

UNESCO - Commissions + Technical Committees - Commission 3/ Committee 1 - 3rd Meeting

1 June 1945
15 June 1945

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3rd

Agenda for Subcommittee III/1/B at
Meeting on June 9, 1945, at 10:30 a.m.

(1) Consideration and action on Statement
by the Delegations of the Four Sponsoring Govern-
ments on the Voting Procedure in the Security
Council.

(2) Consideration of various amendments
referred to Subcommittee III/1/B.

(3) Other business.

June 1, 1945

DETAILED AGENDA
FOR THE CHAIRMAN OF
SUBCOMMITTEE III/1/B

1. Status of Work of the Subcommittee

I think it would be profitable to review the status of the work of Subcommittee III/1/B before proceeding to the business of the meeting.

A. Terms of Reference

The terms of reference of this Subcommittee are as follows:

A "Resolved that the Chairman appoint a sub-committee composed of representatives of the four sponsoring powers and Australia, Cuba, Egypt, The Netherlands, Greece and France which will study with the Rapporteur Chapter VI, Section C, in order to clarify the doubts that have arisen in the course of discussion."
(Summary Report, 10th meeting, Committee III/1, May 18, 1945, Doc. 459, p.5)

B. First Meeting of III/1/B

At the first meeting of Subcommittee III/1/B, May 19, 1945, the following action was taken: (Doc. 481, (English) III/1/B/1.)

A. Procedure

B There was discussion as to the most expeditious manner of proceeding. The necessity for framing a unified list of questions in writing at the earliest possible time was emphasized by the Representative of the United Kingdom. Representatives of other powers expressed a desire for a unified reply from the four sponsoring governments. The Representative of France indicated that France, not having participated in the Yalta agreement, would like to be among those asking questions.

Decision: The Subcommittee agreed (1) that questions will be prepared by members of the Subcommittee other than the sponsoring governments and submitted to the Secretariat by noon.

Monday, May 21; (2) that the Secretariat will sort these questions, eliminate duplicates, and present to the sponsoring governments one document incorporating the remainder (unless the list is a formidable one the Secretariat agreed to present this to the sponsoring governments Tuesday morning); (3) that the sponsoring governments will make a unified, written reply to the questions submitted; and (4) that the Subcommittee will discuss the questions and replies with a view to submitting to Committee III/1 a unified interpretation of Chapter VI, Section C. (Doc 481 English) IV (1/8/1)

"B. Scope of Terms of Reference

After reading the terms of reference the Subcommittee discussed the scope of its terms of reference. Several members desired to raise questions which appeared to go beyond a strict interpretation of such terms of reference. The Representative of the United Kingdom indicated that we should look at the desire of the main Committee, which he believed was to get a clear explanation of the effect of Chapter VI, Section C, as now drafted. He indicated a willingness to make a clarification of Chapter VI, Section C.

Decision: The Subcommittee agreed that questions to be raised might appropriately include those necessary to elucidate the meaning of Section C, Chapter VI, as it would affect the operations of the Security Council."

G. Other Matters referred to this Subcommittee

Committee III/1 has also referred certain other proposed amendments to this Subcommittee as follows:

- (1) The Mexican amendment to paragraph 4, Section D, Chapter VI of the Dumbarton Oaks Proposals;
- (2) The Canadian, Chilean, Ethiopian, Mexican, and Netherlands amendments to paragraph 5, and the Liberian proposed new paragraph 6 of Section D, Chapter VI of the Dumbarton Oaks Proposals.

D. Joint Meeting of Subcommittees III/1/B and III/3/A

In its twelfth meeting May 22, 1945, Committee III/1 decided to postpone discussion of the Canadian amendment to paragraph 4, Section D, Chapter VI until the Subcommittee of Committee III/3 had concluded its report on a similar Canadian amendment before that Committee. The Canadian amendment to paragraph 4, Section D, Chapter VI, as well as the Canadian amendment before Committee III/3 were the subject of discussion at a joint meeting of Subcommittees III/1/B and III/3/A May 31, 1945. At that time the Delegate of Canada stated that he wished to withdraw his amendment to paragraph 4, Section D, Chapter VI. This amendment reads as follows:

"Any member of the United Nations not represented on the Security Council shall be invited to send a representative to sit as a member at any meeting of the Security Council during the consideration of matters specially affecting the interests of that member of The United Nations."

Since this amendment, however, was not technically referred to Subcommittee III/1/B, there is no action that it can take with respect thereto. However, in view of the statement of the Delegate of Canada at the joint meeting of the Subcommittees referred to above, it is assumed that he will withdraw this amendment before Committee III/1 at the appropriate time.

2. Discussion of Questions and Replies in re Section C, Chapter VI of the Dumbarton Oaks Proposals.

This meeting is called for the purpose of discussing the questions to and replies of the sponsoring governments in order to submit to Committee III/1 a unified interpretation of Section C, Chapter VI.

(Here follows appropriate discussion on Questions and Replies)

3. I will now turn to specific amendments referred to this Committee.

(a) Paragraph 4, Section D, Chapter VI of Dumbarton Oaks Proposals

The Mexican amendment (Doc. 360 (English), p. 15; (French), p. 18):

"4. Any member of the Organization should participate in the discussion of any question brought before the Security Council whenever its interests shall be specially affected

by said cusion, it being sufficient for decision that said condition has been fulfilled, that two Members of the Council agree thereto, in addition to the member in question of the Organization."

(b) Paragraph 5, Section D, Chapter VI of Dumbarton Oaks Proposals

(1) It is understood that Canada and the Netherlands with to submit the following newly worded amendment incorporating the original Canadian and Netherlands amendments:

"Any member of the Organization not having a seat on the Security Council if it is a party to a dispute under consideration by the Security Council shall be invited to participate in the discussion relating to the dispute and shall enjoy the same position with regard to discussion and voting as the other party to the dispute. In the case of a non-member of the Organization, the Security Council shall lay down such conditions as it may deem just for the participation of such a non-member in the discussion of a dispute to which it is a party."

(2) Chilean amendment (Doc. 360 (English), p.15; (French), p.18).

"5. Any member of the Organization not having a seat on the Security Council and any State not a member of the Organization should be invited to participate in the discussion relating to a dispute if such member or State is a party to a dispute under consideration by the Security Council, or if, without its being a party to such dispute, the decisions that might be taken thereon would affect it."

(3) Ethiopian amendment (Doc. 360 (English), p. 15; (French), p.18).

"Line 16, after the words 'relating to the dispute' insert the words 'on the same basis as the other party or parties to the dispute.'"

(4) Mexican amendment (Doc. 360 (English), p.15; (French), p.18).

"5. Any member of the Organization not

having a seat on the Security Council and any State not a member of the Organization, if it is a party to a dispute under consideration by the Security Council, should be invited to participate in the discussion relating to the dispute. In order to decide whether this condition has been fulfilled, the procedure provided by the preceding paragraph shall be applied."

- (5) Proposed additional paragraph, Section D, Chapter VI of Dumbarton Oaks Proposals.

Liberian amendment (Doc. 360 (English), p. 16); (French) p. 19).

"The following section should be added or included:

"6. Any member of the Security Council whose Government shall be involved in any dispute or either question arising or pending before that Council should be precluded from participating in decisions taken on such question or in such dispute."

Detailed Agenda For the Chairman of Subcommittee III/1/B

June 1, 45

- (1) Status of Work of the Subcommittee the work of the Sub Committee III/1/B before proceeding to the business of the meeting
- ~~A Chair of the Subcommittee~~ I think it would be profitable to review the status of the Sub Committee III/1/B
- ~~A The terms of reference of this sub committee are as follows:~~
- "Resolved that the Chairman appoint a subcommittee composed of representatives of the four sponsoring powers and Australia, Cuba, Egypt, The Netherlands, Greece and France which will study with The Rapporteur Chapter VI, Section C, in order to clarify the doubts that have arisen in the course of discussion."
- (Summary Report, 10th meeting, Committee III/1, May 17, 1945, Doc. 459, p. 5.)

B First Meeting of III/1/B

- C. At the First Meeting of this Subcommittee, May 19, 1945, the following action was taken: (Doc 481 English III/1/B/1)

[Copy from 481, The two decisions, reached x...x]

proposed amendments to the Committee as follows:

- C. Other matters referred to this Subcommittee (D.O.P.)
- ~~Committee III/1~~ has also referred certain matters:
- (1) The Mexican Amendment to para. 4, Section D, Chapter VI of the,
 - (2) The Canadian, Chilean, Ethiopian, Mexican, and Netherlands Amendments to para. 5, ~~Section D, Chapter VI~~ and the Liberian proposed new paragraph 6 of Section D, Chapter VI of the Dumbarton Oaks Proposals.

~~(For these amendments see Doc. III/1 Secretariat of the Committee)~~

At the joint meeting with Subcommittee III/3/A, May 31, 1945, the following action was taken

- (1) ~~A decision taken by Subcommittee III/3/A approving a substitute amendment for the Canadian amendment to add a paragraph between para. 6 and 7 of Sect. B, Chapter VI, together with~~ Explanations by delegates of the sponsoring Governments concerning para. 4, Section D, Chapter VI of the Dumbarton Oaks Proposals led the

D Joint Meeting of Sub Committees III/1/B & III/3/A

(2)

(Y)

Canadian delegate to announce that his delegation
would withdraw its proposed amendment to that paragraph as
~~the same is not attached~~ follows:
Since this Canadian amendment was not referred
to Subcommittee III/1/B, would the Delegate of Canada care to
withdraw his ^{proposed} amendment to para. 4 Section D, Chapter VI of
the Dumbarton Oaks Proposals ^{at this time so that it can be reported by this}
of Committee III/1? (bundle)

(2) Discussion of Questions and Replies en re Sect. C, Chapter VI
of the Dumbarton Oaks Proposals.

This meeting is called for the purpose of discussing
the questions to and replies of the sponsoring governments

I will now turn to the ~~amendment~~ in order to submit to Committee III/1 a
unified interpretation of Section C, Chapter VI.
(3) ^{referred to the bundle} (Here follows ^{appropriate} discussion on Questions
and Replies)
(4) Paragraph 4, Section D, Chapter VI of Dumbarton Oaks Proposals

The Mexican Amendment (Doc. 360 (English), p. 15; (French), p. 18)

[Copy]

Paragraph 5, Section D, Chapter VI of Dumbarton Oaks Proposals

To be checked (b) (a) It is understood that Canada and the Netherlands wish
to submit the following newly worded amendment incor-
porating the original Canadian and Netherlands
amendment:

[Copy of text passed to Canada, 31/5/45]

(b) (b) Chilean Amendment (Doc. 360 (English), p. 15; (French), p. 18)

[Copy]

(b) (c) Ethiopian Amendment (Doc. 360 (English), p. 15; (French), p. 18)

[Copy]

(4) (X) Mexican Amendment (Doc. 360 (English), p. 15; (French), p. 11)
[copy]

(X) Proposed Additional Paragraph, Section 5, Chapter 21 of
(5) Dominican Oaks Proposals.

Liberian Amendment (Doc. 360 (English), p. 16; (French), p. 19)

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Restricted

SUMMARY REPORT OF THIRD MEETING OF SUBCOMMITTEE III/1/B
Veterans Building, Room 314, June 8, 1945, 11:25 a. m.

The meeting was called to order by the Chairman at 11:25 a.m.

I. Statement by the Delegations of the Four Sponsoring Governments on the Voting Procedure in the Security Council

Decision (without a vote): (1) To circulate the Statement together with a covering letter from Mr. John Sofianopoulos, Chairman of Committee III/1 to all members of Committee III/1; (2) To give out these documents and the 23 questions asked of the Sponsoring Governments (WD 13) to the Press.

II. Discussion of Procedure

The whole meeting was devoted to a discussion of whether "The Statement" should be referred immediately to the full Committee for action at the earliest possible time, or should be studied by the Subcommittee with a view to making a report to Committee III/1.

Delegates of the U.K. and U.S.A., emphasizing the achievement of an unanimous agreement among the Sponsoring Powers, insisted that "The Statement" should be transmitted at once to the full Committee for a meeting tomorrow (Saturday), because (1) this procedure would expedite the work of the Committee; (2) the task of this Subcommittee had been performed since the Sponsoring Powers had reached a unified interpretation of the voting formula; and (3) to delay a Committee meeting would create an unfavorable impression on the public whose keen interest had been aroused. The Chinese Delegate, concurring in the need to bring the matter quickly before the Committee, suggested, however, that the meeting of Committee III/1 might be held on Monday.

Those in opposition (Australia, Netherlands, El Salvador, and Egypt) while agreeing on the importance and urgency of the question, made their plea for Subcommittee discussion on the basis of the terms of reference (10th Meeting, Committee III/1, Doc. 459, p.5: "to clarify the doubts that have arisen in the course of discussion"), and upon the decisions taken at the first meeting of the Subcommittee, especially "(4) that the Subcommittee will discuss the questions and replies with a view to submitting to Committee III/1 a unified interpretation of Chapter VI, Section

G." (Doc. 481, III/1/B/1, p.2). Also they felt that Subcommittee study of the document and a report to the Committee might in the end save time.

A compromise was worked out to hold another Subcommittee meeting for discussion of "The Statement" and also to hold a Committee meeting as soon afterward as possible.

Decision (without a vote): To meet at 10:30 a.m. or some appropriate time in the morning, June 9, and to convey to the Chairman of Committee III/1 the sense of the meetings concerning the procedure to be followed in handling the Statement of the Delegations of the Sponsoring Governments.

The meeting was adjourned at 1:05 p.m.

SUMMARY REPORT OF THIRD MEETING OF SUBCOMMITTEE III/1/B

Veterans Building, Room 314, June 8, 1945, 11:25 a. m.

The meeting was called to order by the Chairman at 11:25 a.m.

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Decision (without a vote): (1) To circulate the Statement together with a covering letter from Mr. John Sofianopoulos, Chairman of Committee III/1, to all members of Committee III/1; (2) to recommend to the Chairman of Committee III/1 that he release to the press the Statement with covering letter as well as the 23 questions asked of the Sponsoring Governments (WD 13).

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Those in opposition (Australia, Netherlands, El Salvador, and Egypt), while agreeing on the importance and urgency of the question, made their plea for Subcommittee discussion on the basis of the terms of reference (10th Meeting, Committee III/1, Doc. 459, p.5: "to clarify the doubts that have arisen in the course of discussion"), and upon the decisions taken at the first meeting of the Subcommittee, especially "(4) that the Subcommittee will discuss the questions and replies with a view to submitting to Committee III/1 a unified interpretation of Chapter VI, Section

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A compromise was worked out to hold another Subcommittee meeting for discussion of the Statement and also to hold a Committee meeting as soon thereafter as possible.

Decision (without a vote): To meet at 10:30 a.m. or some appropriate time in the morning, June 9, and to convey to the Chairman of Committee III/1 the sense of the meeting concerning the procedure to be followed in handling the Statement of the Delegations of the Sponsoring Governments.

The meeting was adjourned at 1:05 p.m.

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Those in opposition (Australia, Netherlands, El Salvador, and Egypt), while agreeing on the importance and urgency of the question, made their plea for Subcommittee discussion on the basis of the terms of reference (10th Meeting, Committee III/1, Doc. 459, p.5: "to clarify the doubts that have arisen in the course of discussion"), and upon the decisions taken at the first meeting of the Subcommittee, especially "(4) that the Subcommittee will discuss the questions and replies with a view to submitting to Committee III/1 a unified interpretation of Chapter VI, Section

C." (Doc. 481, III/1/B/1, p.2). Also they felt that Subcommittee study of the document and a report to the Committee might in the end save time.

A compromise was worked out to hold another Subcommittee meeting for discussion of the Statement and also to hold a Committee meeting as soon thereafter as possible.

Decision (without a vote): To meet at 10:30 a.m. or some appropriate time in the morning, June 2, and to convey to the Chairman of Committee III/1 the sense of the meeting concerning the procedure to be followed in handling the Statement of the Delegations of the Sponsoring Governments.

The meeting was adjourned at 1:05 p.m.

June 7, 1945

STATEMENT BY THE DELEGATIONS OF THE FOUR SPONSORING
GOVERNMENTS ON VOTING PROCEDURE IN THE SECURITY COUNCIL

Specific questions covering the voting procedure in the Security Council have been submitted by a Sub-Committee of the Conference Committee on Structure and Procedures of the Security Council to the Delegations of the four Governments sponsoring the Conference--the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China. In dealing with these questions, the four Delegations desire to make the following statement of their general attitude towards the whole question of unanimity of permanent members in the decisions of the Security Council.

I

1. The Yalta voting formula recognizes that the Security Council, in discharging its responsibilities for the maintenance of international peace and security, will have two broad groups of functions. Under Chapter VIII, the Council will have to make decisions which involve its taking direct measures in connection with settlement of disputes, adjustment of situations likely to lead to disputes, determination of threats to the peace, removal of threats to the peace, and suppression of breaches of the peace. It will also have to make decisions which do not involve the taking of such measures. The Yalta formula provides that the second of these two groups of decisions will be governed by a procedural vote--that is, the vote of any seven members. The first group of decisions will be governed by a qualified vote--that is, the vote of seven members, including the concurring votes of the five permanent members, subject to the proviso that in decisions under Section A and a part of Section C of Chapter VIII parties to a dispute shall abstain from voting.

2. For example, under the Yalta formula a procedural vote will govern the decisions made under the entire Section D of Chapter VI. This means that the Council will, by a vote of any seven of its members, adopt or alter its rules of procedure; determine the method of selecting its President; organize itself in such a way as to be able to function continuously; select the times and places of its regular and special meetings; establish such bodies or agencies as it may deem necessary for the performance of its functions; invite a member of the Organization not represented on the Council to participate in its discussions when that Member's interests are specially affected; and

invite

invite any state when it is a party to a dispute being considered by the Council to participate in the discussion relating to that dispute.

3. Further, no individual member of the Council can alone prevent consideration and discussion by the Council of a dispute or situation brought to its attention under paragraph 2, Section A, Chapter VIII. Nor can parties to such dispute be prevented by these means from being heard by the Council. Likewise, the requirement for unanimity of the permanent members cannot prevent any member of the Council from reminding the members of the Organization of their general obligations assumed under the Charter as regards peaceful settlement of international disputes.

4. Beyond this point, decisions and actions by the Security Council may well have major political consequences and may even initiate a chain of events which might, in the end, require the Council under its responsibilities to invoke measures of enforcement under Section B, Chapter VIII. This chain of events begins when the Council decides to make an investigation, or determines that the time has come to call upon states to settle their differences, or makes recommendations to the parties. It is to such decisions and actions that unanimity of the permanent members applies, with the important proviso, referred to above, for abstention from voting by parties to a dispute.

5. To illustrate: in ordering an investigation, the Council has to consider whether the investigation--which may involve calling for reports, hearing witnesses, dispatching a commission of inquiry, or other means--might not further aggravate the situation. After investigation, the Council must determine whether the continuance of the situation or dispute would be likely to endanger international peace and security. If it so determines, the Council would be under obligation to take further steps. Similarly, the decision to make recommendations, even when all parties request it to do so, or to call upon parties to a dispute to fulfill their obligations under the Charter, might be the first step on a course of action from which the Security Council could withdraw only at the risk of failing to discharge its responsibilities.

6. In appraising the significance of the vote required to take such decisions or actions, it is useful to make comparison with the requirements of the League Covenant with reference to decisions of

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the League Council. Substantive decisions of the League of Nations Council could be taken only by the unanimous vote of all its members, whether permanent or not, with the exception of parties to a dispute under Article XV of the League Covenant. Under Article XI, under which most of the disputes brought before the League were dealt with and decisions to make investigations taken, the unanimity rule was invariably interpreted to include even the votes of the parties to a dispute.

7. The Yalta voting formula substitutes for the rule of complete unanimity of the League Council a system of qualified majority voting in the Security Council. Under this ~~system~~ non-permanent members of the Security Council individually would have no "veto". As regards the permanent members, there is no question under the Yalta formula of investing them with a new right, namely, the right to veto, a right which the permanent members of the League Council always had. The formula proposed for the taking of action in the Security Council by a majority of seven would make the operation of the Council less subject to obstruction than was the case under the League of Nations rule of complete unanimity.

8. It should also be remembered that under the Yalta formula the five major powers could not act by themselves, since even under the unanimity requirement any decisions of the Council would have to include the concurring votes of at least two of the non-permanent members. In other words, it would be possible for five non-permanent members as a group to exercise a "veto". It is not to be assumed, however, that the permanent members, any more than the non-permanent members, would use their "veto" power wilfully to obstruct the operation of the Council.

9. In view of the primary responsibilities of the permanent members, they could not be expected, in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they had not concurred. Therefore, if majority voting in the Security Council is to be made possible, the only practicable method is to provide, in respect of non-procedural decisions, for unanimity of the permanent members plus the concurring votes of at least two of the non-permanent members.

10. For all these reasons, the four sponsoring Governments agreed on the Yalta formula and have presented it to this Conference as essential if an international organization is to be created through which all peace-loving nations can effectively discharge their common responsibilities for the maintenance of international peace and security.

II

In the light of the considerations set forth in Part 1 of this statement, it is clear what the answers to the questions submitted by the Subcommittee should be, with the exception of Question 19. The answer to that question is as follows:

1. In the opinion of the Delegations of the Sponsoring Governments, the Draft Charter itself contains an indication of the application of the voting procedures to the various functions of the Council.

2. In this case, it will be unlikely that there will arise in the future any matters of great importance on which a decision will have to be made as to whether a procedural vote would apply. Should, however, such a matter arise, the decision regarding the preliminary question as to whether or not such a matter is procedural must be taken by a vote of seven members of the Security Council, including the concurring votes of the permanent members.

Commission III
Committee 1

Advance Progress Report

Third Meeting of Subcommittee III/1/B
Room 314, Veterans Bldg., June 8, 1946 at 11:25 a.m.

I. The meeting was called for "consideration and action on Statement by the Delegations of the Four Sponsoring Governments on the Voting Procedure in the Security Council."

Decision (without a vote); (1) To circulate the Statement together with a covering letter from Mr. John Sofianopoulos, Chairman of Committee III/1 to all members of Committee III/1; (2) To give out these documents and the 23 questions asked of the Sponsoring Governments (WD 13) to the Press.

II. Discussion of procedure:

The whole meeting was devoted to a discussion of whether "The Statement" should be referred immediately to the full Committee for action at the earliest possible time, or should be studied by the Subcommittee with a view to making a report to Committee III/1.

Delegates of the U.K. and U.S.A., emphasizing the achievement of an unanimous agreement among the Sponsoring Powers, insisted that "The Statement" should be transmitted at once to the full Committee for a meeting tomorrow (Saturday), because (1) this procedure would expedite the work of the Committee; (2) the task of this Subcommittee had been performed since the Sponsoring Powers had reached a unified interpretation of the voting formula; and (3) to delay a Committee meeting would create an unfavorable impression on the public whose keen interest had been aroused. The Chinese Delegate, concurring in the need to bring the matter quickly before the Committee, suggested, however, that the meeting of Committee III/1 might be held on Monday.

Those in opposition (Australia, Netherlands, El Salvador, and Egypt) while agreeing on the importance and urgency of the question, made their plea for Subcommittee discussion on the basis of the terms of reference (10th Meeting, Committee III/1, Doc. 459, p.5: "to clarify the doubts that have arisen in the course of discussion"), and upon the decisions taken at the first meeting of the Subcommittee, especially "(4) that the Subcommittee will discuss the questions and replies with a view to submitting to Committee III/1 a unified interpretation of Chapter VI, Section

G." (Doc. 481, III/1/B/1, p.2). Also they felt that Subcommittee study of the document and a report to the Committee might in the end save time.

A compromise was worked out to hold another Subcommittee meeting for discussion of "The Statement" and also to hold a Committee meeting as soon afterward as possible.

Decision (without a vote): To meet at 10:30 a.m. or some appropriate time in the morning, June 9, and to convey to the Chairman of Committee III/1 the sense of the meeting concerning the procedure to be followed in handling the Statement of the Delegations of the Sponsoring Governments.

The meeting was adjourned at 1:05 p.m.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Restricted

Summary Report of Third Meeting of Subcommittee

III/1/B

Veterans Building, Room B14, June 8, 1945, 11:25 A.M.

The meeting was called to order by the
Chairman at 11:25 A.M.

I. Statement by the Delegation of the Four sponsoring Governments
on the Voting Procedure in Security Council

M. T. Blair
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THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION


doubts that have arisen in the course of discussion") and upon the decisions taken at the first meeting of the Subcommittee, especially "(4) that the Subcommittee will discuss the questions and replies with a view to submitting to Committee III/1 a unified interpretation of Chapter VI, Section C." (Doc. 481, III/1/B/1, p. 2). Also they felt that ^{Subcommittee} ~~time for study~~ of the document and a report to the Committee might be ~~in the end save time~~ -

~~A compromise position was reached which implied~~
of the U.K. and U.S.A., emphasizing the achievement of ~~an~~ ^{substantive} ~~agreement~~ among the ~~Sponsoring Powers~~ ^{transmittal} ~~to the~~
Delegates insisted that the Statement should go to the ~~full Committee~~ ^{for a preliminary session (Saturday)} ~~to be because~~ (1) this

- procedure would expedite the work of the Committee; ~~and~~
(2) since the ~~great~~ Sponsoring Powers had reached a unified ~~decision~~ ^{interpretation} of the voting formula; ~~and~~
the ~~work~~ ^{task} of this Subcommittee ~~had been~~ ^{in progress} performed ~~and~~
(3) to delay a Committee meeting ~~would be to put on a~~ ^{would create an} ~~most important question~~ ^{unfavorable} ~~would~~ ^{first} ~~cause give rise to a~~ ^{impression} ~~create an~~ ^{impression} ~~unfavorable~~ ^{impression} on the public which ~~has been~~ ^{had been} ~~whose interest~~ ^{had been aroused}. The Chinese Delegate, concerning in the need to bring the matter quickly before the Committee, suggested however, that ~~the~~ meeting of Committee III/1 might be held on Monday.

Decision (without a vote) to meet at 10:30 a.m. on some appropriate time in the morning, ~~and to convey to the Chairman of Committee III/1 the sense of the meeting concerning the procedure to be followed in handling the Statement of the Delegation of the Sponsoring Governments~~

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

 A compromise ~~point~~ was worked out ~~to~~
to hold another Subcommittee meeting for discussion
of "The Statement" and also to hold a Committee meeting
as soon as feasible as possible.

ME

UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

FOR THE PRESS

JUNE 7, 1945
No. 214

STATEMENT TO THE STEERING COMMITTEE OF THE CONFERENCE,
THURSDAY, JUNE 7, 1945, BY THE HONORABLE EDWARD R.
STETTINIUS, JR., SECRETARY OF STATE AND CHAIRMAN OF THE
DELEGATION OF THE UNITED STATES.

Consultations among the four sponsoring powers and France have resulted in agreement on the provisions for voting in the Security Council.

The agreement reached preserves the principle of the unanimity of the permanent members of the Council in all actions taken by the Council, while at the same time assuring freedom of hearing and discussion in the Council before action is taken. We believe both are essential to the success of the World Organization.

Under the terms of the agreement, unanimity of the permanent members of the Council is required as provided by the Crimea Agreement in all decisions relating to enforcement action and -- except as to parties to disputes -- in all decisions for peaceful settlement. But this requirement of unanimity does not apply to the right of any nation to bring a dispute before the Council as provided by paragraph 2, section A, Chapter VIII, and no individual member of the Council can alone prevent a consideration and discussion by the Council of a dispute or situation thus brought to its attention.

The successful conclusion of discussions on this matter among the four sponsoring powers and France offers a new and heartening proof of the will and ability of the allied nations which have fought side by side in the war to construct, upon the strong foundation of their wartime collaboration, a workable and effective and lasting peace in which they will labor together with mutual understanding and a common purpose.

The same spirit which has now been so effectively demonstrated by the powers which have taken part in these conversations will, I feel certain, motivate the entire Conference and make possible the speedy and successful conclusion of its task in which I have always had an unswerving faith and confidence.

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June 7, 1945

STATEMENT BY THE DELEGATIONS OF THE FOUR SPONSORING
GOVERNMENTS ON VOTING PROCEDURE IN THE SECURITY COUNCIL

Specific questions covering the voting procedure in the Security Council have been submitted by a Sub-Committee of the Conference Committee on Structure and Procedures of the Security Council to the Delegations of the four Governments sponsoring the Conference--the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China. In dealing with these questions, the four Delegations desire to make the following statement of their general attitude towards the whole question of unanimity of permanent members in the decisions of the Security Council.

I

1. The Yalta voting formula recognizes that the Security Council, in discharging its responsibilities for the maintenance of international peace and security, will have two broad groups of functions. Under Chapter VIII, the Council will have to make decisions which involve its taking direct measures in connection with settlement of disputes, adjustment of situations likely to lead to disputes, determination of threats to the peace, removal of threats to the peace, and suppression of breaches of the peace. It will also have to make decisions which do not involve the taking of such measures. The Yalta formula provides that the second of these two groups of decisions will be governed by a procedural vote--that is, the vote of any seven members. The first group of decisions will be governed by a qualified vote--that is, the vote of seven members, including the concurring votes of the five permanent members, subject to the proviso that in decisions under Section A and a part of Section C of Chapter VIII parties to a dispute shall abstain from voting.

2. For example, under the Yalta formula a procedural vote will govern the decisions made under the entire Section D of Chapter VI. This means that the Council will, by a vote of any seven of its members, adopt or alter its rules of procedure; determine the method of selecting its President; organize itself in such a way as to be able to function continuously; select the times and places of its regular and special meetings; establish such bodies or agencies as it may deem necessary for the performance of its functions; invite a member of the Organization not represented on the Council to participate in its discussions when that Member's interests are specially affected; and

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invite any state when it is a party to a dispute being considered by the Council to participate in the discussion relating to that dispute.

3. Further, no individual member of the Council can alone prevent consideration and discussion by the Council of a dispute or situation brought to its attention under paragraph 2, Section A, Chapter VIII. Nor can parties to such dispute be prevented by these means from being heard by the Council. Likewise, the requirement for unanimity of the permanent members cannot prevent any member of the Council from reminding the members of the Organization of their general obligations assumed under the Charter as regards peaceful settlement of international disputes.

4. Beyond this point, decisions and actions by the Security Council may well have major political consequences and may even initiate a chain of events which might, in the end, require the Council under its responsibilities to invoke measures of enforcement under Section B, Chapter VIII. This chain of events begins when the Council decides to make an investigation, or determines that the time has come to call upon states to settle their differences, or makes recommendations to the parties. It is to such decisions and actions that unanimity of the permanent members applies, with the important proviso, referred to above, for abstention from voting by parties to a dispute.

5. To illustrate: in ordering an investigation, the Council has to consider whether the investigation--which may involve calling for reports, hearing witnesses, dispatching a commission of inquiry, or other means--might not further aggravate the situation. After investigation, the Council must determine whether the continuance of the situation or dispute would be likely to endanger international peace and security. If it so determines, the Council would be under obligation to take further steps. Similarly, the decision to make recommendations, even when all parties request it to do so, or to call upon parties to a dispute to fulfill their obligations under the Charter, might be the first step on a course of action from which the Security Council could withdraw only at the risk of failing to discharge its responsibilities.

6. In appraising the significance of the vote required to take such decisions or actions, it is useful to make comparison with the requirements of the League Covenant with reference to decisions of

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the League Council. Substantive decisions of the League of Nations Council could be taken only by the unanimous vote of all its members, whether permanent or not, with the exception of parties to a dispute under Article XV of the League Covenant. Under Article XI, under which most of the disputes brought before the League were dealt with and decisions to make investigations taken, the unanimity rule was invariably interpreted to include even the votes of the parties to a dispute.

7. The Yalta voting formula substitutes for the rule of complete unanimity of the League Council a system of qualified majority voting in the Security Council. Under this system, non-permanent members of the Security Council individually would have no "veto". As regards the permanent members, there is no question under the Yalta formula of investing them with a new right, namely, the right to veto, a right which the permanent members of the League Council always had. The formula proposed for the taking of action in the Security Council by a majority of seven would make the operation of the Council less subject to obstruction than was the case under the League of Nations rule of complete unanimity.

8. It should also be remembered that under the Yalta formula the five major powers could not act by themselves, since even under the unanimity requirement any decisions of the Council would have to include the concurring votes of at least two of the non-permanent members. In other words, it would be possible for five non-permanent members as a group to exercise a "veto". It is not to be assumed, however, that the permanent members, any more than the non-permanent members, would use their "veto" power wilfully to obstruct the operation of the Council.

9. In view of the primary responsibilities of the permanent members, they could not be expected, in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they had not concurred. Therefore, if majority voting in the Security Council is to be made possible, the only practicable method is to provide, in respect of non-procedural decisions, for unanimity of the permanent members plus the concurring votes of at least two of the non-permanent members.

10. For all these reasons, the four sponsoring Governments agreed on the Yalta formula and have presented it to this Conference as essential if an international organization is to be created through which all peace-loving nations can effectively discharge their common responsibilities for the maintenance of international peace and security.

II

In the light of the considerations set forth in Part I of this statement, it is clear what the answers to the questions submitted by the Subcommittee should be, with the exception of Question 19. The answer to that question is as follows:

1. In the opinion of the Delegations of the Sponsoring Governments, the Draft Charter itself contains an indication of the application of the voting procedures to the various functions of the Council.

2. In this case, it will be unlikely that there will arise in the future any matters of great importance on which a decision will have to be made as to whether a procedural vote would apply. Should, however, such a matter arise, the decision regarding the preliminary question as to whether or not such a matter is procedural must be taken by a vote of seven members of the Security Council, including the concurring votes of the permanent members.