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President: Mr. Nasrollah ENTEZAM (Iran).

**United action for peace: reports of the First Committee (A/1456) and the Fifth Committee (A/1463) (*continued*)**

[Agenda item 68]

1. Mr. GUTIERREZ (Cuba) (*translated from Spanish*): The report of the First Committee [A/1456] gives a faithful account of the proposals and amendments that were submitted on this topic. At the end of the report we find three draft resolutions: the first sets forth the measures to be taken in the case of a threat to the peace; the second recommends that the Security Council should devise measures whereby the obligation of Member States to place armed forces at the disposal of the Organization would be rendered effective and whereby the effective functioning of the Military Staff Committee would be ensured; the third recommends that the permanent members of the Security Council should meet and consult together with a view to resolving their fundamental differences.

2. The Cuban delegation took an active part in these discussions, for Cuba, as a small nation, is greatly troubled by the international tension existing throughout the world. That tension is due to the disputes among the permanent members of the Security Council and the tendency in every country to prepare for war. The heavy economic burdens which weigh upon all countries as a result of preparations for war may well delay or hinder the economic or cultural development of most of those countries. My delegation believes that if the machinery for the maintenance of collective security is improved, potential aggressors may be brought to their senses and the danger of war may be prevented. It therefore supports the draft resolutions—whose former title, “United action for peace”, it regards as more appropriate and more dynamic, at least in Spanish, than the inexpressive and commonplace title, “United for peace”, by which they are now known—and it wishes to draw special attention to the question of the legality of the measures we are about to adopt.

3. The development of international politics, from the signing of the United Nations Charter at San Fran-

cisco on 26 June 1945 to the present day, has convinced all peace-loving persons that instead of progressing towards the maintenance of collective security as laid down in the Preamble to the Charter, the world is drifting dangerously towards the use of threats and force as decisive factors in domestic development and international affairs.

4. The United Nations is, of course, sufficiently powerful to maintain collective security when difficulties which are likely to endanger international peace arise among nations which do not possess the right of veto. But when one of the five great Powers is involved in an international dispute, or when for political or other reasons it is connected with such a dispute, the veto can paralyse the whole delicate machinery for preserving peace that was so laboriously constructed at San Francisco.

5. It has been said that it is unrealistic not to understand that the structure of the United Nations is based on the principle of the unanimity of the five permanent members of the Security Council for the maintenance of peace, a principle of which the veto is simply a corollary. According to this argument, the guarantee of peace lies in the fact that when there is disagreement among the great Powers, the paralysis of the international machinery for collective security will force the dissentients to abide by the will of the majority. The declaration of the great Powers at San Francisco in 1945<sup>1</sup> is quoted as an insuperable obstacle to the control or elimination of the veto.

6. The truth is just the contrary: the veto has paralysed any initiative which would have given the world greater security, such as the proposals for disarmament and for the control of atomic energy, and has prevented the admission to the United Nations of States which are making a valuable contribution to human progress. Moreover, the veto can prevent the peaceful settlement of disputes and the action in the case of threats to the peace, breaches of the peace or

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

acts of aggression referred to in Chapters VI and VII of the Charter. As my country's Minister of State said in the opening debate of this Assembly [282nd meeting], the only unity which the veto has brought about is a negative unity, a unity for inaction, instead of that positive unity for action which is essential to the maintenance of peace. Such unity is needed to dispel the heavy clouds that loom on the horizon; it will make it possible to look forward to the day when fear will vanish from the face of the earth and the peoples will be able to concern themselves solely with their material and moral advancement.

7. My government considers that the draft resolutions before us, without robbing the Security Council of any of its functions, will fill that dangerous vacuum which may occur when, through a lack of unanimity among its permanent members, the Security Council is unable to act.

8. Recognizing as we do the far-reaching importance of Articles 24, 25 and 27 of the Charter, particularly in relation to Chapters VI and VII, in that they clearly define the functions and powers of the Security Council, we believe that it is logical to seek a solution for cases in which this most important machinery for collective security does not function. It would be absurd to remain inactive in the face of a threatened conflagration owing to a lack of legal instruments, when Articles 10, 11 and 14 empower the General Assembly to recommend the necessary measures in connexion with any matter within the scope of the Charter, including questions connected with the maintenance of international peace and security, subject only to the proviso contained in Article 12. This article, which has received such special mention, provides that while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation. Conversely, while the Security Council is not exercising the functions assigned to it, nothing legally prevents the General Assembly from exercising those functions.

9. In this connexion we agree with other representatives that the primary responsibility which Article 24 of the Charter confers on the Security Council for the maintenance of international peace and security is not an exclusive responsibility. Although the Council is empowered to take decisions while the General Assembly can only make recommendations, the practice in every country—and in international affairs—shows that when bodies which take decisions are not supported by public opinion, their decisions are not obeyed, while, on the other hand, a mere suggestion or recommendation which interprets a state of mind is more forceful and effective than force itself.

10. The new procedure contemplated in the first draft resolution does not usurp or interfere with the functions of the Security Council as long as the Council is properly fulfilling its primary responsibility. The new procedure will fill the vacuum which would only be produced if the Security Council, owing to the lack of unanimity among the great Powers, failed to act when confronted by an aggression or a threat to peace.

11. It should not be forgotten—and we stress this—that Article 24 of the Charter lays down that respon-

sibility for the maintenance of peace belongs primarily, but not exclusively, to the great Powers, as is shown moreover by the power vested in the General Assembly, under Article 11, to discuss any questions relating to the maintenance of peace and to make recommendations to the State or States concerned or to the Security Council, or to both.

12. The limitation laid down in Article 12 applies, in our opinion, in cases when, as the text of the Article says, "the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter". But what happens if the Council does not exercise its primary function?

13. According to the representative of the Soviet Union, nothing can be done, even when we are faced with aggression. According to most of the delegations which have expressed their views, the principles set forth in the Preamble to the Charter and the purposes and principles proclaimed in Articles 1 and 2 can be put into effect through the exercise of the powers conferred on the General Assembly by Articles 10, 11 and 13; the proviso laid down in paragraph 2 of Article 11 does not prevent the exercise of those powers, not only for the reasons already given—in the case of the paralysis of the Security Council—but also because Article 11 itself, in its final paragraph, states clearly that the powers of the General Assembly as set forth in the article shall not limit the scope of Article 10 which, because of its general nature, is subject to no limitations.

14. During the discussion of this item in the First Committee, the USSR delegation argued that the first draft resolution was a violation of the Charter and hence incorrect and illegal, on the grounds that the General Assembly had no power to adopt the draft resolution submitted for its consideration and was usurping the powers of the Security Council. In support of its argument, it quoted what it regarded as suitable passages from Professor Hans Kelsen's recently published *The Law of the United Nations*, forgetting that the two principal organs of the United Nations in fact have concurrent powers.

15. Actually Kelsen, who used to teach international law at the University of Vienna and is now teaching at the University of California, admits that there is a concurrence of jurisdiction between the General Assembly and the Security Council which may lead to a conflicting jurisdiction and may make it necessary to adopt provisions to prevent or resolve such conflicts. Professor Kelsen considers that it is in order to prevent disputes between these two organs in the sphere of their concurrent jurisdiction that paragraph 1 of Article 12 of the Charter lays down the following: "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests."

16. This is what Professor Kelsen says: "By this provision the competence of the General Assembly is restricted only with respect to making recommendations, not with respect to discussing matters or taking resolutions concerning these matters which have not the

character of recommendations.”<sup>2</sup> He gives as an example the case of Palestine which was discussed simultaneously by the Security Council and the General Assembly. He proceeds: “It is restricted only with regard to concrete cases actually dealt with by the Security Council”,<sup>3</sup> that is, cases where the Council is genuinely exercising the functions assigned to it by the Charter and is not undermined by absenteeism or paralysed by the veto. Professor Kelsen puts this clearly in the following passage from his book, which removes all doubt:

“The restriction of the competence of the General Assembly is valid only during the time the Security Council is dealing with the dispute or situation; that means that the Assembly has the power to make recommendations with respect to disputes or other situations with which the Council has not yet dealt or with which it has ceased to deal. The words ‘while the Security Council is exercising...the functions...’ may be interpreted to mean: while a dispute or situation is still on the agenda of the Council. But it may also be interpreted to mean: while the Security Council is actually exercising its functions; so that when the Council because of the exercise of the veto right is reduced to inaction, it should not be considered as ‘exercising’ its functions.”<sup>4</sup>

17. It is clear that the author quoted by the Soviet Union delegation in support of its argument thinks in exactly the same way as we do who defend the correctness and legality of the first draft resolution. Of course, the USSR delegation can find isolated paragraphs in Kelsen’s work, or in any other commentary on the Charter, which may seem to answer its purpose. Kelsen, after admitting in the introduction to his book that the Charter does not contain any provision concerning its interpretation, says that the organs and the Members of the United Nations whose duty it is to apply the Charter are free to interpret as they think fit the provisions they have to apply. He therefore deemed it necessary to present in his book what he thinks are possible interpretations, including those which he himself, if he were competent to apply the Charter, would have to reject as undesirable, as well as those which, it may be presumed, were not present in the minds of the authors of the Charter.

18. By adopting this resolution, the General Assembly will show that it regards itself competent to take the decision it is taking; and in view of the Assembly’s composition, this interpretation must be treated as authoritative. The argument of the Soviet Union, which puts the principle of the unanimity of the great Powers, or the right of veto, above any other consideration, leads to the paralysation of the United Nations. But it is impossible to accept the argument that the purpose of a juridical and political principle is to destroy the organ that was set up to achieve the purposes of the United Nations, since the ultimate aim of both law and politics is life and not death.

19. In order to interpret a legal text, particularly when it is a political document, the first thing to take into account is the achievement of the purposes of that document. In this case, those purposes are expressed in the

Preamble to the Charter and in Articles 1 and 2, which deal with purposes and principles. In other words, the function of a provision must prevail over its form and even over procedure. What is secondary cannot prevail over what is substantive. Function must prevail over method.

20. It is not just a personal opinion of ours that the literal interpretation of a legal text, particularly when so many interests are involved, as in this case, cannot run counter to the function contemplated by the text. It is also the opinion of the jurists. It was expressed with exemplary clarity by the Permanent Court of International Justice in the case concerning the Chorzow factory in 1927. In that case, the Court, interpreting article 23 of the Geneva Convention of 1922 between Germany and Poland, under which any differences of opinion between the parties concerning the interpretation and application of articles 6 to 22 of the convention were to be submitted to the Court rendered the following opinion:

“For the interpretation of article 23, account must be taken not only of the historical development of arbitration treaties, as well as of the terminology of such treaties, and of the grammatical and logical meaning of the words used, but also and more especially of the function which, in the intention of the contracting parties, is to be attributed to this provision.”<sup>5</sup>

21. Nor was this the only case in which the Court advocated or adopted this functional or teleological interpretation of international agreements; it adopted such an interpretation in various subsequent decisions and advisory opinions. The idea of the Court was—and it is ours too—that the purpose of a legal interpretation is to ensure that the aims of a given text are achieved as effectively as possible.

22. What, then, are the aims of this text? The aims of Articles 10, 11, 12 and 14, concerning the General Assembly, and of Articles 24 and 27, concerning the Security Council, and even of the whole of Chapter VIII, must be regarded and interpreted in the light of the purposes and principles set forth in Articles 1 and 2, the first of which is the maintenance of international peace and security; and for the purpose of maintaining peace and security, says the Charter, effective collective measures must be taken for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace.

23. The principle of the unanimity of the permanent members of the Security Council is understandable in so far as it aims at the maintenance of international peace and security. It indicates that the great Powers must reach agreement so that they may act in concert to maintain peace and security in the face of threats to, or breaches of, the peace. But this does not mean that the negative desire of one of these Powers should be enough to thwart the taking of effective measures to prevent and remove those very threats or breaches. For, apart from the fact that one veto may be countered by another—a situation leading to purely negative

<sup>2</sup> See Kelsen, Hans, *The Law of the United Nations*, New York, Frederick A. Praeger Inc., 1950, page 216.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, pages 216 and 217.

<sup>5</sup> See *Publications of the Permanent Court of International Justice, Series A, Collection of Judgments, No. 9, Judgment No. 8*, page 24.

results—we think the use and abuse of the veto are bound to lead to the negation of the function which the Charter of the United Nations describes as the paramount responsibility of the permanent members of the Security Council and as a general function of all the Member States which constitute the General Assembly.

24. It is understandable—though unacceptable—that one of the permanent members of the Security Council should veto a decision which would, for example, impose upon it the obligation to utilize its military and economic resources in order to repel a given aggressor. But there does not seem to be the slightest justification for the use of the veto in such cases as the admission of new Members, the election of the Secretary-General, or decisions as to whether a question is, or is not, procedural; it is even less justifiable that a permanent member, not by the exercise of the veto, but by its mere absence, should reduce not only the Security Council, but also all the principal and subsidiary organs of the United Nations and its specialized agencies, to a state of inaction.

25. The United Nations exists and is justified only and exclusively by reason of the purposes for the achievement of which it was created. The Charter lays down the rules and methods whereby those purposes are to be achieved. One of these rules is the unanimity rule. Accordingly, this rule or principle is not an end in itself but simply a means of carrying out a function. In cases where the means and the end, the procedure and the function—or the purpose contemplated—conflict or are incompatible, the means or procedure is overridden and the fundamental obligation of the Charter prevails, namely, to achieve the purposes of the Organization by the other methods and procedures available under the Charter.

26. The delegation of the Soviet Union and others sharing its opinion claim that the new procedure involves an amendment of the Charter, and that any course other than that prescribed in Article 108 is incorrect and illegal. In our opinion, we are not amending the Charter but ensuring that if the Security Council fails to fulfil its paramount responsibility owing to lack of unanimity among its permanent members, the machinery of security is not thereby paralysed. Moreover, the fact that the veto may be used in respect of the approval of any amendment of the Charter shows that there are only two courses open to us: either we remain inactive in the face of the situation and allow the world to rush headlong into disaster and chaos, or we devise a method for the operation of the security mechanism furnished by the Charter.

27. The question of convening the Assembly is, in our opinion, clearly settled by Article 20 of the Charter, which defines it as one of procedure; in the first place, it states that the General Assembly shall meet in special sessions as occasion may require, and in the second place this provision comes under the heading of "procedure", which makes it clear that the Charter itself designates the question as one of procedure.

28. But we are not really discussing a question of procedure. The reality, the facts confronting us, are abundantly clear: are we to permit the United Nations to remain completely paralysed in the face of aggression merely because the great Powers are unable to

reach agreement? Are the other nations which do not enjoy the right of veto, or which do not agree with the veto, to be powerless to act in order to prevent the world from throwing itself into the abyss of war simply because such happens to be the pleasure of one of the great Powers?

29. We have never shared—neither before San Francisco, nor at San Francisco, nor since San Francisco—the opinion that only the great Powers have the right to act in questions involving international peace and security. Such a view is totally inadmissible for any peace-loving nation, no matter how small. To accept it would take us back to the early days of modern civilization, to the sombre days of the Congress of Vienna, as if the shadow of Alexander, emperor and autocrat of all the Russias, were projected upon the developments of contemporary political events, as if mankind had not copiously shed its blood and suffered appalling destruction in order to triumph over Hitler's nazism and Mussolini's fascism.

30. That is not what we want. That is not what the world desires. That is not what the Preamble of the Charter proclaims. That is not what millions of young men have offered their lives for.

31. My delegation does not accept that point of view. The small nations believe—at least this small nation believes—that the Charter of the United Nations has conferred upon the great Powers the paramount responsibility, that is to say, the mission—more as a duty than as a right—to maintain international peace and security through the agreement and unanimity of the permanent members of the Security Council. Such agreement and unanimity are of course most desirable. But even if there is no such agreement, if there is no unanimity, the exercise of the right of veto must not be allowed to become the general practice in the United Nations, thereby paralysing its action, for if that happened, we should have wiped out with one stroke not only the purposes and principles set forth in Articles 1 and 2 of the Charter, but also the entire Charter itself.

32. For that reason we support the first draft resolution and the second and third draft resolutions which supplement it.

33. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): When the question included in the agenda of the General Assembly under the title "United action for peace" was considered by the First Committee, the USSR delegation stated that it was prepared to support a number of the provisions of the seven-Power draft, but that it also had some amendments and objections to put forward regarding the other provisions in the draft.

34. The delegation of the Soviet Union supports all proposals which are genuinely designed to strengthen international peace and security, which are directed towards the noble objective of averting the danger of new wars. The USSR has always supported, still supports, and will continue to support all measures for peace, even when these measures are incomplete and indecisive, and even if, on that account, they fall short of what we want. If, however, under these conditions, such measures are really directed towards strengthening peace, averting the threat of another war and ensuring the security of nations, the Soviet Union is always

prepared to support them with firmness and decision.

35. When the USSR is faced with measures which are acceptable in principle, in substance, but which have certain shortcomings, the delegation of the Soviet Union considers itself bound—and will consider itself bound—to correct such mistakes, and to improve and strengthen the measures for peace, in order to achieve better and more positive results in that important task, which affects the vital interests of many millions of people.

36. When this question was discussed in the First Committee, therefore, the USSR delegation submitted a number of amendments to the seven-Power draft resolution. Some—unfortunately very few—were adopted, others were rejected. We are now submitting these amendments to the General Assembly once more [A/1465 and A/1466], for we firmly believe that if the seven-Power draft resolution, which has now been submitted as a draft resolution of the First Committee, is adopted by the General Assembly without taking these amendments into account and without the requisite improvements, the resolution before us will not effectively ensure the strengthening of peace but, on the contrary, will seriously endanger the cause of peace and will thus do more harm than good. That is why it is absolutely essential to include in the text the various amendments on which the delegation of the Soviet Union, among others, is insisting.

37. Before I begin to analyse the draft resolution from that point of view, in order to bring out its shortcomings, of which I shall speak later, and before I begin to defend our amendments, I think it my duty to deal with the statements of certain representatives, especially of those who sponsored the draft, who took the liberty of making what I consider to be unworthy, mendacious and slanderous attacks against my country, the Soviet State. Moreover, the language of those attacks was intolerably rude and quite incompatible with their avowed aim of strengthening co-operation for peace. It is obvious that neither co-operation nor, *a fortiori*, the strengthening of peace can be achieved by such methods. As one speaker followed another, yesterday and today, on this rostrum, most of them sponsors of this draft resolution or persons who share their views, it became ever clearer that the only purpose of this flood of words was to mask, by catchwords about peace and co-operation, a refusal to co-operate, and at the same time to ascribe the responsibility for the resulting situation to the USSR and other peace-loving countries.

38. Once again we see how right Generalissimo Stalin was when he said, in October 1948: "The authors of the aggressive policy of the United States of America and the United Kingdom are not interested in agreement and co-operation with the Soviet Union. They do not want agreement and co-operation, but words about agreement and co-operation, so that when they violate agreements, they can lay the blame on the Soviet Union and allege that it is impossible to co-operate with it. Warmongers who are trying to unleash a new war fear above all agreement and co-operation with the Soviet Union, since a policy of agreements with it would undermine the position of the warmongers and render their aggressive policy futile." That is an accurate description of what is happening here, in plenary meetings and in committee, at this session of the General Assembly of the United Nations.

39. For example, when the seven-Power draft resolution was discussed in the First Committee, the USSR delegation and some others submitted important amendments to that draft. Furthermore, the delegation of the Soviet Union and a number of others subjected the text to a detailed examination and criticism. But what answer did we receive? Did the sponsors of the draft refute our criticism in any way? Did they answer our facts and evidence with other facts, real facts, anything which might be regarded as proof? Nothing of the kind.

40. The exceptions were insignificant. I might mention, in that connexion, and as an example, the statement made today by the representative of Cuba, who attempted to make a legal analysis of the draft. That, of course, is quite interesting; it provides a topic for debate and will enable us to demonstrate to the whole world who is right in this dispute and who is wrong, who has truth, justice and law on his side and who puts arbitrary methods above the law. We can have such a debate, and it will be useful, provided of course that those who take part in it approach the question on its merits and not as some representatives have to approach it, bound as they are by various instructions and by various backstage deals they have concluded, so that they must act not as reason and conscience, logic and respect for the law dictate—and we have such examples here—but in accordance with the bargains struck in the lobbies and corridors behind the scenes.

41. Apart from the statements of a few speakers, who have really tried to analyse the situation, to prove something and explain their position, and not merely rail and slander, we have heard nothing here but slander, insinuations and, what is especially noteworthy, the falsification and distortion of facts. The sponsors of the draft resolution seemed to vie with each other in the impudence, arrogance and rudeness with which they attacked us, as if trying to deafen the audience with the noise and thunder of their speeches and make some sort of impression on people with weak nerves. However, the noise these people make seems usually to be in inverse proportion to the weight they carry in international relations.

42. The debate here yesterday was opened by General Rómulo [299th meeting]. I shall dwell on it for a few seconds, as his speech hardly deserves greater attention from the General Assembly. He demanded, no more and no less, that we—the USSR—should prove that our proposals were worthy of confidence, and stated that without such proof our Philippine friends would not consider our proposals, amendments and the like.

43. When I heard the speech of this doughty warrior, this Philippine warrior, when I heard what he said about confidence, I could not help thinking about the report of the United States Economic Survey Mission to the Philippines headed by Mr. Bell, a report which also refers to confidence, or rather, to the lack of confidence which is the general attitude of the Philippine people towards the Philippine Government. In his report, Mr. Bell indicates that there are reasons for this lack of confidence in the ability of the Philippine Government to defend the interests of the population. This—and please note that I am quoting from the report of the United States Mission headed by Mr. Bell, as it appeared in the *New York Times* of 29 October 1950—is stated quite openly:

"Inefficiency and even corruption in the Government service are widespread . . . The high hopes of the Philippine people that, with peace and independence, they could look forward to economic progress and a rising standard of living have not been realized. Because of the deteriorating economic situation, there is a widespread feeling of disillusion. Most agricultural and industrial workers have no faith that their economic position can or will be improved. Businessmen fear a collapse of the peso."

44. Those are the circumstances in which the Foreign Minister of the Philippines takes the liberty—from this rostrum—of making speeches about the confidence which we must earn in the eyes of that so-called State; and in so doing he garnishes his speech with insinuations and with absurd and nonsensical fabrications directed against peace-loving countries and peoples. It would appear unnecessary to give further attention to so improper a speech.

45. Next, we heard Mr. Dulles [299th meeting], an old acquaintance of ours; and his speech fully justified his well-established reputation as a falsifier of facts and a warmonger. Mr. Dulles started his speech with a little history. He recalled that Mussolini had seized Ethiopia in 1935. But he was too modest to recall the fact that the appetites of Hitler and Mussolini, the fascist aggressors in Europe, had daily increased with the bare-faced toleration of the Governments of the United States, the United Kingdom and France. What in fact did they do when Mussolini was occupying Ethiopia and oppressing the Ethiopian people? What did the governments of those three States do? They did not raise a finger to curb Mussolini and Hitler, who were then acting in concert. Although the Soviet Union then raised its voice in protest against that shocking and brazen aggression, those three Powers—the United States, the United Kingdom and France—did not raise a finger, as I have said, to stop or put an end to that aggression and so save the Ethiopian people from the agony and suffering inflicted upon them by that shameless occupation and aggression of Mussolini's Italian fascists.

46. While the USSR was seeking to ensure that this fascist aggression should be countered by collective action—and here I turn to Mr. Younger's speech [300th meeting], although I warn you that I shall return to that of Mr. Dulles—the United Kingdom Government, under Chamberlain, and the Government of France, under Daladier, were doing their utmost both to encourage the fascist governments to increase their aggressive action, and to obstruct by all possible means any action on the proposals for the organization of collective resistance—collective security—which our delegation repeatedly submitted to the League of Nations.

47. Mr. Dulles did not see fit to recall any of those facts. That, of course, is understandable. But Mr. Dulles also saw fit to refrain from recalling the disgraceful fact that no one did more to arm the aggressors—Hitler and Mussolini—than the United States. It was the United States which helped to create the military and economic foundations for German aggression and which armed Germany. And that, of course, directly involved the most distinguished warmonger, John Foster Dulles,

48. Everyone knows the part played by the American monopolies in arming, restoring and reinforcing the Hitler war machine; for instance, the part played by the duPont de Nemours chemical concern—one of the largest shareholders in General Motors; by the American firm General Dyestuff; or by the Standard Oil trust, which in 1938 concluded with the German firm *I. G. Farbenindustrie* an agreement under which the latter was given a share in the profits of aviation fuel produced in the United States and in return refrained from exporting its synthetic petrol from Germany—the more willingly since Hitler's Germany was then accumulating stocks of that fuel for military purposes.

49. American capital and German capital were closely interlocked at that time, and involved British capital as well. An instance of this was provided by the notorious Schroeder Bank, in which a leading part was played by the *Vereinigte Stahlwerke*—a steel trust with branches in New York and London. Mr. Dulles should recall this particularly clearly since, as he knows very well, a leading part in the business of that bank was played by Allen Dulles, a director of the London, Cologne and Hamburg branches in New York of the Schroeder-Bettingen Corporation. It was that same Allen—John Foster Dulles' brother—who, using the alias "Bowler", conducted secret negotiations in Switzerland on behalf of the United States Government with Hitler's agent, Prince Hohenlohe, in 1943, when the war with Germany was at its height. Nothing was known of those negotiations, which closely resembled feelers for a separate peace, at least to the Soviet Union, which was then a military ally of the United States. Such negotiations, carried on behind the back of the USSR, were thus thoroughly unsavoury.

50. I must here remind Mr. Dulles of the leading part played by a firm known—or so I believe—to Mr. Dulles: the law firm of Sullivan and Cromwell, which was headed by none other than John Foster Dulles, now a member of the United States delegation and an adviser to the United States State Department, a man of wide reputation and renown as a true Christian and one of the staunchest champions of peace.

51. What was that firm noted for? I shall tell you later. First I must recall that the German steel trust was financed at that time not only by the Anglo-German-American Schroeder Bank, but also by one of the largest New York banks—Dillon Read and Company, one of whose directors for many years was Forrestal, the former Secretary of Defense. For a number of years those good companions helped to recreate Hitler's war machine, literally "fertilizing" Hitlerite militarism with a golden rain of American dollars. Consequently the chief responsibility for the military occupation, for Mussolini's aggression in Ethiopia, for Hitler's annexation of Austria in 1938, and then of Czechoslovakia, for Munich and finally for the fact that Hitler could unleash, not without success, the Second World War, which lasted five to six years and cost millions of lives—the chief responsibility for all this must be borne by those gentlemen who now assume the mask of peace-makers and pose as the standard-bearers of the movement to strengthen peace.

52. I would remind you of certain other facts which would, of course, be of no interest if they related only to this or that person present here today, in particular



to Mr. Dulles. But Mr. Dulles is, perhaps, the ideologist of United States foreign policy, and consequently everything he says and does is said and done by the Government of the United States. And that is the reason, and the only reason, why everything I am saying is of some interest.

53. In 1939, Mr. Dulles wrote a book very similar in title to that which he published this year. Whereas the book published in 1950 is called *War or Peace*, the book he wrote in 1939 was called *War, Peace and Change*. In that book Mr. Dulles wrote as follows: "It would be iniquitous, even if it were practicable, thus to put shackles on the dynamic peoples and condemn them forever to acceptance of conditions which might become intolerable."<sup>6</sup> To what dynamic peoples was he referring in that passage? He was referring to Hitler's Germany and Mussolini's Italy.

54. It is common knowledge that Mr. Dulles' firm drafted the rules of "America First", the American fascist organization, and that Mr. Dulles' name was on the list of those who had helped to finance it.

55. When in 1944 there was some talk of Mr. Dulles being made Secretary of State, Mr. Claude Pepper, a Democratic Senator at that time, made the following statement on 10 October 1944: "I shall demand as strongly as I can that the Senate investigate the present ties and former contacts of John Foster Dulles. One of Mr. Dulles' foreign ties, which I believe the American people is entitled to know about, is with the banking people who saved Adolf Hitler from financial catastrophe and promoted the development of the Nazi Party. Mr. Dulles' intimate relations with the forces which made Hitler's rise to power possible should be one of the focal points of the Senate's investigation."

56. I shall refrain here from quoting from a number of other documents—in particular, an article by the American journalist Stone. When, in 1949, Mr. Dulles stood for election to the Senate, Stone wrote such biting things about him in *The Daily Compass* that I shall not repeat them here, for I have already given enough such particulars concerning Mr. Dulles to satisfy him.

57. I have been compelled to remind Mr. Dulles of all this, which I should never have done had not Mr. Dulles himself gone so far as to provoke me to this frank statement. Yesterday he declared that in 1939 the USSR and Hitler had concluded a pact for the partition of Poland. That, of course, is sheer slander, and very easy to refute.

58. What really happened in 1939? In 1939 the Governments of the United Kingdom and France, with the patronage and support of the United States Government, were playing a highly dangerous game with Hitler's Germany and with fascism. The object of that game was to encourage Hitler's military ambitions in the hope that he would turn his efforts in the direction of the Soviet Union. As a part of that game, during the very period—the spring of 1939—when negotiations were proceeding in Moscow with an Anglo-French military mission, the Governments of the United Kingdom and France, under Chamberlain and Daladier, were carrying on parleys behind the scenes with Hitler.

59. By 1939 it had become obvious to everyone—more obvious than at any time during the years 1938, 1937, 1936, 1935 and even 1933, although it was plain enough even then—that Hitler was preparing to wage an aggressive war. The USSR then did what it could to prevent this by proposing the conclusion of non-aggression and mutual-aid pacts of every kind—which were frustrated by the duplicity of the two governments I have mentioned. The Soviet Union was faced with the necessity of looking to its own defence and of creating a defensive front; a front which would set up a barrier against the impending attack by Hitler, whose aggressive intentions it was by that time not at all difficult to guess.

60. On 17 September 1939, when Hitler had invaded and occupied Poland and the hitlerite forces were advancing in the direction of the Soviet frontier, the USSR forces met the hitlerite hordes half way and stopped Hitler on a line roughly coinciding with the Curzon line, which we all know.

61. On 17 September 1939, the Soviet Union Government declared, with every justification, that Poland, abandoned by the treacherous Beck government, which had fled and left the Polish people at the mercy of fate, had become a breeding ground for every type of incident and accident which might threaten the Soviet Union.

62. In that statement, the USSR Government said that it had remained neutral until the last moment, but that in view of the desertion of Poland by the Polish Government, it had been obliged to take active steps since it could not remain neutral in such circumstances. The Soviet Union Government could hardly have been expected to remain indifferent to the fate of its Ukrainian and Byelorussian kinsmen in Poland, whose position even before had been that of oppressed national minorities and who were now being abandoned to their fate. The USSR Government declared that it felt bound by a sacred duty to help its Ukrainian and Byelorussian brethren in Poland, and had therefore instructed the High Command of the Red Army to order its forces to cross the frontier and take under their protection the lives and property of the people of the western Ukraine and western Byelorussia.

63. That was a wise step, since it laid the foundations for the eastern defensive front of which I have spoken and which prevented Hitler from launching a war then and there under conditions highly unfavourable to the Soviet Union.

64. Naturally the enemies of the Soviet State in a number of countries did not miss the opportunity to exploit these events as material for every kind of hostile attack and agitation. It is noteworthy, however, that even a politician as hostile to the USSR Government as Winston Churchill correctly understood at that time how important those measures were for the security of the States which were already waging war against hitlerite aggression.

65. Let me remind you that on 1 October 1939, Winston Churchill, then First Lord of the Admiralty, delivered a speech over the radio in which—nothing else, of course, could be expected of him—he roundly abused the Soviet Union. Yet at the same time, referring to this establishment of an eastern front, he said: "That the

<sup>6</sup> See Dulles, J. F., *War, Peace and Change*, New York and London, Harper Brothers, 1939, page 48.

Russian armies should stand on this line was clearly necessary for the safety of Russia against the Nazi menace. At any rate, the line is there, and an eastern front has been created which Nazi Germany does not dare assail . . .”

66. That was a gross error on Churchill's part, since two years later Hitler showed that he did dare to assail, and did in fact attack, our country. But Churchill undoubtedly estimated correctly the enormous strategic importance for the world of the line we had established in the east by occupying the part of Poland threatened by the Hitlerite forces, who were prevented from occupying it by the stand of the Soviet armies along that line. Churchill said: “When Herr von Ribbentrop was summoned to Moscow last week it was to learn the fact and to accept the fact that the Nazi designs upon the Baltic States and upon the Ukraine must come to a dead stop.”

67. Is John Foster Dulles really so ignorant a person that he does not know all this? Surely this is not the first time he has heard Churchill's views on this subject; after all, Churchill must be a somewhat authoritative person in his eyes. How, I ask, can any honest person who respects this Assembly and himself say, in these circumstances, as John Foster Dulles had the audacity to say yesterday, that in 1939 the USSR concluded a pact with Hitler for the partition of Poland?

68. We did conclude a non-aggression pact with Hitler in August 1939; but that pact was the salvation of us all, for it postponed for a year and a half our war with Hitler; it enabled us to rearm, to remedy the deficiencies in our national defence which then existed; it helped us to transform our country into a mighty force capable of beating, as it did indeed beat, the supposedly unbeatable armies of Hitler, thus shattering the myth that the Hitlerite forces were invincible.

69. The United States delegation must certainly remember the Ardennes incident, when our efforts saved Eisenhower's army, as I can prove by producing and quoting the appropriate documents, if anyone wishes to argue on this score.

70. That is why I said that Mr. Dulles' remarks here were a most miserable falsification of history, a most base distortion of the facts, explainable only by his untiring efforts and insatiable thirst to kindle enmity and hatred for the Soviet Union, to sow distrust of our endeavours to find a way of peaceful co-operation among the countries which, during the war, had succeeded in establishing a brotherhood in arms. The same purpose, of course, was served by the lame examples quoted by Mr. Dulles in his speech yesterday, including the *Izvestia* editorial of 1 January. That editorial did, it is true, note the growth of the camp of the defenders of peace and democracy. There is no possibility of an editorial in *Izvestia* saying anything that will please Mr. Dulles; that has never happened and never will. *Izvestia* will continue to publish articles reflecting the aspirations, hopes, opinions and endeavours of the Soviet people who are striving to achieve peace. It will continue to write of peace, to denounce war and to unmask the warmongers; it will continue to rejoice with all honest people—and there are many millions of them throughout the world—at every success in the struggle for peace, for genuine peace, and not the feigned peace which you preach here while you sharpen the dagger for a stab in the back.

71. The development of the forces of peace strikes fear into the hearts of the warmongers, the enemies of peace, who are trying to check that development—which threatens to undermine all aggressive plans—by deceit, slander and the fostering of hatred against peace-loving peoples.

72. The organizers of the Anglo-American bloc, in their inflammatory speeches against the USSR and the peoples' democracies yesterday and today, tried to create the impression that they wanted to organize a check against any possible aggressor. In that connexion they referred to various examples, from Greece to Korea.

73. We have discussed Greece at length at previous sessions. We have also spoken a great deal of Korea. I feel, however, that at least a slight sense of shame must be preserved. You made an outcry about aggression in South Korea, and the Government of the United States took advantage of the events in Korea to organize and carry out armed aggression by United States troops in Korea; but when the question was discussed here and we demanded, and supported the demand of the Government of the People's Democratic Republic of Korea to that effect, that its representatives should be invited here for explanations, you rejected that proposal.

74. You boast of 25 June as if it had been the day of the Resurrection; you claim that that was the great day of the reversal, when the feeble Job arose and walked, when the man sick of the palsy arose, took up his bed and walked—on orders from the White House. But when it was proposed that you should call upon the “accused”, so to speak, and confront him with the charges and ask him for explanations before taking a decision, you refused. Why? Because you were afraid and are still afraid of the light of truth, of the light of day. That is why you dare not examine the documents we have placed before you, which accuse you of distorting the facts in this matter also.

75. We have submitted data, letters and plans, but you have not mentioned them at all. You have not even dared to confront the people whom you accuse of having organized aggression in North Korea. In that case, how dare you act behind their backs, taking advantage of the fact that not everybody may know of your intrigues and machinations—how dare you repeat again and again your fairy tales about aggression by North Korea as a proof that it is really impossible to negotiate with the USSR, because you think that that country is somehow behind the scenes and knows something.

76. The facts and the evidence which we have submitted have not been refuted, for mere hysterical denials cannot be regarded as refutations. Yet we continue to hear the same kind of statements. For instance, General Rómulo mentioned Greece, he mentioned Berlin—I think he must have named all the countries in the world of which he has heard—and all to prove what? Our aggression! As if our troops were waging war in every country! As if we had surrounded the world with a fiery ring of naval, air and other bases! As if we were conducting a furious armaments race, daily spending more and more thousands of millions which the taxpayers, the ordinary American people, have to provide! As if we really did not want to outlaw the atomic bomb! Yet this draft resolution does not even refer to the necessity of ensuring that the atomic bomb is outlawed!



77. You state that it is essential to establish international control, in order to secure the effective prohibition of the atomic bomb; but how can the prohibition of the atomic bomb be secured by some form of control if no such prohibition exists? How can observance of some rule be ensured if no such rule exists? How can a decision be observed if there is no decision?

78. We must now have been seeking for some five years to ensure that a decision to outlaw the atomic bomb—the use of the atomic bomb—is taken simultaneously with a decision to organize international control which will ensure that this decision is carried out, but no one agrees with us. They say “no”, and invent all kinds of pettifogging formulae in order to by-pass this straightforward proposal that the atomic weapon should be unconditionally prohibited and that strict and effective international control over the execution of that prohibition should be instituted simultaneously. We submitted amendments in the First Committee. We said: “You say this and this in your draft resolution. We agree with this, we are prepared to support it, but we demand that the atomic weapon should be prohibited also.” But you do not want this. That is the basis of the dispute between us.

79. And in these circumstances certain people talk airily about the USSR not practising what it preaches, saying, as Mr. Younger did here [300th meeting], that although it proposes certain measures for collective security, it does not want collective security! I have already shown, from the record of your States and ours, of our foreign policy and yours, who has wanted collective security in the past and who has not, and who wants it and does not want it now. It would seem that we do not want collective security whereas the British do! In view of such statements, what right have you to claim that anyone should prove their honesty and sincerity to you before you will believe it?

80. In 1933, while our delegation to the League of Nations was submitting one proposal after another for the organization of collective security, did you not, together with France, sign a pact of co-operation with Hitlerite Germany at Rome? Did not that pact amount to a plot between your governments and those of Mussolini and Hitler? Was that not tantamount to rejecting the policy of strengthening a united front of peace-loving countries against aggressive States? Did not that pact strike a blow against collective security? And what about the Anglo-German Naval Agreement of 1935, signed in London, under which Hitler secured the right to build submarines with a total tonnage equal to that of the whole French submarine fleet?

81. History repeats itself. Behind a screen of measures for collective security, you are in fact working against peace and security. We consider it our duty to state this openly, since the proposals contained in the draft resolution are not really measures to ensure collective security, or measures directed at ensuring such security. In fact, all these references to collective security serve merely as a screen for military plans. This is obviously incompatible with the task of organizing collective security.

82. In this connexion I cannot refrain from mentioning another highly important circumstance which, I

think, is the source of various differences of opinion on the matter. It is a highly important question—the nature of the foreign policies of certain States and certain governments.

83. The representative of Cuba, who preceded me on this rostrum, sought to prove, like many others, that the root of the trouble was the veto—the principle of unanimity. His argument was that all would be well if that principle were abolished, if it were struck out of the Charter, or if it were retained in the Charter but left to rot, so to speak, and not used; instead, other organs could be established or organs which already exist could be vested with the powers of the Security Council. But that is a naïve argument, for it is not the principle of the veto as such which is the source of our disagreements; the veto is simply an instrument for attempting to settle these differences.

84. The source of the differences is elsewhere. It lies in foreign policies themselves, in the direction of foreign policies; in the principles on which they are based; in the aims which they pursue; in the problems which they solve. If the direction of the foreign policies of certain permanent members of the Security Council differs from that of the foreign policies of certain other permanent members of the Security Council, differences of opinion will remain whether there is a veto or not. Thus even if these problems are submitted to another organ where the principle and the rule of unanimity does not prevail and where the majority can therefore take decisions against the will of the minority, do you think that will eliminate differences of opinion, remove the obstacles to collaboration, dispel the danger of complications, especially in cases of serious disagreement, on important questions, among large, strong and powerful States?

85. In July 1945, Edward Stettinius, then Secretary of State of the United States, rightly pointed out in his report to a United States Senate committee that the principle of unanimity did not and would not confer any privilege on any great Power, since even without that principle and rule of unanimity those great Powers were primarily and mainly—I hope you will understand me correctly—responsible for the choice between peace and war. If there is no agreement between the great Powers on fundamental matters affecting the organization of international relations, then whether the General Assembly decides these questions without the veto or whether the Security Council decides them with the veto, there will still be a threat to peace, arising from the lack of unanimity among these great and powerful nations which, in the words of Edward Stettinius, are responsible for the choice between peace and war and which their situation predestines either to follow the path of peace together or to follow the path of war separately.

86. Irrespective of where decisions are taken, if fundamental disagreements persist between the principal States, can there be any strengthening of peace or any guarantee of peace, in the circumstances referred to in Edward Stettinius' report? The first thing to do in order to guarantee peace is to eliminate basic differences of policy.

87. While the policy of the United States followed the “old” line, we had a common language, because we shared a trend towards co-operation and peace. During

the seventeen-year period when the pre-Roosevelt government did not recognize the USSR, we continually feared complications more serious than the failure to recognize our *de jure* and *de facto* existence. After Franklin Delano Roosevelt had taken the initiative towards restoring diplomatic relations with us and establishing them on a normal diplomatic footing, there came a period when a great danger overwhelmed the world and caused the three great Powers to stand side by side. I can say with regard to my country, at any rate, that it spared no efforts or resources to achieve the downfall of the enemy in our common interests, in the interests of all humanity, and that it paid a high price, but that it honestly made its contribution to the common cause of the general welfare of the nations.

88. Since the end of the war, however, a new line has been followed, based on the dangerous and erroneous premise that international relations can be based on dictatorial methods, on demands, pressure and caprice, as we have seen here. We are often confronted with cases where this old line is further supported by the erroneous principles of a "tough" attitude towards the Soviet Union, and this "toughness" takes the form of preferring demands and not even wishing to discuss them properly, with due regard for common interests, on a footing of mutual respect between sovereign and equal States. In such cases, of course, there will always be a danger of all kinds of complications. Thus it must be understood that the basic issue is the fundamental principles and trends of the foreign policy of the various States.

89. What is the foreign policy of the United States? I gave many examples in the First Committee to show that this policy was based, unfortunately, on erroneous premises, which had a highly adverse effect on the international situation. This is what is preached in particular by the ideologists of the new and "tough" line in United States foreign policy, Mr. Acheson and Mr. Dulles—or perhaps I should say first Mr. Dulles and then Mr. Acheson. But that is a matter of their own domestic affairs, and I am not in the habit of interfering in the domestic affairs of others.

90. These purposes have been clearly stated recently by Mr. Dulles in his book *War or Peace*. This book is especially interesting in that it gives the opinions of a diplomat who has decided not to conceal his thoughts, although he is probably not fully aware that to do so is precisely his chief purpose and motive. He says this, for instance: "Should an area whose population and resources entitle it to be a great source of strength continue to exist as a source of weakness merely because the shift-over to unity frightens, without reason, a few powerful vested interests?"<sup>7</sup>

91. According to Dulles, therefore, the purpose of the foreign policy of the United States is to shift over to unity, to a position in which all States would be united. But what is this shift-over to unity? And what is the area involved? That will be seen from his further statements. Mr. Dulles goes on as follows: "As we have already observed, the luxury of 'independence' is growing ever more costly because the separate nations of western Europe are less self-sufficient than ever with

the loss of their foreign investments, their eastern colonies and their East-West European trade."<sup>8</sup>

92. That, of course, is an absolutely candid assertion that the path is clear for the mastery of the world by the United States, at the expense of the sovereignty of other States which have succeeded in losing their investments, their colonies and their trade, whereas the United States has lost none of those things. It holds in its hands the keys to these most interesting locks. It is hampered by the fact that individual States enjoy independence. I could enumerate them alphabetically from left to right or from right to left; that is in fact the desired object of United States foreign policy.

93. What is to be done in such a position, when sovereign States have become bankrupt and merely serve as a bait for some other possessors of power who have every means of using their power? What is to be done? The answer is that in these circumstances, the policy in relation to these separate western States to which Mr. Dulles refers must be precisely that which the United States is following.

94. If you think that the author of this book leaves anything to the imagination at this point, I would recommend you to turn to the book itself. You will then see what he goes on to say. "The United States now has the opportunity" (this was written in 1950, on the eve of our fifth session) "to bring about peacefully what every western leader, without regard to nation or party, recognizes ought to be done, but what will not be done unless there is friendly but firm outside pressure. The United States can and should take that opportunity and exert that pressure. We have the right to do that because, at Europe's request, we have made a tremendous investment in western Europe . . . We have not only the moral right, we have not only the experience, we have not only the worthy motive, but also the responsibility."<sup>9</sup>

95. This is the philosophy of the foreign policy of the United States. In the first place, it rejects the sovereign right of States to their sovereign existence, because when all is said and done they have not justified their existence in the course of world history. In the second place, it presupposes an area which has the power to supply all the requirements of life, that is to say, to unite all those States. That is indeed world hegemony. In the third place, the United States can do all this and, according to Mr. Dulles, the time has now come to do it. Of course it can do all this in a friendly manner, but we know why this word "friendly" was used.

96. This is supposed to be a "peaceful" action. But how can this be a peaceful, friendly action, if we are told that it involves the necessity of exerting pressure? What does this "pressure" mean? Has Mr. Dulles ever experienced "pressure" from his friends? Apparently not, if he thinks that firm pressure from outside can be compatible with a friendly attitude to the object of the pressure. To exercise pressure means to impose one's will. One can impose one's will on a friend, then on a neighbour and then on another. And Mr. Dulles says that the United States has the right to do this. By what right? The right, says Mr. Dulles, given the United States by its tremendous contribution to Europe;

<sup>7</sup> See Dulles, J. F., *War or Peace*, New York, The MacMillan Co., 1950, page 214.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*, pages 214, 215 and 217.

the Marshall Plan and various other forms of so-called assistance entitle the United States to pursue a foreign policy of reaping the harvest on land fertilized by these doles—by using pressure.

97. To make matters clearer still, in this book Mr. Dulles compares the United States to a banker who lends money to victims of a fire. You are all victims of a fire, and you are receiving aid from the United States under the Marshall Plan. That is how Mr. Dulles describes you in his book. A banker, he says, requires collateral to make sure that the debt will be paid and that he will not lose his money. He says that the banker would be morally condemned if he were to finance the rebuilding of a proven fire-trap. You did not know that? Why, you are living and receiving Marshall Plan aid in proven fire-traps. And now the rescuers have come and their ideologist and planner is Mr. Dulles. He reasons like a banker. Literature gives us a marvellous example of just such a banker, who reasons in precisely this manner; in order to avoid moral condemnation, he demands the payment not only of the debt but of interest. And what interest! I am speaking of Shakespeare's Shylock, who exacted a pound of flesh, a pound of living flesh from his debtor.

98. Mr. Dulles ends that chapter without recourse to allegories; he has done with them. He states bluntly: "That is what the United States will be doing unless we incorporate in our present programme of aid to western Europe features which will induce the western European peoples to rebuild in a form that will realize their vast potentiality for peace and welfare."<sup>10</sup>

99. Thus we hear again phrases about peace, welfare, co-operation, friendship and peaceful means, after we have had a clear explanation of what pressure is to be used in order to extort the repayment of funds voluntarily invested by the capitalists and monopolies of the United States in the economies of other countries, which have been overwhelmed by these doles and have lost their sovereignty in the process. That is the whole meaning, the whole purpose of United States foreign policy—which can be described only as a policy of force, or of friendly pressure such as that which Mr. Dulles mentions in the extract I have just quoted from the book so pretentiously entitled *War or Peace*.

100. Now that we know the principles underlying United States policy, we can attempt an analysis of the true meaning of the draft resolution now before us. If we are to believe the authors of the draft resolution, the main reason for its appearance is the situation which has now arisen in the Security Council and which they describe as a paralysis.

101. They assert that the Security Council is paralysed because in a number of cases the Anglo-American group has been unable to force on the Security Council decisions favourable to their own interests, but contrary to the interests, purposes, tasks and principles of the United Nations.

102. That happened when the Security Council considered the Greek question, the slanderous accusations that Bulgaria, Hungary, and Romania had violated human rights, the important question of the admission of new Members, the Spanish question, and a number

of others. Every attempt to induce the Security Council to adopt illegal, unjust and tendentious decisions met with failure, because of the USSR representative's firm and consistent defence of his position.

103. In this connexion Mr. Dulles, in his *War or Peace*, to which I have already referred, frankly states the following: "The veto has prevented the Security Council from doing what we wanted and what the Soviet Union did not want." He adds: "Therefore, the veto should be abolished."<sup>11</sup>

104. That is an important admission. It turns out that the whole trouble is that the veto is preventing the United States from doing what it wants in the Security Council, and that is why the veto must be abolished. That is very simple, very clear and very logical from the point of view of the interests of the United States—or, to be precise, of the ruling circles of the United States, since I make a distinction between the two.

105. But Mr. Dulles says that to abolish the veto—the principle of unanimity—is not a simple matter. Furthermore, it is risky, since the veto might be useful to the United States itself; and he gives as an example the question of the Panama Canal. You are probably already familiar with all this.

106. It thus appears that the whole trouble—and that is what is meant by the paralysis of the Security Council—is that the Council refuses to be led by one group of States which claims a monopoly of leadership in it. Those States claim that all their demands should be carried out, that all their draft resolutions should be adopted; and whenever they encounter opposition from any State—the Soviet Union or any other, as over the election of the Secretary-General, when four States supported one candidate while the United States capriciously insisted on its own—they say that the veto must be done away with because it is a hindrance.

107. It is not I who said that. It is written in black and white on page 194 of Mr. Dulles' book. I wish very much that Mr. Dulles would rise and say that there was nothing to that effect on page 194 of the text I quoted, that he had never said or written anything of the kind. But he cannot say it. He is looking at me now as I am looking at him; and I say that he would not dare to say that, because it is actually written in the book, in so many words, that the veto has prevented the Security Council from doing what the United States wanted and what the USSR did not want, and therefore the veto must be abolished. That is his whole philosophy and logic in a nutshell.

108. As he says himself, however, abolishing the veto is not so simple, and the United States may need it itself, for today it so happens that it has a majority, but suppose tomorrow things take a different turn. And what then? There will be no more veto and it will need it. And what about the Panama Canal? Besides, there are all kinds of other questions on your agenda; therefore the veto must be retained. At the same time, of course, the veto must somehow be blocked. The measures proposed in the draft resolution represent a method of blocking the veto.

109. At first it was sought to by-pass the Security Council by establishing the Interim Committee. That

<sup>10</sup> *Ibid.*, page 217.

<sup>11</sup> *Ibid.*, page 194.

did not work, and the Interim Committee seems to have had its day. Now another instrument is sought, and found—the General Assembly. But how are they to go about it? A pretext must be found. They therefore invented the paralysis of the Security Council—a paralysis which they brought about themselves and which they say consists in the failure of the Security Council to exercise its functions. There are among us jurists or would-be jurists, or, at any rate, interpreters of the Charter—for instance, the representative of Cuba—who actually state that where the Charter says “functions” it means “action”—some sort of action—and if somebody—meaning the Security Council—does not act, he is not exercising his functions.

110. Let us analyse this question. It is true that Article 12 of the Charter says that, while the Security Council is exercising its functions, the General Assembly shall not make any recommendations with regard to the questions involved. The conclusion is drawn that the Security Council must be doing something. That is quite true, it must. But what must it be doing?

111. Let us consider the Charter. In Chapter V of the Charter on the Security Council, there is a special section entitled “Functions and Powers”, which comprises Articles 24, 25 and 26. There you have three articles on the functions of the Security Council. In addition, as Article 24 mentions Chapters VI, VII, VIII and XII, those chapters also relate to those functions. All the provisions contained therein define the functions of the Council, and there is no need to guess or invent anything, as the Cuban representative has. The functions are defined in the Charter. What are they? These functions are: prompt and effective action, examination of any dispute arising between States or of any situation, investigation of disputes, recommendation of measures, study of these questions, adoption of measures to remove the danger of the situation, etc. Those are all its functions.

112. What would be your argument, then, in the following case? The Security Council is considering a question of aggression. Suppose State A is complaining about State B. Three members of the Security Council consider that A has committed aggression against B; but two members consider that B is the aggressor. So those members of the Security Council cannot settle the question at all. I ask you, is the Council carrying out its functions or not? The reply is that it is not carrying out its functions, because it has not found that either State is the aggressor. But the Council's function is not necessarily to find, in every case, that aggression has been committed. It is possible that someone accuses a State of aggression although there is at the time no reason to conclude that aggression has taken place. Perhaps someone accuses State X of aggression when in actual fact there are no grounds, or even any evidence that State X is the aggressor. However, one or two members of the Security Council insist that X is in fact the aggressor, while the remainder do not agree; or perhaps one of the remainder, as it is perfectly entitled to do, does not agree that there is aggression.

113. In such a case, according to the representative of Cuba and his colleagues, the Security Council is paralysed and inactive. Does that mean that if you, the majority, agree with this draft resolution, while several delegations, including mine, do not agree with it, I am

inactive when I oppose you? Will you say that I am not carrying out my functions as a member of the General Assembly when I oppose you? Will you say that only you are carrying out your functions because you support that draft resolution, which you wish at all costs to have adopted here?

114. Is that logical? I think that the Cuban representative became so entangled that even Professor Kelsen could not help him to disentangle himself. I understand, of course, that the aim of any organ in exercising its functions should be to accomplish the tasks assigned to it. That is indisputable. However, this aim is achieved, when aggression is the issue, not only by removing a threat of aggression, but also by finding that no such threat exists. Of course the Council is discharging its functions in such a case too. Consequently, the fact that the Security Council has not found, in such a case, that there is a threat, although certain parties desired it to do so, does not mean that the Security Council is paralysed, or inactive, or not discharging its functions. You say that it is discharging its functions only when it finds that there is aggression. What if it does not find that there is aggression? This amounts to saying that the Security Council discharges its functions only when it acts in accordance with the will of the majority. But where is such a provision laid down? On the contrary, it is stated in the Charter itself, in Article 27, paragraph 2, that any permanent member of the Security Council has the right to disagree with the majority and in such case there is no decision. Consequently that rule should be changed if you do not consider it appropriate. But while it remains in force, it must be observed; it must not be violated; it must not be set aside by recourse to all kinds of artifices and completely incomprehensible arguments such as those put forward here by the representative of Cuba.

115. I thus come to the conclusion that the sickness of the Security Council has been incorrectly diagnosed, since, in fact, that which is regarded as the sickness—paralysis—is neither sickness nor paralysis. What is regarded by some as non-discharge of functions is not non-discharge of functions, as the Council's function is not necessarily to accept the majority decision, however the majority may justify that decision; the Council's function is to consider the situation and take a decision on the question whether there is or is not aggression. If there is aggression, measures must be taken to combat it. If there is no aggression, nothing need be done.

116. If Mr. Pearson, Mr. Austin and Mr. Younger, and the representatives of certain other States, such as Cuba, Uruguay and the Philippines, insist upon a finding to the effect that aggression has taken place, while neither I nor certain others see any good reasons for recognizing that aggression has in fact been committed, by what right do you demand that your views should necessarily be recognized as right and those of others as wrong, since, under the Charter, I have the right to express my views freely, and the expression of a contrary view makes it impossible to adopt the affirmative or negative decision required by the majority? Thus the question of the functions of the Council is completely irrelevant to the issue.

117. It is easy, now, to understand why certain persons wish to by-pass the very principle of unanimity itself—the veto—why they wish at any cost to arrive at a

state of affairs where a majority vote would suffice to legalize even measures which were illegal.

118. We saw this yesterday, for instance, in regard to the question of the Secretary-General. No one could prove the legality of the majority decision taken yesterday [298th meeting]. The question was dealt with by representatives holding various views and of different political schools, such as the representatives of Australia and certain Arab States—in particular, Syria—and the USSR. I know, too, that certain others said, in private conversation, that the decision was illegal. But, none so deaf as he who will not hear.

119. So there it is, you want to move the centre of gravity in the veto controversy to a point where you are bound by nothing save your majority, which you have under your thumb, and by using that majority to do what you want regardless of anything. Therefore you must at all costs push through the decision which will help you to achieve that end, however illegal it may be.

120. There can be no two opinions regarding its illegality. You assert here that the measures proposed in the draft resolution do not really modify the Charter at all. But do not imagine that the whole world around us consists of simpletons. You speak in this way because you cannot say anything else — otherwise you would be obliged to apply Article 109 of the Charter. But permit me to say that if you had applied that article, or if you had even thought of it, you would have noted that it says: "Any alteration of the present Charter recommended by a two-thirds vote of the conference (which you must convene) shall take effect when ratified. . ." That is the danger point. If that provision were not contained in Article 109, you would doubtless have taken steps to put through that amendment by the method provided in Article 109. But here again you would come up against rules which do not enable you to carry out your manoeuvre. You do not wish to have recourse to that article, so you say that there is no question of amending the Charter.

121. Let us consider the views of certain unbiased persons regarding this matter. Let us take, for example, the magazine *Newsweek*. On 18 September 1950, shortly before Mr. Acheson's speech in the Assembly [279th meeting], *Newsweek* published an article setting forth the plan which was incorporated in full in the draft resolution before us. It is quite natural that the ringleader in this matter was the United States State Department: it prepared this draft and you are supporting it.

122. The article says that the motive of the United States in submitting this plan to the Assembly was that the situation called for the adoption of dramatic rather than legal action. In other words, there is no need to consider the legal position or the law of our Organization — the Charter — if the circumstances require that it should not be considered. That I understand; that is an honest way of putting the question. But then you, the authors of the draft resolution, should have said: "Yes, it is a breach of the Charter, but the position is such that we have to break that Charter. It is the dramatic situation which obliges us to act in this way, not legal considerations. Legal considerations must give away before the dramatic circumstances which have

arisen." If you had done that we should at any rate have had no quarrel with you. We should then have had to decide on our position in an organization of that kind. We should have given it our consideration.

123. But it is quite obvious, and there can be no doubt, that radical changes in the Charter are involved. How, then, can one say, as Mr. Younger says: "But there are no changes — one or two letters in the Charter were upside down, now they will be turned the right way up, a few points were left unsaid, now they will be made explicit." But what does *Newsweek* say? This is what it says: "American policymakers realize that the programme will in effect, if not in name, radically revise the United Nations Charter which places enforcement action within the exclusive jurisdiction of the Security Council."

124. The Cuban representative spoke here and stated that Kelsen said nothing of the kind. To show you that this is not correct I shall read you two passages from Kelsen. In one passage Kelsen says:

"If the General Assembly acts under Article 11, paragraph 2, also the restrictions apply that the question must have been brought before the Assembly in the way determined in Article 11, paragraph 2, and that the question must be referred to the Security Council before any recommendation has been made, if action is necessary."<sup>12</sup>

He also says that "action" may mean only enforcement action. That was confirmed in the First Committee by none other than Mr. Dulles. Enforcement, of course, is the last resort. Further on, Kelsen says:

"This is the specific function which is reserved to the Security Council. In this case, and in this case only, the General Assembly shall make no recommendation but refer the case to the Security Council."<sup>13</sup>

125. I could give you many other quotations of various kinds from Kelsen's book, but I shall not take up your time. I would merely state that the argument of the representative of Cuba, who referred to Kelsen, is completely unfounded. Kelsen in no way recognizes that the General Assembly has power to take that enforcement action which, under the Charter, is reserved to the Security Council. The General Assembly not only has no power but must refer such questions to the Security Council for consideration.

126. I recollect now that in the First Committee, in his very first statement, I believe, Mr. Dulles said that when the Spanish question, after having been considered in the Security Council, was referred to the General Assembly, the Polish delegation, followed by the delegation of the Byelorussian SSR and, finally, by Mr. Gromyko, the representative of the Soviet Union, had demanded that the General Assembly should take a decision on the question and had even insisted on the application of sanctions and the severance of diplomatic relations. Mr. Dulles asked how those delegations could have insisted then that the General Assembly was entitled to take enforcement action, if they now contended that the Assembly had no such right.

<sup>12</sup> See Kelsen, *op. cit.*, page 204.

<sup>13</sup> *Ibid.*, pages 204 and 205.

127. Mr. Dulles was very clumsy on that occasion, for he again distorted the meaning of the text. We base our arguments on the fundamental provision laid down in Article 10 of the Charter, namely, that the General Assembly may discuss and make recommendations on any matters relating to the powers and functions of any organs of the United Nations — and consequently of an organ such as the Security Council — except as otherwise provided.

128. But two exceptions are provided. The first, which applies to all matters, is to be found in Article 12, paragraph 1, which says that when the Security Council is considering these questions or exercising its functions in respect thereof, the General Assembly shall not make any recommendation. The General Assembly may consider such questions but may not make recommendations thereon. The other exception is in the last sentence of Article 11, paragraph 2, which says that if a question which may be considered by the General Assembly calls for enforcement action — the Charter merely says "action", but we all know, and there is no disagreement between us on that point, that this means enforcement action — then it must necessarily be referred to the Security Council.

129. We are asked whether the severance of diplomatic relations is not in fact enforcement action. Of course it is enforcement action, but you forget that when we speak of enforcement action, we connect it with the possibility of using armed forces. Your whole draft resolution — indeed, that is the essence of it — is intended to enable the General Assembly to use armed forces independently of the Military Staff Committee and of the Security Council. Yet Article 41 says that the Security Council may decide what measures are to be employed to give effect to its decisions and may call upon the Members of the United Nations to apply such measures. What measures? They include "interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations". The Security Council is given this right and such measures come or may come within the competence of the General Assembly.

130. But there is a basic reservation, which Mr. Dulles passed over in silence, and that reservation disposes of the matter. It is that the Security Council may decide, and the General Assembly may decide, what measures "not involving the use of armed force" are to be employed. Severance of diplomatic relations is a measure not involving the use of armed force. Interruption of economic relations is an enforcement measure not involving the use of armed force.

131. In order to make the matter clear, I would state my position and the position of our delegation. The General Assembly has the right to consider any question coming within the competence of any organ of the United Nations, including the Security Council, if there is no provision to the contrary in the Charter. But there are two such provisions: in Article 12 and in Article 11, paragraph 2.

132. When we demanded that the General Assembly should not evade the consideration of the Spanish question, for instance, and should decide on the severance of diplomatic relations, we were acting in accordance

with Article 41, because under Article 11 the General Assembly has the right to consider the matter if the action does not involve the use of armed force.

133. But what do you propose in your draft resolution? Do you not propose therein, starting with the preamble and proceeding through the various sections of the operative part, that armed forces should be transferred to the control of the General Assembly? Since Article 11, paragraph 2 also applies, do you not disregard Chapter VII of the Charter where, beginning with Article 43, it is expressly stated that only the Military Staff Committee shall be responsible under the Security Council for the direction of armed forces, and that they may be used only by decision of the Security Council and not of the General Assembly, since Article 11, paragraph 2 also applies?

134. Consequently, can it honestly be said that we deny the General Assembly the right to decide questions relating to the maintenance of peace and security? That is not true; we do not dispute that right. That right is laid down in Articles 10 and 11, since the General Assembly has the right to consider all questions relating to the maintenance of peace and security, and not only questions which do not relate to peace and security. But when the Security Council is considering such questions, then, in accordance with Article 12, the General Assembly may merely consider them and does not have the right to make recommendations; in the same way, when the measures envisaged call for action in the sense of enforcement action, particularly by means of armed forces, the General Assembly can do nothing, since the Charter does not give it the right to act.

135. That is how the matter stands under the law, under the Charter. But in reply to this we are told that we cannot permit the Council to be paralysed. But you say it is paralysed only when you fail to push your decisions through the Security Council. Only then is it "paralysed". But if it accepts your decisions, then it is not paralysed. Thus you wish to turn the Security Council into a tool, to make it an instrument, of your policy. As you are unable to do that with the veto in existence, you attack the veto. But as you are afraid of destroying the veto because, first, you will not succeed in doing so without destroying this Organization, and, secondly, because you yourselves wish to preserve the veto for your own future use, you devise a means whereby you may remain apparently loyal to the Charter and at the same time gain all the advantages of not carrying out its requirements.

136. That is the simple philosophy of your whole policy. And it is idle to attempt to say that nothing is changed here, that the Charter remains as before, that the Security Council remains as before. Nothing remains as before, and in particular the basic principles of the Charter are being thrown on the scrap heap.

137. Consequently we cannot agree to the proposals contained in your draft resolution, which would destroy the Charter and obstruct the Security Council, place it somewhere in the background, remove it from the front line of the struggle for peace and make it possible to carry on that struggle exclusively through the General Assembly where you have a majority, where you are always able to twist any question whichever way you want whether you are acting legally or illegally.



138. I shall go even farther: you act more energetically when you violate the law by your proposals, than you act when you are obliged to observe the law. This is the defect, the basic defect in your draft resolution. We therefore consider that it is our duty, in conscience, and as Members of the United Nations, to insist that such a draft should be rejected, or at least that those parts of the draft which are incompatible with the law by which we must be guided — that is, the Charter — should be amended in the way we have proposed, guided solely by the true interests of our Organization, by respect for the law of our Organization and for its constitution — the Charter.

139. You voted down our suggestions, rejected our proposals regarding section B, which deals with the Interim Committee, and you did not accept certain other amendments we submitted. But when it was a question of setting up the so-called peace observation commission, or peace patrol, then you, the majority, did not wish to admit the USSR and its friends to that commission and wished to establish a one-sided and unrepresentative commission. Mr. Dulles descended to such depths of cynicism as to say that experience showed that the commissions would work better without the participation of the United States and the USSR, although he had previously said that a commission in which the United States participated worked better than one in which the great Powers did not participate. As a result of my subsequent conversations with him we agreed, outside the meeting, that after all the United States could accept the participation of the Soviet Union in such a commission. It agreed to accept that as a result of the heaviest pressure we could exert. And we voted for section B although it contains minor points which are not acceptable to us. Even now we shall vote for this draft resolution, if you alter it and introduce the amendments without which it makes a mockery of the Charter, of our Organization, of our noble and sacred duty, which concerns millions and millions of people — honest and peace-loving people everywhere — the strengthening of peace and the struggle against the growing threat of a new war.

140. The PRESIDENT (*translated from French*): I heard Mr. Dulles' name mentioned so often during the last speech that I wondered whether we were discussing united action for peace or united action for the maintenance of Mr. Dulles. Please do not forget that our Assembly is not a parliament of deputies and senators, but an assembly of nations and that we are, above all, representatives of States. Our status as individuals must give way before our status as representatives of our governments. It therefore seems to me that such personal attacks are not in keeping with the dignity of the General Assembly. The only person whom you may attack here is the President. I hope, however, that you will not construe my remarks as an invitation to do so.

141. Mr. VITTONI (Argentina) (*translated from Spanish*): The Argentine delegation's attitude to the item "United action for peace" is based on the desire to ensure that nations may live in peace and security, with respect for the great principles of international law and under the United Nations Charter.

142. In order that that desire may be fulfilled, it is necessary to establish in the world a juridical order

such that the national communities may make continual progress, a progress inspired and directed by decisions freely taken.

143. As regards the question before us, a number of very important aspects have given rise to discussion: the functions and powers of the main organs of the United Nations, the competence of the General Assembly, the special powers of the Security Council and the question of unanimity among its permanent members. All these questions have been raised and discussed, but in our opinion have not been entirely clarified.

144. Various political points of view have also been strongly expressed. If political action is to be lasting, it must have a solid legal structure. The structure of the law must be based on freedom — that is an unchangeable precept.

145. There can be no human society or civilization without law. The work of the community of nations must be based on the legal organization of international peace, through a system of interdependent powers based on respect for the powers and jurisdiction of others.

146. The Argentine delegation has zealously defended the powers of the most representative organ of the United Nations ever since the San Francisco Conference. We maintain that in order to maintain or restore international peace and security, the General Assembly is empowered to examine as rapidly as the circumstances require any case involving a threat to, or a breach of, the peace, or an act of aggression, with a view to making direct recommendations to the Member States within the limits prescribed by the Charter.

147. That is why the Argentine delegation will vote in favour of sections A, B and E of the first resolution recommended by the First Committee, if they are to be considered separately. We consider that an attempt must be made to halt aggression wherever it may occur. If the Security Council, which, under the Charter, has the right to take action, finds its action paralysed by the veto, it seems to us perfectly right for the General Assembly to study the case in question and make the recommendations which it is empowered to make under Chapter IV of the Charter.

148. As regards section C of the draft resolution, however, it has been argued that the action referred to in Chapter VII of the Charter would be included in the recommendations which the General Assembly is empowered to make. Section C defines, delimits and advocates an action which is the essential and dynamic part of the draft resolution. It has given rise to very serious doubts and objections.

149. It can be said that the General Assembly is competent to deal with the cases referred to in Chapter VII and in Article 11, paragraph 2 of the Charter. No final and incontestable evidence, affirmative or negative, has been advanced in this connexion.

150. Opposing legal theories have been advanced in an effort to establish the competence of the principal organs of the United Nations on the basis of a broad or restrictive interpretation of the Charter. On the other hand, the requirement of unanimity among the permanent members of the Security Council has been interpreted as the primary responsibility of those members and also as a primary obligation in the case of questions

which may be a threat to, or lead to a breach of, the peace.

151. Political reasons determine the special interest of those members in cases of aggression or threat of aggression, but we must bear in mind that the United Nations is founded on the principle of the sovereign equality of all its Members. This is a world organization of States with equal rights, in which States must reach decisions in conformity with the legal structure laid down by the standards prescribed in the Charter. If we believe that the Organization can be improved, we must amend it in accordance with the provisions of the Charter, but we must preserve it from interpretations which may affect its basic functional principles, especially if such interpretations do not express a unanimous view. The questions I have just emphasized have not, for us, been satisfactorily answered by the long and learned statements made here.

152. On the other hand, we welcome with great satisfaction the third draft resolution, originally submitted jointly by Iraq and Syria, which recommends that the permanent members of the Security Council should do their duty and reach agreement in conformity with the letter and spirit of the Charter. That draft resolution reflects the ardent desire of all peoples and opens up a perspective of peace in an uneasy future.

153. The Argentine delegation shares in the belief in the principles underlying the recommendations in sections A, B and E of the first draft resolution submitted by the First Committee, but because of its doubts about sections C and D, which it considers fundamental, it will abstain from voting on the draft resolution as a whole.

154. It will also abstain from voting on the second draft resolution, because of the last paragraph. The Argentine delegation will vote in favour of the third draft resolution submitted by the First Committee in the hope that the United Nations will reach an understanding which will ensure enjoyment of the benefits of peace.

155. Mr. CHAMANDY (Yemen): The purposes for which this first draft resolution has been proposed are no doubt the maintenance of peace and the resistance to aggression. These are sublime and noble aims. For reasons that bear no relation to the principle or the aims of this draft resolution, the Yemen delegation did not participate in the general debate in the First Committee, but watched all developments carefully, listened to all the arguments, seriously considered all the provisions of the draft, and consequently abstained from voting on some paragraphs when the text was put to the vote paragraph by paragraph.

156. Taking into consideration the assurances given by those who have spoken from this rostrum concerning the good will on which this draft resolution is based, we believe that the world at large will benefit from its adoption and believe that for the sake of co-operation it should be given support and appreciation.

157. The Yemen delegation will vote for it as a whole, but, in view of special circumstances, will again abstain on section A and on section C, which provides for the maintenance of special armed units within the national forces.

158. We hope that unity and understanding will prevail among the Members of this Organization so that the world will live in peace and enjoy the benefits of security and well-being.

159. Sir Benegal N. RAU (India): There are three draft resolutions before the Assembly. My delegation has already explained its position with respect to each in the First Committee.

160. As regards the first of the three, we support sections A, B and E.

161. In section A, which deals with the assumption or resumption by the General Assembly of certain functions when the Security Council is deadlocked, we should have preferred a longer notice than twenty-four hours for an emergency session of the General Assembly. Owing to the distance of New Delhi from New York, we should have preferred at least a week's time, and we hope that, at any rate when the emergency is not very pressing, longer notice than twenty-four hours will in fact be given. In section B, we should have preferred to see any reference to the Interim Committee omitted. Neither of these points, however, is so fundamental as to affect our support of these two sections.

162. We wholeheartedly accept section E, particularly that part of it which relates to the development of under-developed areas. In fact, as representatives know, my delegation introduced a draft resolution [A/C.1/598] in the First Committee based on that part of section E — a draft resolution proposing the creation of a United Nations fund for the development of under-developed areas.

163. I now come to section C, the main recommendation of which relates to the maintenance of national units for service under the United Nations upon requisition by the Security Council or the General Assembly. Doubts have been expressed as to whether such a recommendation is consistent with the provisions of the Charter. There are extreme circumstances in which it may be necessary to take action, even in the face of such doubts, as being the lesser of two evils. Is this one of such occasions? We think not.

164. In the first place, the practical benefit of the recommendation in question is dubious, because it is subject to various reservations. The national units are to be available to the United Nations only in accordance with Members' respective constitutional processes and without prejudice to their use in exercise of the right of individual or collective self-defence under Article 51 of the Charter. These are severe limitations, and hence our doubts as to the practical benefit of the recommendation.

165. Our main misgiving, however, is on different grounds. My government considers that this is not the time for stressing the military aspect of the United Nations, important though that aspect may be. We feel that at present we should rather concentrate on improving the machinery of the United Nations for the tasks of peace.

166. It is for this reason that my government is unable to support section C of the draft resolution, or section D, which includes a reference to section C. My delegation will accordingly abstain from voting on these sections, and, since they have been described as the core

of the entire draft resolution, we shall abstain from voting on the draft resolution as a whole.

167. I now come to the second draft resolution before us. For the most part, it repeats the provisions of the Charter, and we shall find no difficulty in supporting it.

168. The third draft resolution is in line with a suggestion which I made in the course of my speech in the General Assembly [286th meeting], and my delegation warmly supports it.

169. Ato Abbebe RETTA (Ethiopia): The Ethiopian delegation had occasion to state its position on the first draft resolution when it was originally submitted to the First Committee. In that Committee, my delegation supported in principle the general lines of the draft. It also voiced its strict adherence to the United Nations Charter and expressed the hope that a common ground might be found for agreement among the permanent members of the Security Council, upon whom rests the whole weight of the Charter.

170. The reason we have asked to speak now is solely in order to indicate our appreciation of sections A, B and C. Arguments have been advanced for and against the draft resolution by two groups of speakers, one group advocating a strict adherence to the Charter, the other requiring a more liberal interpretation of the Charter. My delegation has joined those who, while adhering strictly to the Charter, also feel that something must be done to uphold the basis of the Charter, namely, the maintenance of peace and security.

171. Our support for the first draft resolution is based on the conception that there might be a temporary deadlock in the Security Council, which would render it inactive, but, on the other hand, only until such time as the provisions of Article 43 of the Charter are put into effect. Therefore we support this draft and hope that the application of it will be temporary.

172. We support the second draft resolution because it is a reaffirmation of our strict adherence to the Charter.

173. We support the third draft resolution because it is, as we believe, the correct psychological approach to take to enable the permanent members of the Security Council to find a way to bring the meaning of the Charter into full life for the benefit of all. Some have suggested that the Charter must be interpreted dynamically. We believe that the Charter must be interpreted as being a dynamic instrument, in accordance with its *raison d'être*, which is enunciated in the Preamble and Article 1, paragraph 1; it would then be beyond question from any quarter. This would require adjustment of the Charter, and such adjustment is provided for only under Article 109. We believe that it would save a piecemeal and patchwork amendment, and would expedite that amendment, if the permanent members of the Security Council would consider waiving the rights given them in paragraph 2 of Article 109, so that the amendment could be made as provided for in paragraph 3 of the same article even before the expiration of the time envisaged in the article.

174. While expressing the hope that the permanent members of the Security Council will give priority to the third resolution and, therefore, apply the security measures provided for in Chapter VII of the Charter, thereby rendering unnecessary any need for recourse

to the measures provided in the first text, my delegation supports all three draft resolutions because it believes that they complement each other.

175. Mr. BARANOVSKY (Ukrainian Soviet Socialist Republic) (*translated from Russian*): The delegation of the Ukrainian SSR pointed out during the discussions in the First Committee that the first draft resolution which is now before us had a number of very serious defects. Being anxious to achieve concerted action on so important a question as the defence of peace, the delegation of the Ukrainian SSR supported the amendments submitted by the Soviet Union delegation, which were designed to improve this draft, but most of these amendments were rejected by the First Committee. As a result of this rejection, the First Committee approved a draft resolution which contains serious violations of the Charter.

176. Section A, for instance, widens the powers of the General Assembly at the expense of the rights of the Security Council, thus violating the clear delimitation laid down by the Charter between the functions of the various organs of the United Nations. By virtue of that delimitation, the primary responsibility for the maintenance of peace and security and for the implementation of enforcement measures in the case of any threat to the peace rests with the Security Council, as is stated in Articles 11, 12, 41 and 42 of the Charter.

177. The General Assembly, which under Article 14 can only recommend measures for the peaceful adjustment of any situation, would now have the right, under this resolution, also to recommend measures for enforcement action, including the use of armed force; in other words, the General Assembly would be given functions which belong to the Security Council.

178. In the First Committee, we dwelt at length and in considerable detail on the statements made by the representatives of the United Kingdom, the United States and Australia on that subject. There is therefore no need to revert to their statements, especially as they have repeated their previous arguments at today's meeting of the General Assembly. I shall merely refer to the statements of certain representatives, such as the representative of France, who defended that particular section of the draft resolution.

179. The French representative, Mr. Chauvel, tried to convince us in his statement [299th meeting] that the assignment to the General Assembly of functions relating to the application of enforcement measures did not infringe upon the competence of the Security Council. This, of course, is absurd. To endow any other organ of the United Nations with powers similar to those of the Security Council, as proposed in the draft resolution, is in itself sufficient to deprive the Security Council of its role as the organ primarily responsible for the maintenance of peace and security, because side by side with it there would be another organ possessing the same powers.

180. A number of representatives, including the representative of Cuba, have asserted that although the General Assembly cannot directly take any enforcement measures or give any orders, it can nevertheless recommend such enforcement measures, including the use of armed force. In this connexion they referred to Article 10 of the Charter. We have studied that Article

again. That Article, however, while empowering the General Assembly to discuss any questions within the scope of the Charter or relating to the powers and functions of any organs of the United Nations and to make recommendations on those matters, contains a most important proviso limiting the General Assembly's powers in respect of questions covered by Article 12, that is to say, questions concerning enforcement measures. A reference to the same effect is also made in paragraph 2 of Article 11.

181. We cannot, therefore, agree with the provisions of paragraph 1 in section A of the draft resolution and propose the deletion of the following words relating to the General Assembly: "to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security". We propose that this sentence should be replaced by the following words: "to making appropriate recommendations to maintain or restore international peace and security, it being understood that any such question on which action is necessary shall, in accordance with Article 11 of the Charter, be referred to the Security Council by the General Assembly either before or after discussion".

182. The draft resolution provides that national armed forces, organized as armed units of the United Nations, should be at the disposal not only of the Security Council, but of the General Assembly as well. The delegation of the Ukrainian SSR, like some other delegations, believes that the armed forces essential to the maintenance of international peace and security should be made available by Member States to the United Nations only in accordance with Article 43 of the Charter, under special agreements, and placed not at the disposal of the General Assembly, but exclusively at the disposal of the Security Council.

183. It should be particularly stressed that the use of armed force, as provided for by the Charter, is an enforcement measure to be applied only in the last resort. That is why Article 40 requires the Security Council to demand compliance with measures designed to bring about a peaceful settlement of a dispute before making the recommendations provided for in Articles 41 and 42 for the imposition of economic sanctions, the severance of diplomatic relations and, finally, the use of armed force. Similarly Article 106 requires the great Powers, pending the coming into force of the agreements referred to in Article 43, to consult with one another and, if necessary, with other Members of the United Nations, with a view to such joint action as may be necessary for the purpose of maintaining international peace and security.

184. The representative of Canada, Mr. Pearson, alleged in the First Committee that Article 106 had been intended to apply only to the initial, transitional period, prior to the creation of the Security Council and the Military Staff Committee. He therefore considered that armed forces under direct General Assembly control were now the principal means of maintaining peace. That position, based on the principal of force, as usual reflects the views of the United States delegation, together with which Mr. Pearson is trying to push through the General Assembly a resolution aimed

at establishing United States control over the national forces placed by Member States at the disposal of the United Nations, so that those forces could be used whenever necessary for the execution of United States military plans.

185. We are naturally opposed to the idea that national forces which are organized for service as United Nations units should be made available to the United Nations by any other procedure than that provided for in Article 43 of the Charter, and that they should be used in accordance with General Assembly recommendations. Consequently we shall vote against section C of the draft resolution.

186. Equally unacceptable is the proposed creation of a panel of military experts under the Secretary-General, because that is not part of the Secretary-General's functions under the Charter. Should the appointment of military experts become necessary in the future, that question could be examined by the Military Staff Committee and the Security Council.

187. The Soviet Union has always attached great importance to the principle of the unanimity of the permanent members of the Security Council, which prevents the great Powers from taking separate action dangerous to peace. It is quite obvious that the lack of agreement among the great Powers cannot be replaced by any ballot in the Assembly, even though a majority of the votes is obtained on a particular question. It was rightly pointed out during the discussion that a lasting peace among nations can be achieved only if the great Powers find some common ground and act in concert on fundamental international questions.

188. The lack of such agreement is in itself a threat to peace. That is why the Charter stresses the particular responsibility of the five great Powers for the maintenance of peace. We have drawn attention to this in our previous statements. Whether the world is to enjoy lasting peace or whether the peoples are to be plunged into the horrors of a new war depends primarily on the great Powers, which possess the real strength.

189. Despite all this, the draft resolution recommends a procedure for convening emergency sessions of the General Assembly which is not provided for in the Charter. Under that procedure, the unanimity of the permanent members of the Security Council on the question would no longer be necessary.

190. We are asked to agree that this very important question of convening special emergency sessions of the General Assembly should be decided by any seven members of the Security Council. To justify this obvious violation of the Charter, the United Kingdom representative, Mr. Younger, said that if the Charter could not be made effective by the means originally provided for, then others had to be found within the framework of the Charter. The aim of this latter reference to the Charter was, of course, only to lend some diplomatic decorum to this appeal for the violation of the Charter.

191. We consider that the proposed procedure for the convening of emergency sessions is in flagrant contradiction to Article 20 of the Charter, under which special sessions can be convened only at the request of the Security Council or of the majority of the Members of the United Nations.

192. In view of all these considerations, the delegation of the Ukrainian SSR cannot agree that emergency sessions should be convened at the request of any seven members of the Security Council. It proposes that such sessions should be convened at the request of a majority of the Members of the United Nations or at the request of the Security Council, it being understood that such a request would represent the decision of the whole Security Council, a decision taken with the concurring votes of its permanent members, and not merely by some of its members.

193. Some representatives have alleged that the convening of special emergency sessions is a mere question of procedure which, under Article 27 of the Charter, does not require the unanimity of all the permanent members of the Security Council. We cannot agree with this contention because, under Article 30, the Security Council alone has the right to decide which of the questions within its competence can be regarded as procedural.

194. We are also unable to agree to the provision in the draft resolution for the convening of emergency sessions at twenty-four hours' notice. Several delegations spoke in the First Committee in favour of extending that notice and the same plea was made today by the representative of India. We support the proposal that the notice for the convening of the emergency sessions should be about ten days.

195. It was pointed out during the discussion in the First Committee that the aims underlying the creation of the collective measures committee were very far-reaching. That is precisely what has aroused the misgivings of several delegations. Concealed behind a seemingly innocuous name is a new organ of the United Nations which is to be set up side by side with the Military Staff Committee and is to be given part of its functions. The committee would not only gather and compile information on resources; it would also, under section C of the draft resolution, which is referred to in section D, paragraph 11, make plans for action, that is to say, assume the functions of the Military Staff Committee. That is an obvious violation of Article 46 of the Charter. The delegation of the Ukrainian SSR will therefore vote against this provision in the draft resolution.

196. While repeatedly reaffirming his loyalty to the Charter, the representative of France, Mr. Chauvel, tried yesterday to prove that it would be possible, without violating the Charter, to widen the functions of the General Assembly, to create a collective measures committee and to adopt a draft resolution allowing emergency sessions of the General Assembly to be convened upon the request of any seven members of the Security Council. It would be necessary only to touch up one article of the Charter, to supplement another and to give a new interpretation to a third, and the matter would be settled. What Mr. Chauvel proposes is no less than an amendment of the Charter, no matter how much he tries to present such an amendment under the guise of an innocuous procedural operation. It is common knowledge, however, that the Charter can be amended only in accordance with the procedure laid down in the Charter itself.

197. The representative of the Philippines, General Rómulo, is not deterred by the obvious violations of

the Charter proposed by the draft resolution. Yesterday he even proclaimed with considerable self-assurance and fervour that the arguments in favour of maintaining the inviolability of the Charter should be rejected. The same appeal that we should violate the Charter was repeated today [300th meeting] by the representative of Bolivia. Some representatives, including those of the Philippines and Bolivia, are uncomfortable within the narrow limits of the Charter of the United Nations. They are anxious to widen the Charter and even to break it, if it hinders them from achieving their aims. Such attempts have been made on more than one occasion and we have exposed them.

198. Of course, we have never considered that the Charter could not be modified. We have made statements to that effect, particularly during the discussion of this draft resolution in the First Committee. Obviously the Charter cannot be a stagnant dogma. It must be perfected and adjusted in the light of the changing conditions of United Nations activities. But the Charter, which is the fundamental law of the Organization, or, as it has been called, the "constitution" of the United Nations, cannot be changed at each session of the General Assembly to please the United States delegation or any other group of delegations. It should always be remembered that the Charter is an important international agreement signed and ratified by each Member State of the United Nations in accordance with its constitutional processes, and that cannot be turned into a mere scrap of paper.

199. Consequently we cannot accept the interpretation of the Charter given by General Rómulo, who justifies any amendment by the General Assembly as being a "reasonable interpretation", or introducing "some improvements" or endowing the Charter with "vital force".

200. If any Member or group of Members of the United Nations wish to amend the Charter, if they believe that the time is ripe for such action, if they think it necessary that the powers of the Security Council and the principles on which its activity is based should be reviewed, they must fulfil the requirements of Article 109 of the Charter, which provides that a general conference of the Members of the United Nations shall be held for the purpose of considering any—and I wish to emphasize the word any—alteration of the Charter. Only then will such alterations of the Charter become legal and binding on all Members of the United Nations. Any alterations of the Charter adopted in any other way will, of course, be illegal.

201. Yet it is precisely this requirement of the Charter which the delegations of the United States and its associates wish to circumvent, and that is why they are advocating illegal measures, contrary to the Charter, calculated to destroy the very foundations of the Organization.

202. We have outlined our attitude to this draft resolution. We are not convinced by Mr. Younger's assertion that its adoption would not weaken the United Nations. Statements to that effect are not sufficient—they must be proved. As we have seen, however, Mr. Younger has not even attempted to give any proof because it is impossible to deny the obvious fact that the adoption of the draft resolution in its present form would be a further violation of important provisions

of the Charter and would weaken the United Nations as an instrument for peace.

203. The delegation of the Ukrainian SSR considers that the draft resolution can be rendered acceptable if the provisions which violate the Charter were deleted

and the amendments proposed by the delegation of the Soviet Union included. Consequently, unless the amendments proposed by the USSR delegation are included, we shall vote against the draft resolution.

*The meeting rose at 6.5 p.m.*