integral parts of the same problem; for example, the passage of certain resolutions had been obstructed by abstention in a vote.

It would therefore be necessary to study the report of the Sub-Committee in detail, item by item, and to obtain clarification on certain points.

Mr. CORREA (Ecuador) considered that the work of the Sub-Committee had been systematic and constructive and that its recommendations constituted an important step toward limitation of the right of "veto". His delegation particularly welcomed the recommendations in the fourth category under

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(d) paragraph 11 of the Preliminary Report (document A/AC.18/62), dealing with decisions which should be adopted by the vote of any seven members of the Council; if the permanent members accepted such a list as that recommended under paragraph 2 of Part V (A/AC.18/66), important progress would have been made.

The delegation of Ecuador agreed that the list of possible decisions drawn up by the Sub-Committee to be taken by a vote of only seven members was not complete; it should be gradually supplemented with other possible decisions of the Security Council and particularly those on which no recommendation had been made.

The CHAIRMAN announced that the Committee would meet again the same day at 2.30 p.m.

The meeting rose at 1.00 p.m.