

# ARTICLE 11

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## TEXT OF ARTICLE 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

## INTRODUCTORY NOTE

1. Article 11 contains provisions specifying the competence and powers of the General Assembly with regard to matters concerning the maintenance of international peace and security. The powers granted to the General Assembly by Article 11, paragraphs 1 and 2, are powers of consideration, discussion and recommendation.

2. Paragraph 1 empowers the General Assembly to consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and to make recommendations to: (a) the Members of the United Nations; or (b) the Security Council; or (c) the Members of the United Nations and the Security Council.

3. Paragraph 2 delimits the competence of the General Assembly with regard to questions relating to the maintenance of international peace and security.

4. The General Assembly may discuss any such question submitted by: (a) a Member of the United Nations; (b) the Security Council; (c) a non-member State. The non-member State must, however, accept in advance, in accordance with the provisions of Article 35 (2), the obligations of pacific settlement provided in the Charter.

5. The General Assembly is authorized further to make recommendations with regard to any question relating to the maintenance of international peace and security, except as stipulated in Article 12, that is to say, the General Assembly cannot make a recommendation if the Security Council is exercising the functions assigned to it by the Charter with regard to that question, unless the Security Council should request the General Assembly to make a recommendation.

6. The General Assembly is under the obligation to refer, either before or after discussion, to the Security Council "any such question on which action is necessary".
7. The General Assembly may make its recommendations under paragraph 2 to: (a) the State or States concerned; (b) the Security Council; (c) the State or States concerned and the Security Council. The State concerned may be a Member of the United Nations or a non-Member State. Of all Articles dealing with the functions and powers of the General Assembly, it is only Article 11 (2) that expressly mentions States which are not Members of the United Nations in connexion with recommendations of the General Assembly.
8. By paragraph 3 the Assembly is authorized to call the attention of the Security Council to situations which are likely to endanger international peace and security. 1/ Under the provision of paragraph 4 the powers of the General Assembly set forth in Article 11 "shall not limit the general scope of Article 10".
9. Three main questions have arisen in connexion with Article 11 in the proceedings of the General Assembly concerning matters bearing upon the maintenance of international peace and security. One of these has been the relationship between the responsibilities of the General Assembly and the primary responsibility conferred on the Security Council by Article 24 in order to "ensure prompt and effective action by the United Nations". A second question arising in the same connexion has concerned the meaning and scope of the last provision of Article 11 (2). A third question has been the extent of the competence and powers of the General Assembly with regard to questions "on which action is necessary".
10. These three questions are different facets of the fundamental question of the delimitation of functions and powers assigned by the Charter to the General Assembly and the Security Council on matters concerning the maintenance of international peace and security. The fact, however, that either in the text of proposals or resolutions or in the constitutional discussion relating thereto particular emphasis has been placed on one or the other of these three inter-related issues, warrants the separate treatment given to each of them in the Analytical Summary of Practice.
11. The resolutions selected to illustrate the practice of the General Assembly in connexion with these three questions are indicated under the questions discussed. They have been chosen because of the significance of their provisions, their legislative history and the amount of constitutional discussion involved in the proceedings. In accordance with the general principles applied in the preparation of the Repertory, the reference to such resolutions in this study does not imply any pronouncement either on the question of the Charter authority under which the Assembly acted in their adoption or, in particular, on the question of whether the Assembly adopted them under Article 11, unless expressly so stated in the resolution.

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1/ In resolution 181 (II) concerning the future government of Palestine, the General Assembly requested the Security Council to consider "if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace" and "to determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution". The provision of Article 11 (3) was, however, not expressly invoked or referred to in this or any other resolution of the General Assembly. For the constitutional discussion concerning resolution 181 (II); see also in this Repertory under Article 14.

12. Since in most cases the same resolution is significant for more than one of the questions examined, and, on the other hand, several resolutions are of significance for the same question, the following method has been adopted in order to avoid duplication in so far as possible: the material containing information on the genesis of each resolution is presented separately from the material summarizing the constitutional discussion relating thereto. The latter has been broken up for treatment under the relevant questions, while the former has been treated as a unit. Thus, a précis of the history of each resolution will be found only in one place, that is to say, under the question in connexion with which the resolution is first mentioned, while relevant constitutional discussion connected with the same resolution may appear under two or even the three questions analysed in the Analytical Summary of Practice. The full text of the resolutions is included in annex III. <sup>2/</sup>

13. The General Survey consists of (a) two tabulations, prepared in accordance with the criteria stated in paragraphs 17 and 18, and which, in the present study, are appended as annexes I and II; (b) an indication of the addressees of recommendations of the General Assembly; and (c) a brief review of the practice of the General Assembly with respect to disarmament and the regulation of armaments, with a tabulation of the relevant positive and negative decisions appended as annex III. <sup>3/</sup> As indicated in the General Survey, the annexes are prepared solely to give a general view of the range and types of action of the General Assembly bearing upon Article 11. <sup>4/</sup> Consequently, no special constitutional significance should be attached to them.

14. Most of the resolutions, the provisions of which have been summarized in the tabulation contained in annex II, are not treated in the Analytical Summary of Practice; in some cases, because no constitutional questions were involved, although incidental references to Article 11 and other Articles may have been made in the proceedings, and in other cases because the main questions involved are relevant to other Articles. Thus, for instance, decisions concerning the Tunisian question and the question of Morocco, where constitutional discussion centred mainly on the provisions of Article 2 (7), and decisions in connexion with the problem of the independence of Korea with regard to which Article 107 was the subject of constitutional discussion, are treated under those Articles.

## I. GENERAL SURVEY

### A. Criteria applied in the preparation of annexes I and II

15. In most cases the resolutions of the General Assembly listed in annex II have not contained express reference to any Article. Nor are such references often found in applications to place a specific item on the agenda of the General Assembly. Moreover, Article 11 has frequently been invoked in the proceedings not alone but together with Article 10, which enables the Assembly to discuss any matters "within the scope of the present Charter" and to make recommendations on any such matters except as provided in Article 12. Furthermore, the terms of Article 11 (1) are closely akin to the terms of Article 13 (1) (a): these Articles have often been jointly invoked in the proceedings of the Assembly, as have been Articles 11 and 14.

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<sup>2/</sup> See also paragraphs of resolution 193 A (III) included in footnote 138, below.

<sup>3/</sup> For the decisions of the Security Council in connexion with disarmament and the regulation of armaments see, in this Repertory, under Article 26.

<sup>4/</sup> See also in this Repertory under Articles 10 and 14 for other resolutions relating primarily to those Articles but also having some relation to Article 11.

16. The above shows clearly the impracticability of attempting to classify the decisions of the General Assembly under particular Articles of the Charter. The tabulation of agenda items included in annex I should therefore not be regarded as implying any conclusion as to the classification of such items and still less as implying that the resolutions adopted by the Assembly under those agenda items, resolutions from which the tabulation of provisions contained in annex II is drawn, necessarily constitute an application of Article 11. Both tabulations have been compiled merely for convenience of presentation, in order to enable the reader to have an over-all view of the range and types of action of the General Assembly bearing upon the provisions of Article 11.

17. The criteria applied in the preparation of the list of agenda items which appears in annex I, have been the following:

The list comprises:

(a) agenda items expressly or implicitly brought before the General Assembly under Article 11;

(b) agenda items in connexion with which the General Assembly took decisions with express or implicit reference to Article 11; and

(c) other agenda items which, although not meeting the above conditions, seem, because of their subject-matter and in the light of the relevant proceedings, to be either in whole or in their major part, more closely related to Article 11 than to any other Article concerned with the functions and powers of the General Assembly.

18. The resolutions of the General Assembly taken into account for the tabulation of provisions contained in annex II have been those which the Assembly adopted in connexion with the agenda items included in annex I.

#### B. Addressees of recommendations of the General Assembly

19. The practice of the General Assembly with regard to the addressees 5/ of its recommendations may be summarized as indicated in the following two paragraphs.

20. The General Assembly has addressed recommendations, in its resolutions relating to the general principles of co-operation in the maintenance of international peace and security, to Members 6/ of the United Nations and to the Security Council. 7/ In its resolutions relating to the principles governing disarmament and regulation of armaments, recommendations have been addressed not only to specific Members or to all Members 8/ of the United Nations, or to the Security Council, 9/ or to both, 10/ but also to Members and non-members 11/ of the United Nations simultaneously.

5/ See paras. 2 and 7, above.

6/ G A resolution 268 D (III).

7/ G A resolution 269 B (III).

8/ G A resolutions 191 (III), 299 (IV), 300 (IV) and 715 (VIII).

9/ G A resolutions 42 (I) and 192 (III).

10/ G A resolutions 41 (I) and 300 (IV).

11/ In this connexion the General Assembly addressed its recommendations to "every nation" (resolutions 290 (IV) and 380 (V)); to "all nations" (resolutions 192 (III) and 299 (IV)); and to "Governments" (resolution 299 (IV)).

21. In resolutions relating to the maintenance of international peace and security, recommendations have been addressed by the General Assembly as follows: to specific Members 12/ of the United Nations or to all Members 13/ of the United Nations; to specific non-members 14/ or to non-members 15/ generally; to Members of the United Nations and non-members 16/ simultaneously. A recommendation has been addressed by the General Assembly to a Government 17/ not represented in the United Nations. The General Assembly has also addressed its recommendations to the Security Council, 18/ or to certain States concerned and the Security Council. 19/

### C. The practice of the General Assembly with respect to disarmament and the regulation of armaments

22. Under the provisions of Article 11, the General Assembly is authorized to consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments. In this General Survey the relevant resolutions of the General Assembly are examined with a view to presenting a brief statement of the modalities whereby the Assembly has sought to discharge its functions in this sphere. While refraining from entering into any analysis of the substantive content of these resolutions, the General Survey indicates the constitutional forms envisaged therein for the implementation of Article 11 with respect to disarmament.

23. The efforts of the United Nations with respect to disarmament and the regulation of armaments were initiated by two decisions of the General Assembly adopted at its first session, resolutions 1 (I) and 41 (I).

24. The first resolution concerned the solution of the problems raised by the discovery of atomic energy. The second, entitled "Principles governing the general regulation and reduction of armaments", made recommendations to the Security Council concerning the formulation of practical measures for the general regulation and reduction of armaments in accordance with certain general considerations concerning the elements of any United Nations scheme of disarmament and concerning the methods for making it effective. A third decision of a general character, resolution 502 (VI), built upon the experience of the period between the first and sixth sessions in setting forth further general considerations for the guidance of the body charged with responsibility for submitting disarmament proposals.

12/ G A resolutions 109 (II), 190 (III), 193 A and B (III), 288 A (IV), 337 C (V) and 711 A (VII).

13/ G A resolutions 39 (I), 377 A (V), 503 A (VI) and 703 (VII).

14/ G A resolutions 109 (II), 193 A and B (III) and 288 A (IV).

15/ G A resolutions 503 A (VI) and 703 (VII).

16/ In this connexion the General Assembly addressed its recommendations to: "all Members of the United Nations and to all other States" (resolutions 193 A (III) and 288 A (IV)); "all States" (resolutions 707 (VII) and 717 (VIII)); "the States concerned" (resolution 382 A (V)); "all States and authorities" (resolution 498 (V)); "a state" (resolution 378 (V)); "every State" (resolution 500 (V)); "all governments and authorities" (resolution 377 A, section B (V)); "the parties" (resolutions 611 (VII) and 612 (VII)).

17/ G A resolution 498 (V).

18/ G A resolutions 114 (II), 377 B (V) and 503 (VI).

19/ G A resolution 39 (I).

20/ This section of the General Survey, as well as the tabulation of decisions of the General Assembly with respect to disarmament and the regulation of armaments appended as annex III, cover decisions of the General Assembly up to and including those taken at its ninth session.

25. From the first to the sixth sessions, the work of the United Nations in respect of disarmament was organized to deal separately with the problems presented by the discovery of atomic energy and with those presented by conventional armaments. With the adoption of resolution 502 (VI), the task of formulating proposals on these two aspects of disarmament was consolidated.

26. While the Security Council is directly charged by the Charter (Article 26) with responsibility for the formulation of plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments, the efforts of the Council in this field have been made within the framework established by the initial decisions of the General Assembly already mentioned. Of the three subsidiary Commissions specially charged at one time or another with responsibilities for formulating proposals concerning disarmament, two (the Atomic Energy Commission, created by resolution 1 (I) and dissolved by resolution 502 (VI), and the Disarmament Commission, created by the latter resolution) have been subsidiary organs of the General Assembly, though with special responsibilities to and relations with the Security Council, as described in paragraphs 7 and 8 below; the third (the Commission for Conventional Armaments, created by the Security Council resolution of 13 February 1947 and dissolved by the Security Council at its 571st meeting on 30 January 1952) has been a subsidiary organ of the Security Council. It was created, however, to assist the Security Council in implementing General Assembly resolution 41 (I) which the Security Council had accepted by a formal decision at its 90th meeting on 9 January 1947 and again by its resolution establishing the Commission for Conventional Armaments.

27. Apart from the special case of Canada, which was a member of the Atomic Energy Commission and is now a member of the Disarmament Commission even when not a member of the Security Council, the membership of all three subsidiary organs mentioned has always been the same as that of the Council.

28. Resolution 1 (I) establishing the Atomic Energy Commission required that body to account to the Security Council in matters affecting security and to make its reports and recommendations to the Council, which would transmit them to the General Assembly, Member States or other United Nations organs. The Commission for Conventional Armaments was a subsidiary organ of the Security Council, which established it, gave it its terms of reference, approved its plan of work and considered its reports and recommendations. The present Disarmament Commission was established by the General Assembly "under the Security Council" to which, as well as to its parent body, it reports. The reports and recommendations of the Atomic Energy Commission and the Commission for Conventional Armaments have come before the General Assembly, for consideration, through the intermediary of the Security Council which has transmitted them to the Assembly after its own consideration of them.

29. In setting into operation initially this system of preparing proposals concerning disarmament through the Security Council and bodies guided by and reporting to or subsidiary to it, the General Assembly has in both resolution 1 (I) and resolution 41 (I) adverted to the primary responsibility (Article 24 of the Charter) of the Security Council for the maintenance of international peace and security. 21/ The General Assembly has also recognized the connexion between the maintenance of

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21/ In the debates preceding the adoption of the latter of these resolutions repeated reference was also made by various delegations to the responsibility of the Security Council under Article 26 for the preparation of plans for a system of regulation of armaments.

international peace and security and disarmament in paragraph 1 of resolution 41 (I). In paragraph 7 of that resolution, it stressed the connexion between disarmament and the placing at the disposal of the Council of the armed forces mentioned in Article 43 of the Charter.

30. In resolution 41 (I) also, the General Assembly provided that:

"6. To ensure the adoption of measures for the early general regulation and reduction of armaments and armed forces, for the prohibition of the use of atomic energy for military purposes and the elimination from national armaments of atomic and all other major weapons adaptable now or in the future to mass destruction, and for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,

"There shall be established, within the framework of the Security Council, which bears the primary responsibility for the maintenance of international peace and security, an international system, as mentioned in paragraph 4, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established."

31. The decision that the control organs for the regulation of armaments should be established within the framework of the Security Council was renewed in resolution 502 (VI), paragraph 4 of which directs the Disarmament Commission when preparing proposals for the regulation, limitation and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for effective international control of atomic weapons and the use of atomic energy for peaceful purposes only,

"to formulate plans for the establishment, within the framework of the Security Council, of an international control organ (or organs) to ensure the implementation of the treaty (or treaties)."

32. The terms of reference of the Atomic Energy Commission contained no provisions concerning the ultimate adoption by States of its proposals, beyond the provision that its reports and recommendations should be made to the Security Council and transmitted by the latter in appropriate cases to the General Assembly, the Members of the United Nations, the Economic and Social Council and other organs within the framework of the United Nations.

33. Resolution 41 (I), which was concerned with all armaments and armed forces, provided that the practical measures to be formulated by the Security Council, acting upon the General Assembly's recommendations, should be submitted by the Secretary-General to the Members of the United Nations for consideration at a special session of the General Assembly, and that the treaties or conventions approved by the General Assembly should be submitted to the signatory States for ratification in accordance with Article 26 of the Charter.

34. Resolution 502 (VI) provided that a conference of all States should be convened to consider the proposals for a draft treaty (or treaties) prepared by the Disarmament Commission as soon as the work of the Commission had progressed to a point where, in its judgement, any part of its programme was ready for submission to Governments, and requested the Secretary-General to convene such a conference when so advised by the Commission.

35. The General Assembly, while on occasion expressing approval (resolutions 191 (III) and 300 (IV)) of various findings, recommendations and proposals made by subsidiary disarmament planning organs which had failed to meet with

approval in the Security Council, has at the same time stressed the importance of unanimous agreement to any scheme of disarmament. In resolution 191 (III) it expressed regret that unanimous agreement had not yet been reached and urged the six sponsors of resolution 1 (I) (the permanent members of the Security Council and Canada) to meet together and consult in order to determine if there existed a basis for agreement on the international control of atomic energy and to report the results of their consultation to the General Assembly.

36. This call to the permanent members of the Atomic Energy Commission to consult with a view to achieving agreement was renewed in resolution 299 (IV) with a request that they explore all possible avenues and examine all concrete suggestions. In resolution 300 (IV) relating to conventional armaments, the General Assembly noted that unanimity among the permanent members of the Security Council, which was essential for the implementation of proposals approved by the Assembly, had not been achieved, recommended therefore that the Security Council continue its study of the regulation and reduction of conventional armaments.

37. Resolution 496 (V) which established a committee of twelve (the members of the Security Council and Canada) to consider the advisability of merging the functions of the Atomic Energy Commission and the Commission on Conventional Armaments in a new disarmament commission, likewise contained a recognition by the General Assembly that the regulation and reduction of armaments "must be based on unanimous agreement".

38. When considering the report of the Committee of Twelve, 22/ the First Committee of the General Assembly unanimously adopted the following resolution: 23/

"The First Committee of the General Assembly,

"Noting the draft resolution submitted by the delegations of France, the United Kingdom and the United States on 'Regulation, limitation and balanced reduction of all armed forces and armaments' (A/C.1/667),

"Noting the amendments to the aforementioned draft resolution submitted by the delegation of the Union of Soviet Socialist Republics (A/C.1/668),

"Noting the universal desire for peace, for the regulation, limitation and balanced reduction of all armed forces and all armaments, and for the abolition of atomic and other weapons of mass destruction,

"Noting with concern the divergence of views as to the best procedure for attaining this objective,

"Recognizing that no agreement on regulation, limitation and reduction of arms and armed forces is possible without the fullest co-operation and support of France, the Union of Soviet Socialist Republics, the United Kingdom and the United States,

"1. Resolves to establish a sub-committee consisting of:

"(1) The President of the General Assembly as Chairman; and

22/ G A (VI), Annexes, a.i. 66 and 16, p. 2, A/1922.

23/ Ibid., p. 14, A/2025, para. 9.

"(ii) The representatives of France, the Union of Soviet Socialist Republics, the United Kingdom and the United States, with a view to formulating proposals which it could agree to recommend to the First Committee.

"In its work the sub-committee shall take into consideration the draft resolution submitted by France, the United Kingdom and the United States (A/C.1/667), the amendments to that draft resolution proposed by the Union of Soviet Socialist Republics (A/C.1/668), and the debates in the First Committee on the items under discussion, as well as any new proposals made by any of its members during the course of its deliberations;

"2. Directs the sub-committee to make a report to the First Committee by 10 December 1951;

"3. Resolves to suspend discussion on items 16 and 66 of the agenda until the report of the sub-committee is received;

"4. Urges upon all concerned to give their fullest co-operation and support to the sub-committee, so that through the reduction and limitation of armaments and the abolition of weapons of mass destruction the fear of war may be dispelled, and the hope of providing a better life for the average man may be restored to anxious humanity;

"5. Requests the Secretary-General to furnish such expert staff and facilities as the sub-committee may find necessary for carrying out its task."

39. In resolution 502 (VI) establishing the present Disarmament Commission, and stating the principles by which it should be guided, the General Assembly declared that a genuine system for disarmament must be accepted by all nations whose military resources are such that their failure to accept would endanger the system. In the principles for the guidance of the Commission, it was stated that the treaty or treaties in which the Commission's proposals were to be embodied should provide what States must become parties thereto before the treaty (or treaties) should enter into force. Further to the problem of achieving agreement, the Commission was directed "to consider methods according to which States can agree by negotiation among themselves, under the auspices of the Commission" concerning certain of the matters contained in the resolution.

40. Again in resolution 715 (VIII) the General Assembly suggested that

"the Disarmament Commission study the desirability of establishing a sub-committee consisting of representatives of the Powers principally involved, which should seek in private an acceptable solution and report to the Disarmament Commission as soon as possible, in order that the Commission may study and report on such a solution to the General Assembly and to the Security Council not later than 1 September 1954;"

Such a sub-committee was established and met in London in May and June 1954. <sup>24/</sup> In resolution 808 (IX) the General Assembly concluded that a further effort should be made to reach agreement and suggested that the Disarmament Commission reconvene the Sub-Committee.

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<sup>24/</sup> The Sub-Committee's report to the Disarmament Commission was annexed to the Commission's report (Disarmament Commission Suppl. for July, Aug. and Sept. 1954, DC/55, and Suppl. for April, May and June 1954, DC/53 and DC/44 and Corr.1) to the General Assembly.

41. Resolutions 1 (I) and 41 (I) setting forth the objectives of disarmament and its essential features and initiating the steps for their achievement were adopted unanimously. Resolution 715 (VIII) setting forth the objectives of a disarmament programme and suggesting the establishment by the Disarmament Commission of a sub-committee of representatives of the Powers principally involved was adopted without a negative vote, though with 5 abstentions. Resolution 808 (IX), which restated the objectives of a disarmament programme and suggested the reconvening of the Sub-Committee, was adopted unanimously.

42. While the General Assembly, as indicated in paragraph 14 above, has by a majority approved certain proposals made by the Atomic Energy Commission and the Commission for Conventional Armaments and has by a majority rejected certain others made by particular delegations, the effect of this has not been to prevent the further consideration of the rejected proposals or any other proposals in the various special bodies established to deal with disarmament, in the Security Council or in the General Assembly itself. Moreover, in resolution 502 (VI) the General Assembly included among the principles laid down for the guidance of the Disarmament Commission a directive (paragraph 3 (c)) to the effect that "The Commission shall be ready to consider any proposals or plans for control that may be put forward involving either conventional armaments or atomic energy".

43. At its 363rd plenary meeting, the General Assembly adopted resolution 504 (VI) which was consequent on the provision quoted in the previous paragraph. The operative paragraphs of the resolution read as follows:

"1. Decides to refer to the Disarmament Commission the proposals contained in paragraphs 3 to 7 inclusive of document A/C.1/698 [a draft resolution submitted by the USSR], together with any other proposals which may be made during the present session of the General Assembly on matters falling within the terms of reference of the Disarmament Commission;

"2. Decides also to transmit to the Disarmament Commission for its information the records of the meetings [487th - 493rd] of the First Committee at which this item was discussed."

44. By resolution 714 (VIII) the General Assembly referred to the Disarmament Commission, for such consideration as was appropriate under its terms of reference, a draft resolution 25/ submitted by the USSR, together with the records of the First Committee's discussions. The USSR draft resolution called on all States which had not acceded to or ratified the Geneva Protocol of 17 June 1925 for the prohibition of the use of bacterial weapons to accede to the Protocol or ratify it.

45. Similarly, in resolution 808 (IX), after referring in the preamble to certain documents annexed to the fourth report 26/ of the Disarmament Commission and a draft resolution 27/ of the USSR, the General Assembly requested the Disarmament Commission to seek an acceptable solution of the disarmament problem, "taking into account the

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25/ G A (VII), Annexes, a.i. 24, A/C.1/L.67.

26/ Disarmament Commission, Suppl. for July, Aug. and Sept. 1954, DC/55, and *ibid.*, Suppl. for April, May and June 1954, DC/53 and DC/44 and Corr.1.

27/ G A (IX), Annexes, a.i. 20 and 68, A/C.1/750.

various proposals referred to in the preamble of the present resolution and any other proposals within the Commission's terms of reference". 28/

46. The "principles governing disarmament and the regulation of armaments" have been adverted to only once in a decision of the General Assembly, namely in resolution 41 (I) which contains a preambular reference to Article 11 of the Charter and bears the title "Principles governing the general regulation and reduction of armaments". Thereafter, the term "principles" does not appear again except in resolution 502 (VI), paragraph 3 of which sets forth "principles" for the guidance of the Disarmament Commission.

47. The following were described as "essential" to the general regulation and reduction of armaments in resolution 41 (I), paragraphs 2, 3 and 5.

2. "...measures ... to provide for the general regulation and reduction of armaments and armed forces and to assure that such regulation and reduction of armaments and armed forces will be generally observed by all participants and not unilaterally by only some of the participants ..."

3. "...the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in section 5 of the General Assembly resolution of 24 January 1946 [resolution 1 (I)]."

5. "...the provision of practical and effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions."

48. Again, in resolution 192 (III) the General Assembly considered that "no agreement is attainable on any proposal for the reduction of conventional armaments and armed forces so long as each State lacks exact and authenticated information concerning the conventional armaments and armed forces of other States, so long as no convention has been concluded regarding the types of military forces to which such reduction would apply, and so long as no organ of control has been established".

49. In resolution 496 (V) the General Assembly expressed its recognition that "to be effective" the regulation and reduction of armaments must meet certain requirements relating to the weapons to be covered, the extent of agreement, the nations included, and the safeguards basic to any plan.

50. In resolution 502 (VI) the General Assembly renewed its expression of the requirements which it had recognized in resolution 496 (V) as necessary to disarmament and the regulation of armaments. It expressed the belief that a "necessary means" to the end of the development of an effective collective security system and a progressive reduction of the armed forces and armaments of the world was "the development by the United Nations of comprehensive and co-ordinated plans, under international control, for the regulation, limitation and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and

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28/ By resolution 808 B (IX) the Assembly referred to the Disarmament Commission a draft resolution submitted by the representative of India, A/C.1/L.100/Rev.1. By resolution 808 C (IX) it so referred a draft resolution submitted by Australia and the Philippines, A/C.1/L.101/Rev.1.

for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only". 29/

51. The considerations quoted from resolution 502 (VI) in the preceding paragraph were restated without substantial change in resolution 715 (VIII), in which paragraph 1 of the operative part related them to the General Assembly's desire

"to reach agreement as early as possible on a comprehensive and co-ordinated plan, under international control, for the regulation, limitation and reduction of all armed forces and all armaments, for the elimination and prohibition of atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction, and for the attainment of these ends through effective measures".

52. In resolution 808 (IX) the General Assembly concluded unanimously that the draft international disarmament convention should provide for:

"(a) The regulation, limitation and major reduction of all armed forces and all conventional armaments;

"(b) The total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type, together with the conversion of existing stocks of nuclear weapons for peaceful purposes;

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29/ The General Assembly also included in resolution 502 (VI) (adopted by 42 votes to 5, with 7 abstentions), the following principles for the guidance of the Disarmament Commission:

"(a) In a system of guaranteed disarmament there must be progressive disclosure and verification on a continuing basis of all armed forces — including para-military, security and police forces — and all armaments including atomic;

"(b) Such verification must be based on effective international inspection to ensure the adequacy and accuracy of the information disclosed; this inspection to be carried out in accordance with the decisions of the international control organ (or organs) to be established;

"(c) The Commission shall be ready to consider any proposals or plans for control that may be put forward involving either conventional armaments or atomic energy. Unless a better or no less effective system is devised, the United Nations plan for the international control of atomic energy and the prohibition of atomic weapons should continue to serve as the basis for the international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only;

"(d) There must be an adequate system of safeguards to ensure observance of the disarmament programme, so as to provide for the prompt detection of violations while at the same time causing the minimum degree of interference in the internal life of each country;

"(e) The treaty (or treaties) shall specifically be open to all States for signature and ratification or adherence. The treaty (or treaties) shall provide what States must become parties thereto before the treaty (or treaties) shall enter into force ..."

"(c) The establishment of effective international control, through a control organ with rights, powers and functions adequate to guarantee the effective observance of the agreed reductions of all armaments and armed forces and the prohibition of nuclear and other weapons of mass destruction, and to ensure the use of atomic energy for peaceful purposes only;

"The whole programme to be such that no State would have cause to fear that its security was endangered".

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. The question of the relationship between the responsibilities of the General Assembly and the primary responsibility of the Security Council with regard to matters concerning the maintenance of international peace and security

53. This question has been the subject of substantial constitutional discussion in the proceedings of the General Assembly during the consideration of the following agenda items:

- a. (i) Establishment of an interim committee of the General Assembly on peace and security; 30/
- (ii) Advisability of establishing a permanent committee of the General Assembly: report of the Interim Committee of the General Assembly; 31/
- (iii) Report of the Interim Committee of the General Assembly: ... (b) Constitution, duration and terms of reference of the Interim Committee; 32/
- b. United action for peace; 33/
- c. Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee. 34/

54. The constitutional discussion relating to this question was mainly concerned with the course to be taken in the event that the Security Council was prevented from exercising its primary responsibility with regard to the maintenance of international peace and security, that is to say, whether the General Assembly could assume this responsibility, and to what extent it would be competent to discharge such responsibility.

55. This question has been approached from two different points of view. The thesis emphasizing that the rule of unanimity of the permanent members of the Security Council represents one of the fundamental principles of the Charter and finds its expression in their principal joint and mutual responsibility for the maintenance of international

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30/ Agenda item 59, considered during the second session.  
31/ Agenda item 18, considered during the first part of the third session.  
32/ Agenda item 25, considered during the fourth session.  
33/ Agenda item 68, considered during the fifth session.  
34/ Agenda item 18, considered during the sixth and seventh sessions.

peace and security, though not contested in itself, has been met with arguments stressing that the lack of unanimity among the permanent members of the Security Council often had paralysed this organ in taking the action required. The contention that in such cases it was necessary for the permanent members to continue their endeavours to find common grounds for reaching an agreement has been disputed by representatives who held that in a similar situation the United Nations could not remain inactive and that the General Assembly must exercise its "secondary" responsibility for the maintenance of international peace and security, implied by the "primary" but not exclusive responsibility of the Security Council in this sphere.

56. The proceedings of the General Assembly on the items listed in paragraph 53 above are reviewed below. In view of the similarity of the arguments bearing upon the Charter which are advanced during the discussion of the three items dealing with the Interim Committee of the General Assembly, the relevant views stated in the three cases are summarized together. Relevant constitutional discussion in connexion with the items "United action for peace" and "Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter" is also presented together for the same reasons.

### 1. Resolutions 111 (II), 196 (III) and 295 (IV)

#### a. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 111 (II)

57. By a letter 35/ dated 17 September 1947, the senior representative of the United States to the General Assembly requested that the item "establishment of an interim committee of the General Assembly on peace and security" be included in the agenda of the second regular session of the General Assembly.

58. At its 91st plenary meeting on 23 September 1947, the General Assembly decided 36/ to include the item in its agenda. The First Committee considered the question at its 74th to 78th meetings and at its 94th to 97th meetings.

59. At the 74th meeting of the First Committee the representative of the United States explained 37/ that the proposal of his delegation envisaged the establishment of a subsidiary organ of the General Assembly which would function between sessions in order to assist the Assembly in the discharge of the responsibilities conferred upon it by the Charter in the field of peace and security, would consider questions arising within the purview of Article 14 or such questions as might be brought before the General Assembly by the Security Council pursuant to Article 11 (2) and would make recommendations thereon to the General Assembly. The proposed subsidiary organ was also to consider the general principles of co-operation in the maintenance of international peace and security under Article 11 (1), and to initiate studies and make recommendations for the promotion of international co-operation in the political field under Article 13 (1) (a).

60. Subsequently, the representative of the United States submitted to the First Committee a draft resolution 38/ to which various amendments were proposed. A draft resolution 39/ was also submitted by the representative of the United Kingdom.

35/ G A (II), General Com., p. 36, annex 1 b (A/BUR/85).

36/ G A (II), Plen., vol. I, 91st mtg., pp. 299 and 300.

37/ G A (II), 1st Com., 74th mtg., pp. 129-132.

38/ G A (II), 1st Com., pp. 609 and 610, annex 17 a (A/C.1/196).

39/ G A (II), 1st Com., pp. 612 and 613, annex 17 d (A/C.1/215).

61. At its 78th meeting, the First Committee adopted 40/ by 38 votes to none, with 3 abstentions, a draft resolution 41/ submitted by Australia, as amended 42/ by the Chairman, establishing a sub-committee to examine the United States draft resolution, any amendments thereto, and other proposals, and to report thereon with recommendations to the Committee. The Sub-Committee recommended 43/ to the First Committee the adoption of a draft resolution contained in its report.

62. At its 97th meeting the First Committee adopted 44/ the draft resolution by 43 votes to 6, with 6 abstentions. 45/

63. The General Assembly considered the draft resolution adopted by the First Committee, at its 110th and 111th meetings.

b. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 196 (III)

64. In its report 46/ to the General Assembly the Interim Committee recommended the "Advisability of establishing a permanent committee of the General Assembly" and submitted a draft resolution to that effect.

65. At its 142nd plenary meeting on 24 September 1948 the General Assembly rejected 47/ by 46 votes to 6 the proposal that the item "Advisability of establishing a permanent committee of the General Assembly: report of the Interim Committee of the General Assembly", be deleted from the agenda of the General Assembly.

66. The Ad Hoc Political Committee considered this question at its 2nd to 5th meetings.

67. The draft resolution recommendation by the Interim Committee, to which various amendments were submitted, was adopted 48/ by the Ad Hoc Political Committee at its 5th meeting by 44 votes to 6, with 1 abstention.

68. The General Assembly considered the draft resolution adopted by the Ad Hoc Political Committee at its 168th and 169th plenary meetings.

c. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 295 (IV)

69. In its report 49/ to the General Assembly the Interim Committee recommended the re-establishment of the Committee.

40/ G A (II), 1st Com., 78th mtg., p. 179.

41/ G A (II), 1st Com., p. 611, annex 17 b (A/C.1/213/Corr.1).

42/ G A (II), 1st Com., 78th mtg., pp. 178 and 179.

43/ G A (II), 1st Com., pp. 620 and 621, annex 17 g (A/C.1/240).

44/ G A (II), 1st Com., 97th mtg., p. 335.

45/ After the vote had been taken the representatives of the USSR, Ukrainian SSR, Poland, Czechoslovakia, Byelorussian SSR and Yugoslavia declared that the establishment of an interim committee of the General Assembly was a violation of the Charter, which contained no provision for the setting up of such an organ, and that, because of the illegality of the proposed interim committee, their Governments would not participate in its work (G A (II), 1st Com., 97th mtg., p. 335).

46/ G A (III), Suppl. No. 10, A/606, annex III.

47/ G A (III/1), Plen., 142nd mtg., p. 106.

48/ G A (III/1), Ad Hoc Pol. Com., 5th mtg., p. 52.

49/ G A (IV), Suppl. No. 11 (A/966).

70. At its 224th plenary meeting on 22 September 1949 the General Assembly decided 50/ to include the item "Report of the Interim Committee: ... (b) Constitution, duration and terms of reference of the Interim Committee" in its agenda.

71. The Ad Hoc Political Committee considered the question at its 16th to 20th meetings, and at its 20th meeting on 19 October 1949 it adopted, 51/ by 41 votes to 6, with 6 abstentions, the draft resolution recommended by the Interim Committee.

72. The General Assembly considered the draft resolution adopted by the Ad Hoc Political Committee at its 250th plenary meeting.

d. SUMMARY OF RELEVANT CONSTITUTIONAL DISCUSSION IN THE PROCEEDINGS  
CONNECTED WITH RESOLUTIONS 111 (II), 196 (III) AND 295 (IV)

73. During the discussion on the establishment and continuation of the Interim Committee, it was argued on the one side that under Article 11, paragraphs 2 and 3, it was clear that the Security Council bore the principal responsibility in the field of maintaining peace and security, because the Council alone had the means of executing the task. The General Assembly was empowered to discuss questions relating to the maintenance of international peace and security and to make recommendations with regard to such questions, but it could not take any action: that power was reserved for the Security Council and thus the Charter made a fundamental distinction between the competence of the Security Council and that of the General Assembly. It was clearly intended in the Charter that there should be no overlapping of the powers of the General Assembly and of the Security Council in matters relating to the maintenance of international peace and security. It was for the Security Council in the last resort to deal with the pacific settlement of disputes.

74. Further observations were made to the effect that the Interim Committee would automatically compete with the Security Council as was apparent from the provisions of the draft resolution which would give the Committee the right to consider situations falling under Articles 11 and 14 and to make recommendations with regard to them. It was true that Articles 11, 12, 13 and 14 vested the General Assembly with certain powers. The General Assembly, however, could not delegate such powers to any other organ. Therefore, the use of the Interim Committee as a substitute for the General Assembly and the Security Council would give rise to a state of affairs contrary to that contemplated by the Charter.

75. On the other side, the view was expressed that the Charter did not give the Security Council exclusive powers and control with regard to the maintenance of international peace and security. The jurisdiction of the General Assembly in this respect under Article 11 (2) was limited only by Article 12, that is to say, unless the Security Council was dealing with the matter, the General Assembly had complete jurisdiction. If the Security Council was given primary responsibility for the maintenance of international peace and security, under the Charter, the General Assembly as well had secondary responsibility in matters of this nature. The General Assembly had clear and direct responsibility in this sphere under Articles 10, 11, 13, 14 and 15, and consequently it was fully competent to assert its authority and to delegate it so long as it limited itself to the functions ascribed to it. Its authority was partly exclusive, partly parallel, partly residual and secondary.

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50/ G A (IV), Plen., 224th mtg., paras. 46-48.

51/ G A (IV), Ad Hoc Pol. Com., 20th mtg., paras. 46 and 47.

76. The powers conferred upon the General Assembly in this respect were identical or sometimes equivalent with those of the Security Council. The competence of the General Assembly was subject to the primary responsibility of the Security Council in order "to ensure prompt and effective action". It was further limited by the provision of Article 11 (2), since the General Assembly had the power to debate and recommend, but when action was required, the responsibility was laid upon the Security Council and any such question had to be referred by the General Assembly to the Security Council. The proposal to establish the Interim Committee, which respected those limitations, did not encroach upon the primary responsibility of the Security Council for the maintenance of international peace and security. 52/

#### Decisions

At its 111th plenary meeting on 13 November 1947, the General Assembly adopted 53/ by 41 votes to 6, with 6 abstentions, resolution 111 (II): "Establishment of an Interim Committee of the General Assembly". 54/

At its 169th plenary meeting on 3 December 1948, the General Assembly adopted 55/ by 40 votes to 6, with 1 abstention, resolution 196 (III): "Re-establishment of the Interim Committee of the General Assembly". 56/

At its 250th plenary meeting on 21 November 1949, the General Assembly adopted, 57/ by 45 votes to 5, with 4 abstentions, resolution 295 (IV): "Re-establishment of the Interim Committee of the General Assembly". 58/

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- 52/ For texts of relevant statements, see G A (II), 1st Com.,  
 74th mtg.: Australia, pp. 137 and 138; United States, pp. 129-132;  
 75th mtg.: Uruguay, pp. 139 and 140;  
 76th mtg.: Byelorussian SSR, pp. 154 and 155; India, p. 150; Poland, p. 148;  
 77th mtg.: Brazil, p. 160; USSR, p. 161;  
 78th mtg.: Mexico, p. 166; United States, p. 172;  
 94th mtg.: Australia, p. 308; USSR, pp. 309 and 310;  
 95th mtg.: Australia, p. 316;  
 96th mtg.: Norway, pp. 324 and 325; United Kingdom, pp. 327 and 328.  
 G A (II), Plen., vol. II, 110th mtg., Australia, pp. 782 and 783;  
 USSR, pp. 767-769.  
 G A (III/1), Ad Hoc Pol. Com., 3rd mtg., Poland, p. 10.  
 G A (III/1), Plen., 103th mtg., USSR, pp. 668 and 669.  
 G A (IV), Ad Hoc Pol. Com., 17th mtg., Poland, paras. 17-31;  
 18th mtg., USSR, paras. 50-56.
- 53/ G A (II), Plen., vol. II, 111th mtg., p. 822.
- 54/ For text see annex IV.
- 55/ G A (III/1), Plen., 169th mtg., p. 682.
- 56/ For text see annex IV.
- 57/ G A (IV), Plen., 250th mtg., para. 156.
- 58/ For text see annex IV.

## 2. Resolutions 377 (V), 503 (VI) and 703 (VII)

### a. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 377 (V)

#### 1. Seven-Power joint draft resolution

77. By a letter 59/ dated 20 September to the Secretary-General, the representative of the United States requested that the item "United action for peace" be included in the agenda of the fifth regular session of the General Assembly.

78. In an explanatory memorandum 60/ it was pointed out that the Charter "gives the General Assembly important functions to perform in the field of international peace and security, including the right to discuss any question relating to this field and the right to make recommendations". It was proposed: (a) to enhance the contribution by the General Assembly with respect to the avoidance of conflicts and to the restoration of peace if need arose; (b) to enable the General Assembly to meet on very short notice, in case of any breach of international peace and act of aggression, if the Security Council, "because of lack of unanimity of the permanent members, is unable to discharge its primary responsibility for the maintenance of international peace and security"; (c) that the General Assembly establish a commission of observers to observe in any area in which international tension could develop; (d) to recommend to the Member States that they designate within their national forces units which could be made available for prompt service on behalf of the United Nations; (e) to establish an ad hoc committee to study the means which the United Nations might employ through collective action to suppress breaches of the peace and repel acts of aggression.

79. It was further stated in the explanatory memorandum that the proposals "have the primary aim of preventing breaches of the peace and deterring acts of aggression and thereby minimizing the necessity of resorting to measures for the restoration of international peace and security. The purpose of the United States proposals is to give maximum effectiveness to United Nations efforts in keeping the peace."

80. At the 285th plenary meeting on 26 September 1950, the General Assembly decided 61/ to include this item in its agenda, and to refer it to the First Committee which considered it at its 354th and 371st meetings.

81. At the 354th meeting of the First Committee, Canada, France, Philippines, Turkey, the United Kingdom, the United States and Uruguay submitted a joint draft resolution 62/ and at the 363rd meeting they submitted a revised text of this draft resolution. 63/

82. In respect of this draft resolution the USSR, among others, submitted amendments, 64/ superseding its similar previous amendments 65/ to the original draft

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59/ G A (V), Annexes, a.i. 68, p. 2, A/1373.

60/ G A (V), Annexes, a.i. 68, pp. 2 and 3, A/1377.

61/ G A (V), Plen., vol. I, 285th mtg., para. 67.

62/ G A (V), Annexes, a.i. 68, pp. 4-6, A/C.1/576.

63/ G A (V), Annexes, a.i. 68, pp. 6-8, A/C.1/576/Rev.1.

64/ G A (V), Annexes, a.i. 68, pp. 11 and 12, A/C.1/586 and A/C.1/586/Rev.1.

65/ G A (V), Annexes, a.i. 68, pp. 9 and 10, A/C.1/583.

resolution, in which it was proposed in section A, paragraph 1, of the joint revised draft resolution to delete the words:

"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",

and to replace them by the following:

"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."

83. At its 368th meeting the First Committee rejected 66/ the USSR amendment by 47 votes to 5, with 6 abstentions, and at its 369th meeting it adopted 67/ the joint draft resolution by 50 votes to 5, with 3 abstentions.

ii. USSR draft resolution

84. At the 358th meeting of the First Committee, the representative of the USSR submitted 68/ a draft resolution, 69/ which provided that:

"For the purpose of maintaining international peace and security, in accordance with the Charter of the United Nations, and, in particular, with Chapters V, VI and VII of the Charter,

"The General Assembly

"Recommends to the Security Council

"That it should take the necessary steps to ensure that the action provided for under the Charter is taken with respect to threats to the peace or acts of aggression and the peaceful settlement of disputes or situations likely to endanger the maintenance of international peace and security;"

85. With respect to this draft resolution, an amendment was submitted by France 70/ and an oral amendment by Uruguay. 71/ The latter was accepted by the representative of the USSR. 72/

86. At its 369th meeting the First Committee adopted, 73/ by 54 votes to none, with 5 abstentions, the first part of the USSR draft resolution as amended. At the same

66/ G A (V), 1st Com., vol. I, 368th mtg., para. 44.

67/ G A (V), 1st Com., vol. I, 369th mtg., para. 24.

68/ G A (V), Annexes, a.i. 68, p. 14, A/1456.

69/ For the full text of the USSR draft resolution, see G A (V), 1st Com., vol. I, 369th mtg., para. 33.

70/ G A (V), 1st Com., vol. I, 369th mtg., para. 34, A/C.1/591.

71/ G A (V), Annexes, a.i. 68, p. 17, A/1456.

72/ G A (V), 1st Com., vol. I, 369th mtg., para. 70.

73/ G A (V), 1st Com., vol. I, 369th mtg., para. 72.

meeting the USSR draft resolution as a whole, as amended, was approved 74/ by 49 votes to none, with 9 abstentions.

iii. Draft resolution submitted by Iraq and Syria

87. At the 363rd meeting of the First Committee, the representatives of Iraq and Syria submitted a joint draft resolution 75/ under the terms of which the General Assembly would recommend to the Governments of France, the United Kingdom, the United States and the USSR that they should meet during the fifth session of the General Assembly and discuss the outstanding problems threatening world peace and crippling the United Nations, with a view to resolving fundamental differences, and report the results to the General Assembly not later than 15 November 1950.

88. At the 370th meeting the representatives of Iraq and Syria submitted a revised text of their joint draft resolution, 76/ under the terms of which the General Assembly would recommend "to the permanent members of the Security Council that they meet and discuss individually or collectively and with other nations concerned, the outstanding problems which threaten world peace" and requested that they report to the General Assembly during the fifth session on any prospective progress.

89. At the 371st meeting the representatives of Iraq and Syria submitted a second revision of their joint draft resolution. 77/ At the same meeting, this revised draft resolution was approved unanimously. 78/

iv. Draft resolution recommended by the First Committee

90. The General Assembly, at its 299th to 302nd plenary meetings, considered the draft resolution 79/ adopted by the First Committee. At its 302nd plenary meeting the General Assembly rejected 80/ by 49 votes to 5, with 3 abstentions, a USSR amendment 81/ to section A, paragraph 1, of the operative part of the draft resolution; this was identical with the amendment submitted in the First Committee.

b. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 503 (VI)

91. The General Assembly, by resolution 377 (V) "Uniting for peace", had established a Collective Measures Committee and directed it to study and make a report to the Security Council and to the General Assembly at its sixth regular session on methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements.

92. In its report 82/ to the General Assembly, the Committee recommended, among its conclusions, that further study was needed in regard both to economic and financial and to military collective measures in order to carry out its task. 83/

74/ G A (V), 1st Com., vol. I, 369th mtg., para. 74.

75/ G A (V), Annexes, a.i. 68, p. 10, A/C.1/585.

76/ G A (V), Annexes, a.i. 68, p. 11, A/C.1/585/Rev.1.

77/ Same text as A/1456, resolution C: G A (V), Annexes, a.i. 68, pp. 20 and 21.

78/ G A (V), 1st Com., vol. I, 371st mtg., para. 40.

79/ G A (V), Annexes, a.i. 68, pp. 18-21, A/1456.

80/ G A (V), Plen., vol. I, 302nd mtg., para. 55.

81/ G A (V), Plen., vol. I, 302nd mtg., A/1465, paras. 49-66.

82/ G A (VI), Suppl. No. 13 (A/1891).

83/ G A (VI), Suppl. No. 13 (A/1891), p. 34.

93. At its 341st plenary meeting on 13 November 1951, the General Assembly decided 84/ to include in its agenda the item "Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee".

94. The report was introduced in the First Committee by the Chairman of the Collective Measures Committee at the 462nd meeting on 3 December 1951, 85/ The First Committee considered the item at its 477th to 486th meetings.

95. At the 462nd meeting of the First Committee, the representatives of Australia, Belgium, Brazil, Canada, France, the Philippines, Turkey, the United Kingdom, the United States, Venezuela and Yugoslavia submitted a joint draft resolution 86/ and at the 481st meeting submitted a revised text of this draft resolution largely incorporating previously submitted amendments.

96. At the 478th meeting of the First Committee, the representative of the USSR submitted a draft resolution, 87/ to which various amendments were proposed.

97. At the 485th meeting, the representative of the USSR submitted 88/ the first paragraph of the operative part of its draft resolution which provided that the General Assembly decide "to abolish the Collective Measures Committee", as an amendment to the eleven-Power joint draft resolution. This amendment was rejected 89/ by 52 votes to 5, with 2 abstentions.

98. At the same meeting the First Committee adopted 90/ the eleven-Power joint draft resolution, as amended, by 51 votes to 5, with 3 abstentions.

99. At its 486th meeting the First Committee adopted 91/ the USSR draft resolution, as amended, by 50 votes to none, with 8 abstentions.

100. At its 359th plenary meeting on 12 January 1952, the General Assembly considered the draft resolution adopted by the First Committee.

#### C. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 703 (VII)

101. The Collective Measures Committee submitted its report, 92/ as directed by resolution 503 (VI), to the General Assembly at its seventh session.

102. At its 380th plenary meeting on 16 October 1952 the General Assembly decided 93/ to include the report of the Collective Measures Committee in its agenda.

103. The First Committee considered the item at its 573rd to 576th meetings. At the 573rd meeting of the First Committee, Australia, Belgium, Brazil, Canada, France, the

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- 84/ G A (VI), Plen., 341st mtg., para. 8.
  - 85/ G A (VI), 1st Com., 462nd mtg., paras. 3-15.
  - 86/ G A (VI), Annexes, a.i. 18, pp. 1 and 2, A/C.1/676/Rev.1.
  - 87/ G A (VI), Annexes, a.i. 18, p. 3, A/C.1/688.
  - 88/ G A (VI), 1st Com., 485th mtg., para. 56.
  - 89/ G A (VI), 1st Com., 485th mtg., para. 58.
  - 90/ G A (VI), 1st Com., 485th mtg., para. 76.
  - 91/ G A (VI), 1st Com., 486th mtg., para. 10.
  - 92/ G A (VII), Suppl. No. 17 (A/2215).
  - 93/ G A (VII), Plen., 380th mtg., para. 140.

Philippines, Turkey, the United Kingdom, the United States, Venezuela and Yugoslavia submitted a joint draft resolution 94/ which was adopted 95/ by the First Committee at its 576th meeting by 52 votes to 5, with 2 abstentions.

104. The General Assembly considered the draft resolution adopted by the First Committee at its 415th plenary meeting on 17 March 1953.

**d. SUMMARY OF RELEVANT CONSTITUTIONAL DISCUSSION IN THE PROCEEDINGS  
CONNECTED WITH RESOLUTIONS 377 (V), 503 (VI) AND 703 (VII)**

105. During the discussion in the items "United action for peace" and "Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter", it was argued, on the one hand, that the intention of those representatives who submitted or supported draft resolutions on the items, was to replace the Security Council by the General Assembly by giving the latter powers to which it was not entitled and which under the Charter belonged exclusively to the Security Council. The proposed measures would eliminate certain functions entrusted under the Charter to the Council and would deprive the Council of its basic responsibilities and rights. On the other hand, these basic responsibilities and rights would be transferred to the General Assembly which would be given some new functions. Thus, the centre of gravity in the field of the maintenance of international peace and security would be shifted from the Security Council to the General Assembly.

106. The General Assembly was not empowered to assume the task of maintaining international peace and security whenever the Council, because of lack of unanimity of its permanent members, failed to exercise its primary responsibility. To replace the Security Council by the General Assembly was to ignore a fundamental principle of the Charter, that is to say, the rule of unanimity of the great Powers, and to undermine their joint, common and mutual responsibility for the maintenance of peace.

107. On the other hand, it was held that the fact that Article 24 spoke of the "primary" responsibility of the Security Council for the maintenance of international peace and security indicated that the Council had the main but not exclusive responsibility.

108. The "primary" responsibility implied a "secondary" responsibility, the latter being conferred upon the General Assembly by Articles 10, 11, 12 and 14. The Assembly would exercise this "secondary" responsibility in the event that the Security Council failed to exercise its "primary" responsibility. This secondary responsibility of the Member States was overriding: it was not a question of the General Assembly assuming its rights but, rather, its duties.

109. It was further argued that in fact, at San Francisco, the small Powers had only agreed to the rule of unanimity of the permanent members: on the condition that the General Assembly was granted the power to intervene and to make recommendations within

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94/ Same text as G A resolution 703 (VII).

95/ G A (VII), 1st Com., 576th mtg., para. 32.

the framework of Chapters VI and VII in cases where the Security Council was unable to discharge its primary responsibility. 96/

### Decisions

At its 302nd plenary meeting on 3 November 1950, the General Assembly adopted, 97/ by 52 votes to 5, with 2 abstentions, resolution 377 (V): "Uniting for peace". 98/

At its 359th plenary meeting on 12 January 1952, the General Assembly adopted, 99/ by 51 votes to 5, with 3 abstentions, resolution A, and by 57 votes to none, with 2 abstentions, resolution B, of resolution 503 (VI): "Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter". 100/

At its 415th plenary meeting on 17 March 1953, the General Assembly adopted, 101/ by 50 votes to 5, with 3 abstentions, resolution 703 (VII): "Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee". 102/

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- 96/ For texts of relevant statements, see:  
 G A (V), 1st Com., vol. I,  
 354th mtg.: United States, paras. 8 and 9.  
 355th mtg.: France, paras. 17-19; Turkey, paras. 4-6.  
 357th mtg.: Cuba, paras. 4-6; France, para. 49; USSR, paras. 30-41.  
 358th mtg.: Canada, paras. 38-53; Ecuador, paras. 2-10, Philippines, paras. 67-69.  
 359th mtg.: Czechoslovakia, paras. 38-46; Norway, paras. 23-25.  
 360th mtg.: Byelorussian SSR, para. 53; Ukrainian SSR, paras. 15-19;  
 United Kingdom, paras. 3 and 4.  
 361st mtg.: Argentina, paras. 42 and 43.  
 363rd mtg.: Poland, paras. 32-37.  
 364th mtg.: Australia, paras. 63 and 64; Cuba, paras. 37 and 38; Czechoslovakia,  
 paras. 25-27; France, paras. 23 and 24; United Kingdom, paras. 5-18.  
 G A (V), Plen., vol. I,  
 279th mtg.: United States, para. 43.  
 299th mtg.: Poland, para. 180.  
 300th mtg.: Byelorussian SSR, paras. 102-104, 120 and 121.  
 301st mtg.: Argentina, paras. 149-151; Cuba, para. 7-31.  
 G A (VI), 1st Com.,  
 479th mtg.: Czechoslovakia, paras. 23 and 24.  
 480th mtg.: Philippines, para. 48; Syria, paras. 60-62.  
 481st mtg.: Ukrainian SSR, paras. 7-9.  
 483rd mtg.: USSR, paras. 26-32; United Kingdom, paras. 17-20;  
 United States, paras. 51-54.  
 485th mtg.: Poland, para. 19.  
 G A (VII), 1st Com.,  
 574th mtg.: Canada, para. 32.  
97/ G A (V), Plen., vol. I, 302nd mtg., para. 73.  
98/ For text see annex IV.  
99/ G A (VI), Plen., 359th mtg., paras. 142 and 143.  
100/ For text see annex IV.  
101/ G A (VII), Plen., 415th mtg., para. 17.  
102/ For text see annex IV.

**B. The question of the meaning and scope of the term  
"action" as used in Article 11 (2)**

110. This question is directly connected with the provision of Article 11 (2) whereby "Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion."

111. The meaning and scope of the term "action" as used in this provision has been considered, to a greater or lesser extent, in connexion with all the items referred to under II, A and C in the present study. Statements were made in the proceedings to the effect that the term "action" means or implies the following types of action:

Military and economic sanctions; 103/

Enforcement action; 104/

Action which the Security Council could take under the Chapter or Chapters which define its functions; 105/

Coercive action; 106/

Enforcement measures; 107/

Action of "any kind"; 108/

Enforcement measures under Chapter VII and also recommendations under Articles 36 and 37 as well as a fortiori investigation and inquiry of any kind; 109/

A finding or determination as to an act of aggression; 110/

Action which could be taken by the Security Council under Chapters V - VIII. 111/

112. Much of the material included under the other two questions treated in this study is also relevant in some respects for the illustration of the present question which is closely related to both of them. In particular, annex II may be examined with a view to ascertaining the range and types of measures which, having been adopted

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103/ G A (II), 1st Com., 78th mtg., p. 172.

104/ G A (V), 1st Com., vol. I, 365th mtg., para. 13.

G A (V), Plen., vol. I, 300th mtg., paras. 120-130.

G A (VI), 1st Com., 479th mtg., paras. 22-26.

105/ G A (V), 1st Com., vol. I, 350th mtg., paras. 45-49.

106/ G A (V), 1st Com., vol. I, 364th mtg., paras. 8 and 49-51.

107/ G A (V), Plen., vol. I, 301st mtg., paras. 179 and 180.

108/ G A (V), 1st Com., vol. I, 364th mtg., para. 27.

109/ G A (II), 1st Com., 76th mtg., p. 148, and pp. 154 and 155; 94th mtg., pp. 309 and 310.

G A (III/1), Plen., 168th mtg., pp. 668 and 669.

G A (IV), Ad Hoc Pol. Com., 17th mtg., paras. 17-31; 18th mtg., paras. 50-56.

G A (V), Plen., vol. II, 330th mtg., paras. 37-42, 51, 55, 65, 69-72, 83, 89 and 90, 101-107, 122-124, 127-131.

110/ G A (V), Plen., vol. II, 327th mtg., para. 75.

111/ G A (VII), 1st Com., 539th mtg., para. 49.

by the General Assembly, would appear to have been deemed by the Assembly as not contravening the requirement of the proviso of Article 11. It will be, therefore, sufficient to summarize hereunder some additional extracts from the constitutional discussion in the proceedings on the item "United action for peace", which are of particular relevance to the questions.

### *Resolution 377 (V)*

#### a. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 377 (V) 112/

#### b. SUMMARY OF RELEVANT CONSTITUTIONAL DISCUSSION IN THE PROCEEDINGS CONNECTED WITH RESOLUTION 377 (V)

113. During the consideration of the item "United action for peace" some representatives argued that while the concept of "action" in the sense of the Charter meant discussion of a question by the General Assembly, as well as the making of a recommendation by that organ, the concept of "action" as used in Article 11 (2), meant coercive action necessary for the maintenance of international peace and security, which was the specific function of the Security Council. That was the only sphere in which the General Assembly could not make a recommendation but must refer the matter to the Security Council. Therefore, the General Assembly could make recommendations on any subject within the framework of the Charter, but those recommendations must not imply "action" within the meaning of Article 11 (2), since only the Security Council was competent with regard to coercive action. The General Assembly, therefore, had no right to make suggestions or recommendations of that type. In this respect Article 11 (2) constituted a limitation of the general powers of the General Assembly as defined in Article 10. The General Assembly had the right to consider questions relating to the maintenance of peace and security, and not just questions which do not relate to peace and security. But, when the measures envisaged called for action in the sense of enforcement action, particularly by means of armed forces, the General Assembly could do nothing, since the Charter did not give it the right to act.

114. It followed, therefore, that if action were necessary, the question must be referred to the Security Council. If the General Assembly wanted to make a recommendation on such a question, it was not competent to do so since, if a recommendation were to involve action, the Assembly would not have the right to take such action, and consequently could not recommend what was to be done. Only the Security Council could take action on questions falling within the scope of Articles 10 and 11. The assertion that the General Assembly could recommend action to be taken under the Charter to forestall aggression stood in flagrant contradiction of Article 11 (2), which vested this prerogative in the Security Council. This right to take action rested with the Security Council. The General Assembly could recommend everything except that which Article 11 stated it could not.

115. Other representatives stated that, if the General Assembly possessed all residuary powers with regard to the maintenance of international peace and security, this could be construed as implying that it had all the powers of the Security Council if the latter failed to act even if those powers were not specifically set out in the Charter. In this connexion, however, difficulties were raised by the last sentence of Article 11 (2) which, it was pointed out, was susceptible of two different interpretations. If this provision were designed to ensure that before the General Assembly exercised its residuary powers it should refer the matter to the Security Council for action, then the provision would not bar the General Assembly from

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112/ See paras. 77-90.

exercising its residuary powers if the Security Council failed to act effectively. On the other hand, it was possible that the provision was designed to ensure that the General Assembly, if it considered that action was necessary, would refer the matter to the Security Council, because the Council was the only organ vested with the power to take action.

116. Other representatives again contended that if it were assumed that an international dispute or a breach of the peace existed, it would be appropriate to take "action" in the widest sense of the meaning of the term. Thus, under the provision of the last sentence of Article 11 (2) such a question should be submitted by the General Assembly to the Security Council for its consideration and, if necessary, for the exercise of the powers conferred upon it by Chapters V, VI and VII. In the event that the Security Council did not make use of its powers, then it was in order for the General Assembly once again to exercise its competence in the question, since Article 11 would not preclude the General Assembly from exercising the powers conferred upon it by Article 10 in respect to such a question. Obviously, a recommendation by the General Assembly did not have the force of a decision of the Security Council taken under the terms of Chapter VII. Therefore, the General Assembly would not have the power to make decisions which would automatically impose commitments or enforcement obligations on the Members of the United Nations.

117. It was further argued that Articles 10, 11 and 14 empowered the General Assembly to recommend whatever measures were necessary in connexion with any matter within the scope of the Charter, including questions connected with the maintenance of international peace and security. The limitations in Article 11 (2) did not in any way preclude the General Assembly from exercising the powers to make recommendations conferred upon it by Article 10 since Article 11 (4) envisaged that the General Assembly's power of recommendation was not limited by the provisions of Article 11. If the provision of the last sentence of Article 11 (2) was to be reconciled with Article 10, the term "action" was to be defined as not including recommendations that the General Assembly had the power to make under Article 10. This was a reason for making the distinction that, although the General Assembly was not empowered to order or to take direct enforcement action, it could recommend action of a certain character including the use of armed force. For this reason, it would be justifiable to adopt the attitude that when the Security Council was unable to take action, the General Assembly had the responsibility to act under Article 10. 113/

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113/ For texts of relevant statements, see G A (V), 1st Com., vol. I,  
354th mtg.: United States, paras. 8 and 9.  
357th mtg.: France, para. 49; USSR, paras. 30-41.  
358th mtg.: Canada, paras. 38-53. Ecuador, paras. 2-10.  
359th mtg.: Pakistan, paras. 5-7.  
360th mtg.: Byelorussian SSR, para. 56.  
361st mtg.: Colombia, paras. 72 and 73.  
362nd mtg.: USSR, paras. 36-71.  
363rd mtg.: Pakistan, paras. 43-50; Poland, paras. 31-38;  
Uruguay, paras. 18 and 19.  
364th mtg.: Cuba, paras. 37 and 38; Czechoslovakia, paras. 25-27;  
France, paras. 23 and 24; United Kingdom, paras. 5-18.  
365th mtg.: Iraq, paras. 1 and 2.

Decision

At its 302nd plenary meeting on 3 November 1950, the General Assembly adopted 114/ by 52 votes to 5, with 2 abstentions, resolution 377 (V): "Uniting for peace". 115/

**C. The question of the extent of the competence and powers  
of the General Assembly with regard to questions  
"on which action is necessary"**

118. Article 11 (2) empowers the General Assembly to discuss any questions relating to the maintenance of international peace and security brought before the Assembly as provided in the Article, and to make recommendations with regard to any such questions.

119. The Article contains no limitation as to the powers of discussion 116/ of the Assembly. As to the powers of recommendation, they are subject to the limitation stated in Article 12. Article 11 further provides that "Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion".

120. The question of the effect of this provision on the competence and powers of the General Assembly to make recommendations is one which has often arisen in the proceedings of the Assembly. As stated in the Introductory Note, this question and the other two inter-related questions treated in this study are only facets of the broad question of the relationship between the General Assembly and the Security Council from the standpoint of their respective Charter functions and powers for the maintenance of international peace and security. Although the most varied views have been stated in the proceedings of the General Assembly, constitutional discussion bearing on this question has centred mainly on (a) whether a particular question under consideration fell under the last provision of Article 11 (2) and, therefore, required referral to the Security Council, and (b) whether the measures recommended in particular proposals submitted to the Assembly were of such a nature as to involve an encroachment upon the competence of the Security Council and an extension beyond the provisions of the Charter of the powers of the General Assembly.

121. The question has been discussed especially in connexion with the following items: "Relations between Spain and the United Nations"; 117/ "United action for peace"; 118/ "Intervention of the Central People's Government of the People's Republic of China in Korea"; 119/ "Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee". 120/

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114/ G A (V), Plen., vol. I, 302nd mtg., para. 73.

115/ For text, see annex IV.

116/ The powers of discussion of the General Assembly under Article 11 have never been challenged on the basis of the provisions of the Article, although objections to the competence of the Assembly have been raised on occasions, mainly on the basis of Article 2 (7), and Article 107.

117/ G A (I/2), item 58. The question of domestic jurisdiction was also a major issue in the proceedings on this item. See also in this Repertory under Article 2 (7).

118/ G A (V), item 68.

119/ G A (V), item 76.

120/ G A (VI), item 18.

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**1. Resolution 39 (I)****a. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 39 (I)**

122. By a letter 121/ to the Chairman of the General Committee, the delegations of Belgium, Czechoslovakia, Denmark, Norway and Venezuela proposed that the item concerning "the relations between Spain and the United Nations" be put on the agenda of the second part of the first session of the General Assembly.

123. At its 46th plenary meeting on 31 October 1946, the General Assembly decided to include the item in its agenda. 122/ The First Committee considered this question at its 35th, 38th, 39th and 43rd meetings. The following draft resolutions and amendments were submitted:

(a) The representative of Poland submitted a draft resolution 123/ recommending "that each Member of the United Nations terminate, forthwith, diplomatic relations with the Franco regime."

(b) The representative of the Byelorussian SSR submitted the following amendment 124/ to the Polish draft resolution:

"The General Assembly recommends that each Member of the United Nations terminate diplomatic and economic relations with Franco Spain, such action to include the suspension of communications by rail, sea, air, post and telegraph."

(c) The representative of the United States submitted a draft resolution 125/ which recommended that the Franco Government of Spain be debarred from membership in international agencies set up at the initiative of the United Nations, and from participation in conferences or other activities which might be arranged by the United Nations or by these agencies, until a new and acceptable Government was formed in Spain. The draft resolution further provided that the General Assembly place on record its conviction that General Franco should surrender the powers of government to a provisional Government broadly representative of the Spanish people, committed to respect freedom of speech, religion and assembly and to the prompt holding of an election in which the Spanish people might express their will.

(d) To this draft resolution, the representative of Belgium submitted an amendment 126/ proposing to add the following paragraph:

"Recommends that if, within a reasonable time, the political conditions enumerated above are not realized, the Security Council consider the adequate measures to be taken in order to remedy the situation, and

"Recommends that all Members of the United Nations immediately recall from Madrid, by way of warning, their ambassadors and ministers plenipotentiary, accredited there."

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121/ G A (I/2), 1st Com., pp. 351 and 352, annex 11 (A/BUR/45).

122/ G A (I/2), Plen., 46th mtg., pp. 924 and 925.

123/ G A (I/2), 1st Com., pp. 352 and 353, annex 11 a (A/C.1/24).

124/ G A (I/2), 1st Com., p. 354, annex 11 c (A/C.1/35 and Corr.1).

125/ G A (I/2), 1st Com., pp. 354-355, annex 11 d (A/C.1/100).

126/ G A (I/2), 1st Com., pp. 357-358, annex 11 h (A/C.1/107).

124. The representatives of Mexico, Venezuela, Guatemala, Panama and Chile submitted an amendment 127/ proposing to replace the penultimate paragraph of the United States draft resolution by the following:

"And inasmuch as the United Nations, by the action they took in San Francisco, in Potsdam, in London, and more recently in Lake Success, have in fact, collectively refused to maintain relations with the Franco régime, does hereby recommend that the Members of the United Nations take, individually, the same attitude they have taken collectively and refuse to maintain diplomatic relations with the present Spanish régime."

125. At its 39th meeting on 4 December 1946, the First Committee adopted a proposal based on that originally submitted by Cuba 128/ for the establishment of a sub-committee (Sub-Committee 4) which would seek to find common ground among the draft resolutions and amendments and to produce a new draft resolution.

126. At its 43rd meeting on 9 December, the First Committee considered the report 129/ of Sub-Committee 4. In the report it was stated that during the fourth meeting the representative of the Byelorussian SSR had conditionally withdrawn his amendment providing for the breaking of economic relations by the Members of the United Nations with Franco Spain. 130/

127. At the same meeting, the Sub-Committee's draft resolution, as amended, was adopted 131/ by 23 votes to 4, with 20 abstentions.

128. The General Assembly considered the draft resolution adopted by the First Committee at its 57th to 59th plenary meetings. 132/

127/ G A (I/2), 1st Com., p. 358, annex 11 i (A/C.1/108).

128/ G A (I/2), 1st Com., p. 357, annex 11 g (A/C.1/106).

129/ G A (I/2), 1st Com., pp. 358-362, annex 11 k (A/C.1/128).

130/ G A (I/2), 1st Com., p. 360, annex 11 k (A/C.1/128).

131/ G A (I/2), 1st Com., 43rd mtg., p. 304.

132/ During the consideration of the item "Relations between Spain and the United Nations" at the second session of the General Assembly a draft resolution (G A (II), 1st Com., p. 626), annex 20 a (A/C.1/259) was submitted by the representative of Poland recommending that the Security Council take adequate measures in conformity with Article 41 in order to remedy the situation according to resolution 39 (I). The discussion in the General Assembly was centred on the question whether Article 41 could be invoked. At its 107th meeting the First Committee approved by 29 votes to 6, with 20 abstentions (G A (II), 1st Com., 107th mtg., p. 431) a draft resolution (G A (II), 1st Com., p. 628), annex 20 g (A/C.1/264) submitted by a drafting sub-committee, providing for reaffirmation of resolution 39 (I) and expressing confidence that the Security Council would exercise its responsibilities as soon as it considered that the situation in regard to Spain so required. At the 118th plenary meeting of the General Assembly on 17 November 1947 the second paragraph of the draft resolution, providing for the reaffirmation of resolution 39 (I), was rejected, having failed to obtain the requisite majority of two-thirds (G A (II), Plen., vol. II, 118th mtg., pp. 1095 and 1096) and the General Assembly adopted, by 36 votes to 5, with 12 abstentions (*ibid.*, p. 1096) the remainder of the draft resolution expressing confidence with regard to the exercise by the Security Council of its responsibilities concerning the situation in Spain.

**b. SUMMARY OF RELEVANT CONSTITUTIONAL DISCUSSION IN THE PROCEEDINGS  
CONNECTED WITH RESOLUTION 39 (D)**

129. During the consideration of the item "Relations between Spain and the United Nations," the question arose whether the General Assembly was competent to deal with the matter and to make recommendations with regard to it.

130. Several representatives expressed the view that to recommend the severance of diplomatic relations with Spain or the recall of diplomatic representatives from Spain, when the Security Council had refrained from a declaration that the Franco régime constituted a threat to the peace, would constitute a measure of intervention in the internal affairs of Spain.

131. In this connexion, it was argued that because the Security Council had not found that the situation in Spain was a definite menace to international peace but represented only a potential danger in this regard, any intervention on the part of the United Nations, justified only in the case of aggression, would be a violation of the Charter. The United Nations could take coercive measures only when the Security Council had determined the existence of a threat to the peace, a breach of the peace or an act of aggression under Article 39. Since the investigation by the Security Council had proved that the situation in Spain was not at present a menace to peace, it was not possible to take measures under Articles 41 and 42 and the situation in Spain had to be considered internal. Furthermore, the exercise of enforcement measures by the General Assembly was outside the competence of that organ, since only the Security Council had power to act under Chapter VII. Therefore, only the Security Council should be competent to adopt the recommended measures, that is to say, the withdrawal of diplomatic representatives, and then only in the specific instances mentioned in Article 41 of the Charter.

132. With regard to that paragraph of the draft resolution providing that the General Assembly:

"Recommends that if, within a reasonable time, there is not established a government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will, the Security Council consider the adequate measures to be taken in order to remedy the situation;"

the following observation was made. In such cases it was not for the General Assembly but for the Security Council itself to decide whether to take action. The above-mentioned paragraph implied that the existence of a Government in Spain which did not completely fulfil the conditions laid down in this paragraph was in itself ground for action by the Security Council to remedy the situation. This was contrary to the Charter which limited action by the Security Council to cases in which it had determined that there existed a danger to the maintenance of international peace and security. Also, grave doubts were expressed as to whether the Charter authorized the Security Council to take measures in circumstances defined in the above-quoted provision of the draft resolution.

133. Other representatives, on the other hand, were of the opinion that the indefinite continuation of the Franco régime, a fascist dictatorship, established by fascist intervention which had contributed to fascist aggression, had been a potential and latent menace to international peace and security. Its existence had increasingly caused disturbances in international relations and was creating a danger of war. Thus, the régime was defying the principles of the Charter and represented a symbol of

resistance to the United Nations. For these reasons the matter could not be considered as an internal matter but was a matter of international concern.

134. The General Assembly could not, therefore, evade its responsibility under the Charter but must assume a firm attitude and take definite action to end this situation. There had been no objections to the Declarations of London and Potsdam, or to the Tri-Partite Declaration of 4 March 1946, and no arguments had been raised then that the Franco régime was a matter of domestic concern. Nor had the question of intervention been mentioned when this régime had been unanimously denounced at San Francisco. Unilateral action was not sufficient: collective action, which was within the province of the powers of the General Assembly, had to be taken; the question should not be whether action should be taken, but what action the General Assembly was going to take.

135. To evoke the principle of non-intervention in order to paralyse a collective action by the General Assembly was a manifest contradiction, since this principle referred to unilateral intervention only or to interventions by a group of States acting arbitrarily or on their own initiative. The General Assembly could take action to defend the principles of law and for this reason it could take a collective action which would not be an intervention.

136. The United Nations, by barring Franco Spain from membership in the organization, had formally declared that it would not maintain any relations with the Franco régime. Therefore, it was not consistent to hesitate over an action likely to produce the desired change in régime.

137. The breaking of relations with Franco Spain was a passive measure and did not constitute intervention. The word "intervention" should not be used in the present case: the dogma of non-intervention had nothing in common with the system of collective action provided for in the Charter. Further, a resolution of the General Assembly was only a request to individual Governments which still remained free to decide their own course of action. The severance of diplomatic relations could not, therefore, be considered as intervention on the ground that it took place at the request of the General Assembly. Still less could the withdrawal of the heads of diplomatic missions accredited to a State be considered an intervention: Such a withdrawal constituted preventive measures for the sake of peace and security which fell within the competence of the General Assembly and did not imply intervention. They were not "sanctions" within the technical meaning of the Charter, but a political attitude. Situations which were an actual or potential danger to the peace of the world and constituted a continuous violation of the most elementary human rights were essentially within international jurisdiction, that is to say, essentially within the competence of the United Nations. The General Assembly should assist the fostering of

those rights in order that they might be made effective in Spain and to this end should formulate explicit recommendations. 133/

### Decision

At its 59th plenary meeting on 12 December 1946, the General Assembly adopted 134/ by 34 votes to 6, with 3 abstentions, resolution 39 (I): "Relations of Members of the United Nations with Spain". 135/

## 2. Resolution 377 (V)

### a. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 377 (V) 136/

### b. SUMMARY OF RELEVANT CONSTITUTIONAL DISCUSSION IN THE PROCEEDINGS CONNECTED WITH RESOLUTION 377 (V)

138. During the consideration of the item "United action for peace" it was argued, on the one side, that the General Assembly was authorized to consider all questions relating to the maintenance of international peace and security, with the exception of two instances: (a) when a question was being considered by the Security Council, the General Assembly had the right to discuss the question but not to make recommendations; (b) similarly, when the measures envisaged called for action, in the sense of enforcement action, particularly the employment of armed forces, the General Assembly under Article 11 (2) had no power to act, since the Charter did not give it the right to act.

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- 133/ For texts of relevant statements, see G A (I/2), 1st Com.,  
35th mtg.: Costa Rica, p. 232; El Salvador, p. 231; Guatemala, pp. 232 and 233;  
Nicaragua, p. 234; Philippines, p. 234; Poland, pp. 226-228;  
Uruguay, pp. 233 and 234; Venezuela, p. 229;  
36th mtg.: Byelorussian SSR, p. 243; Czechoslovakia, p. 236; Norway, pp. 237  
and 238; Panama, pp. 240 and 241; Paraguay, p. 235; Peru, p. 242;  
United States, p. 239;  
37th mtg.: Belgium, p. 246; Chile, pp. 252 and 253; Costa Rica, p. 252;  
Cuba, p. 245; Ecuador, p. 251; El Salvador, p. 253; France, pp. 248  
and 249; Mexico, p. 254; United Kingdom, pp. 247 and 248;  
Yugoslavia, p. 251;  
38th mtg.: Guatemala, p. 263; Nicaragua, p. 262;  
39th mtg.: China, pp. 265-270; Denmark, p. 264; Ethiopia, p. 265;  
Guatemala, p. 268; USSR, p. 267;  
43rd mtg.: Colombia, p. 295; El Salvador, p. 303; Peru, p. 303.  
G A (I/2), Plen.,  
57th mtg.: Chile, p. 1168; Colombia, p. 1171; Poland, p. 1168;  
58th mtg.: Costa Rica, pp. 1182 and 1184; Ecuador, p. 1197; El Salvador, pp. 1188  
and 1190; France, pp. 1193 and 1195; Venezuela, pp. 1180;  
59th mtg.: Argentina, pp. 1206 and 1208; Guatemala, p. 1204; Mexico, p. 1215;  
Nicaragua, p. 1202; Panama, p. 1220; Paraguay, p. 1204; Philippines,  
p. 1209; USSR, pp. 1212 and 1213; United Kingdom, p. 1199;  
United States, p. 1217; Uruguay, pp. 1210 and 1211.  
134/ G A (I/2), Plen., 59th mtg., p. 1222.  
135/ For text, see annex IV.  
136/ See paras. 77-90 above.

139. The seven-Power joint draft resolution 137/ provided that the General Assembly could make recommendations in cases where there appeared to be a threat to the peace, breach of the peace or act of aggression. Such questions, however, were of a substantive nature and came under the exclusive jurisdiction of the Security Council. The argument that the General Assembly could forestall aggression by recommending the use of armed forces implied a flagrant violation of Article 11 (2). The Charter did not empower the General Assembly to recommend troop movements and the employment of armed forces, nor did it authorize the General Assembly to control armed forces; under the joint draft resolution the General Assembly would be empowered to assume command of armed forces and be responsible for their maintenance and allocation. Paragraphs 7 and 8 of the seven-Power draft resolution, which provided for an action of the type of enforcement measures defined in Chapter VII, were not in accordance with the Charter. The contradiction between Article 43 and the provision of the draft resolution inviting each Member State to survey its resources in order to determine the nature and the scope of the assistance it might be in a position to render in support of any recommendations of the Security Council or of the General Assembly for the restoration of international peace and security could not be denied by asserting that the armed forces to be used to carry out enforcement measures would not be placed at the disposal of the General Assembly. If these two paragraphs were adopted, the principle laid down in Article 43 that the armed forces of the United Nations should be placed at the exclusive disposal of the Security Council would be violated and its requirements regarding special agreements would not be met. Paragraph 10 of the draft resolution, providing for the setting up of a panel of military experts, violated Article 47 according to which the Military Staff Committee, under the authority of the Security Council, was responsible for the employment of armed forces placed at the disposal of the Security Council. The effect of paragraph 10 would be the establishment of duplicate organs since under Article 47 the Military Staff Committee already possessed the powers which it was proposed to vest in the panel of military experts.

140. It had been asked whether the severance of diplomatic relations proposed to the Assembly in the case of Franco Spain was not, in fact, an enforcement action; the answer was in the affirmative; it was. However, while the last sentence of Article 11 referred to enforcement action with regard to the possibility of the use of armed forces, the severance of diplomatic relations or interruption of economic relations were enforcement measures which did not include the use of armed force. The proposals requesting the General Assembly not to evade the consideration of the question of Franco Spain and to recommend the severance of diplomatic relations were in accordance with Article 41, because under Article 11 the General Assembly had the right to consider the matter if the action did not involve the use of armed forces.

141. It was contended, on the other side, that the joint draft resolution did not confer upon the General Assembly any powers which it did not already possess under the Charter. The General Assembly was under no obligation to transmit every question to the Security Council regardless of what kind of action was required. Article 11 (2) referred only to action necessary under the Charter. Many Articles authorized action on the part of the General Assembly in the field of the maintenance of international peace and security. Thus Articles 55, 56, 59 and 60 referred to joint action under the authority of the General Assembly, with a view to assuring friendly and peaceful relations in the field of economic and social co-operation, a question directly related to the maintenance of international peace and security. Articles 73, 76, 85 and 87 also referred to action by the General Assembly for the maintenance of international

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137/ G A (V), Annexes, a.i. 68, pp. 4-6, A/C.1/576.

peace and security in the case of Non-Self-Governing and Trust Territories. Article 35 provided that the General Assembly might be seized with a dispute, and Article 51 dealt with self-defence, individual or collective, until the Security Council had taken the measures necessary to maintain peace. Therefore, if the Security Council was prevented from exercising its functions and powers with regard to the maintenance of international peace and security, the General Assembly could take measures of collective self-defence.

142. If the Security Council, because of lack of unanimity among its permanent members, should be unable to act on a question concerning a breach of the peace or an act of aggression, other courses of action were open: self-defence, collective defence and certain other measures. Under the joint draft resolution in question the General Assembly, therefore, would not apply measures under Chapters VI and VII, but would be in a position to recommend positive action, including the use of armed forces. Paragraph 7 of the seven-Power draft resolution was based on the powers conferred upon the General Assembly under Article 11. It provided for a type of action, that is to say, a survey of the resources to be placed at the disposal of the United Nations, which did not come within the limitations provided for in Article 11 (2). Paragraphs 8, 9 and 10 of the draft resolution set forth the consequences of the survey provided for in paragraph 7. If the Security Council had implemented Article 43 of the Charter there would have been no need to authorize the General Assembly to recommend this action. The draft resolution did not divest the Security Council of its powers but provided that while the five permanent members of the Security Council were not able to achieve unanimity on special agreements provided for in Article 43, the Member States could delay no longer in discharging their obligation to maintain within their national armed forces contingents to be held available for the United Nations. The above provision, therefore, might constitute a step towards implementing Article 43.

143. Actions taken in the past by the General Assembly constituted precedents confirming the power of the General Assembly to take action for the maintenance of international peace and security without prior or subsequent reference of the matter to the Security Council.

144. It was also stated by other representatives that the question arose whether the provisions of the joint draft resolution empowering the General Assembly to set up national armed forces and giving it competence to recommend enforcement action were in accordance with the Charter. Regarding the first provision, establishment of military forces to be used in time of crisis, there was no conflict with the Charter. Regarding the second, the competence of the General Assembly to recommend the use of armed forces for enforcement action, there were some doubts. However, the General Assembly had had the tendency to extend its competence beyond the limits indicated in the Articles of the Charter. For instance, the General Assembly in resolution 39 (I) had recommended a type of diplomatic boycott of Franco Spain, which action was tantamount to an

enforcement measure. In resolution 193 (III) 138/ it had recommended that Member States should not permit the export of raw materials to the States neighbours of Greece.

138/ The parts of resolution 193 A (III) which are relevant to the question examined here read as follows:

"A

"The General Assembly,

"1. Having considered the reports of the Special Committee established by General Assembly resolution 109 (II),

"2. Having noted the conclusions of the Special Committee and, in particular, its unanimous conclusion that, despite the aforesaid resolution of the General Assembly, 'the Greek guerrillas have continued to receive aid and assistance on a large scale from Albania, Bulgaria and Yugoslavia, with the knowledge of the Governments of those countries', and that the Greek guerrillas in the frontier zones have, as found by the Special Committee:

"(1) 'Been largely dependent on external supply. Great quantities of arms, ammunition and other military stores have come across the border, notably during times of heavy fighting. Strongly held positions of the guerrillas have protected their vital supply lines from Bulgaria, Yugoslavia and, in particular, from Albania. In recent months, there has been less evidence of receipt of supplies from Yugoslavia by the guerrillas; ...'

".....

"3. Having noted further the conclusions of the Special Committee that a continuation of this situation 'constitutes a threat to the political independence and territorial integrity of Greece and to peace in the Balkans' and 'that the conduct of Albania, Bulgaria and Yugoslavia had been inconsistent with the purposes and principles of the Charter of the United Nations',

"4. Having noted the recommendations submitted by the Special Committee,

"5. Considers that the continued aid given by Albania, Bulgaria and Yugoslavia to the Greek guerrillas endangers peace in the Balkans, and is inconsistent with the purposes and principles of the Charter of the United Nations;

"6. Calls upon Albania, Bulgaria and Yugoslavia to cease forthwith rendering any assistance or support in any form to the guerrillas in fighting against the Greek Government, including the use of their territories as a base for the preparation or launching of armed action;

".....

"9. Recommends to all Members of the United Nations and to all other States that their Governments refrain from any action designed to assist directly or through any other Government any armed group fighting against the Greek Government;"

This resolution is not treated in the Analytical Summary of Practice in view of the fact that there was no constitutional discussion relevant to this issue in the proceedings leading up to its adoption.

This recommendation also called for action. Thus the letter of the Charter had been exceeded in practice. 139/

### Decision

At its 302nd plenary meeting on 3 November 1950, the General Assembly adopted 140/ by 52 votes to 5, with 2 abstentions, resolution 377 (V): "Uniting for peace". 141/

### 3. Resolution 498 (V)

#### a. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 498 (V)

145. By a telegram 142/ dated 4 December 1950 to the Secretary-General, the delegations of Cuba, Ecuador, France, Norway, the United Kingdom and the United States requested that the item "Intervention of the Central People's Government of the People's Republic of China in Korea" be included in the agenda of the fifth regular session of the General Assembly.

146. An explanatory memorandum 143/ was submitted on 5 December 1950, in which it was stated that armed forces of the Central People's Government of the People's Republic of China were conducting military operations against the United Nations forces in Korea. This question had been considered during November by the Security Council, which on 30 November had not adopted a draft resolution 144/ because of the negative vote of one of the permanent members, the USSR. Under these circumstances it was proposed that the General Assembly should consider, as an important and urgent question, the intervention of the Central People's Government of the People's Republic of China in Korea, with a view to making appropriate recommendations.

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- 139/ For texts of relevant statements, see G A (V), 1st Com., vol. I,  
 354th mtg.: United Kingdom, paras. 43 and 44; United States, paras. 6-18.  
 355th mtg.: Uruguay, paras. 8-13.  
 356th mtg.: Australia, paras. 12-23; Peru, paras. 28-39.  
 357th mtg.: USSR, paras. 29-48.  
 358th mtg.: Canada, paras. 49-51; Ecuador, paras. 1-10;  
 Philippines, paras. 67-69.  
 359th mtg.: Czechoslovakia, paras. 39-47.  
 360th mtg.: Byelorussian SSR, paras. 53-58.  
 361st mtg.: Colombia, paras. 67-73; Poland, para. 39; Sweden, paras. 7-12.  
 362nd mtg.: Israel, paras. 2-4.  
 363rd mtg.: Pakistan, paras. 46-48; Poland, paras. 31-38.  
 364th mtg.: Australia, paras. 63 and 64; United Kingdom, paras. 2-16.  
 366th mtg.: Czechoslovakia, paras. 68-72; Philippines, paras. 22-25;  
 Poland, paras. 48-52; Syria, paras. 59-64.  
 367th mtg.: Byelorussian SSR, paras. 3-5; Czechoslovakia, paras. 42 and 43;  
 Poland, paras. 33-41.  
 G A (V), Plen., vol. I,  
 299th mtg.: Poland, paras. 179 and 180.  
 300th mtg.: Byelorussian SSR, paras. 104-130; Czechoslovakia, para. 52.  
 301st mtg.: Ukrainian SSR, paras. 176-183; USSR, paras. 109-137.
- 140/ G A (V), Plen., vol. I, 302nd mtg., para. 73.  
141/ For text, see annex IV.  
142/ G A (V), Annexes, a.i. 76, p. 2, A/1618.  
143/ G A (V), Annexes, a.i. 76, pp. 2 and 3, A/1621.  
144/ S C, 5th yr., 530th mtg., S/1894, pp. 22-25.

147. At the 319th plenary meeting on 6 December 1950, the General Assembly decided 145/ to include this item in its agenda. The First Committee considered the question at its 409th to 417th meetings, and at its 419th to 438th meetings. At its 417th meeting the First Committee approved a joint draft resolution 146/ submitted by the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen, requesting the President of the General Assembly to constitute a group of three persons, including the President, to determine the basis on which a satisfactory cease-fire in Korea could be arranged and to make recommendations to the General Assembly as soon as possible.

148. At its 324th plenary meeting on 14 December, the General Assembly adopted 147/ this draft resolution 148/ by 52 votes to 5, with one abstention.

149. At the 419th meeting of the First Committee on 3 January 1951, the representative of India presented the report 149/ of the Group on Cease-Fire in Korea expressing regret that the Group had been unable to pursue discussion of a satisfactory cease-fire arrangement so that no recommendation could usefully be made by it at that time.

150. At the 422nd meeting on 11 January 1951, the representative of Canada, on behalf of the Group on Cease-Fire in Korea, presented a supplementary report 150/ containing five principles concerning a cease-fire in Korea, the establishment of a free and united Korea and a peaceful settlement of Far Eastern problems.

151. The First Committee considered the reports of the Group on Cease-Fire in Korea from its 419th to 425th meetings, and at its 425th meeting, approved 151/ by 50 votes to 7, with 1 abstention, the five principles in the supplementary report. At the same meeting, the First Committee approved 152/ by 45 votes to 5, with 3 abstentions, a draft resolution 153/ submitted by Norway, inviting the Chairman of the First Committee to transmit the principles approved by it on 13 January 1951 to the Central People's Government of the People's Republic of China and inviting that Government to inform him whether it could accept those principles as a basis for the peaceful settlement of the Korean problem and other Far Eastern problems.

152. At its 426th meeting, the First Committee began consideration of the reply 154/ dated 17 January 1951 received from the Central People's Government of the People's Republic of China.

153. At the 428th meeting of the First Committee, the representative of the United States submitted a draft resolution 155/ which provided that the General Assembly should find that the People's Republic of China had engaged in aggression and should request a committee composed of the members of the Collective Measures Committee to consider additional measures to meet the aggression in Korea and to report thereon to the General Assembly.

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- 145/ G A.(V), Plen., vol. I, 319th mtg., para. 93.
  - 146/ G A (V), 1st Com., vol. I, 417th mtg., para. 23.
  - 147/ G A (V), Plen., vol. I, 324th mtg., para. 93.
  - 148/ G A resolution 334 (V).
  - 149/ G A (V), Annexes, a.i. 76, pp. 6-10, A/C.1/643.
  - 150/ G A (V), Annexes, a.i. 76, p. 13, A/C.1/645.
  - 151/ G A (V), 1st Com., vol. II, 425th mtg., para. 11.
  - 152/ G A (V), 1st Com., vol. II, 425th mtg., para. 73.
  - 153/ G A (V), 1st Com., vol. II, 425th mtg., A/C.1/651, para. 78.
  - 154/ G A (V), Annexes, a.i. 76, pp. 14 and 15, A/C.1/653.
  - 155/ G A (V), Annexes, a.i. 76, p. 15, A/C.1/654.

154. At its 438th meeting, the First Committee approved 156/ this draft resolution, as amended, by 44 votes to 7, with 8 abstentions.

155. At its 327th plenary meeting on 1 February 1951, the General Assembly considered the draft resolution adopted by the First Committee.

**b. SUMMARY OF RELEVANT CONSTITUTIONAL DISCUSSION IN THE PROCEEDINGS  
CONNECTED WITH RESOLUTION 498 (V)**

156. During the first part of the consideration of the item "Intervention of the Central People's Government of the People's Republic of China in Korea" it was argued, on the one hand, that the question of the so-called intervention of China in Korea was not and never had been on the agenda of the Security Council, and that those who raised the question of the "Intervention of the Central People's Government of the People's Republic of China in Korea" intended to include an entirely new item in the agenda of the General Assembly. Therefore, they could not invoke the course envisaged in the illegal resolution 377 (V) and argue that the Security Council had not carried out its obligations. The United States draft resolution 157/ came within the competence not of the General Assembly but of the Security Council because it could be considered only under Chapter VII. While the General Assembly could make various recommendations under Articles 10 and 11, it could not make a finding or a determination as to an act of aggression. That power belonged exclusively to the Security Council under Article 39.

157. The view was also expressed that the majority of the Members of the United Nations had considered that the Central People's Government of the People's Republic of China was not the Government of China and, consequently, had refused it the right of representation in the United Nations. The question arose whether that Government could be declared an aggressor, if it merely had the status of a private political organization.

158. On the other hand, it was contended that the provision contained in the United States draft resolution which proposed that the General Assembly should find that the Central People's Government of the People's Republic of China "has itself engaged in aggression in Korea", was in accordance with fact. In view of the failure of the Security Council to exercise its primary responsibility for the maintenance of international peace and security, the General Assembly, after exhausting all possible means for ensuring peace, was under obligation to exercise its powers under Article 11 and under resolution 377 (V). The situation anticipated in paragraph 1, section A, of resolution 377 A (V) had actually come to pass and the machinery provided for in that resolution should be set in motion. The General Assembly had to recognize the fact of armed aggression in Korea, and, consequently, it was its duty to declare the Central People's Government guilty of an act of aggression not only against the Republic of

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156/ G A (V), 1st Com., vol. II, 438th mtg., para. 52.

157/ See para. 153 above.

Korea but also against the United Nations forces and to recommend appropriate collective measures for meeting the aggression. 158/

### Decision

At its 327th plenary meeting on 1 February 1951 the General Assembly adopted 159/ by 44 votes to 7, with 9 abstentions, resolution 498 (V): "Intervention of the Central People's Government of the People's Republic of China in Korea". 160/

## 4. Resolution 500 (V)

### a. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 500 (V)

159. The report 161/ of the Additional Measures Committee embodying its recommendations in the form of a draft resolution was transmitted 162/ to the Chairman of the First Committee on 16 May 1951 and the First Committee considered it at its 443rd and 444th meetings.

160. At the 443rd meeting of the First Committee, the representatives of the USSR, 163/ Poland, 164/ the Byelorussian SSR, 165/ the Ukrainian SSR 166/ and Czechoslovakia 167/ stated that the question of applying an embargo was a measure exclusively within the competence of the Security Council and outside the competence of the General Assembly, and that in view of that fact they could not participate in the discussion of the report.

161. At its 444th meeting the First Committee adopted 168/ by 45 votes to none, with 9 abstentions, the draft resolution, as amended, recommended by the Additional Measures Committee. The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR did not participate in the voting.

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- 158/ For texts of relevant statements, see G A (V), 1st Com.,  
 410th mtg.: Uruguay, para. 3.  
 426th mtg.: Peru, para. 69; United States, paras. 19 and 20.  
 427th mtg.: Brazil, para. 20; Chile, para. 5; Cuba, para. 12.  
 428th mtg.: Colombia, paras. 36 and 37; Dominican Republic, paras. 15 and 19;  
 Panama, para. 54; United States, para. 3; Uruguay, para. 22.  
 431st mtg.: New Zealand, para. 43.  
 432nd mtg.: Canada, para. 20; Israel, para. 53;  
 434th mtg.: France, para. 43.  
 435th mtg.: Iceland, para. 22; India, paras. 32 and 33; Norway, para. 42.  
 436th mtg.: Poland, para. 29.  
 437th mtg.: Canada, para. 166; Sweden, para. 71; United Kingdom, para. 20.  
 G A (V), Plen.,  
 319th mtg.: Philippines, paras. 3 and 4; Poland, paras. 79 and 80.  
 327th mtg.: India, para. 75.
- 159/ G A (V), Plen., vol. II, 327th mtg., para. 93.
- 160/ For text, see annex IV.
- 161/ G A (V), Annexes, a.i. 76, pp. 20 and 21, A/1799.
- 162/ See G A (V), Annexes, a.i. 76, p. 21, A/1802.
- 163/ G A (V), 1st Com., vol. II, 443rd mtg., para. 11.
- 164/ G A (V), 1st Com., vol. II, 443rd mtg., para. 18.
- 165/ G A (V), 1st Com., vol. II, 443rd mtg., para. 22.
- 166/ G A (V), 1st Com., vol. II, 443rd mtg., para. 25.
- 167/ G A (V), 1st Com., vol. II, 443rd mtg., para. 26.
- 168/ G A (V), 1st Com., vol. II, 444th mtg., para. 24.

162. At its 330th plenary meeting, the General Assembly considered the draft resolution approved by the First Committee.

**b. SUMMARY OF RELEVANT CONSTITUTIONAL DISCUSSION IN THE PROCEEDINGS  
CONNECTED WITH RESOLUTION 500 (V)**

163. During the consideration of the report 169/ of the Additional Measures Committee and the draft resolution recommended by the Committee, it was contended on the one hand that the draft resolution envisaged sanctions of an economic character directed against the Government of the People's Republic of Korea and against the Central People's Government of the People's Republic of China. The whole question of embargo came under Chapter VII and, therefore, it was the duty of the General Assembly to refer it under Article 11 (2) to the Security Council, which had exclusive competence in the matter, for its decision. An action of this kind was within the exclusive competence of the Security Council and the General Assembly was not competent, therefore, to consider the question of an embargo and had no power to make recommendations of this kind. For this reason the draft resolution which involved the actual imposition of sanctions under Article 41 flagrantly violated Article 11 (2) and was illegal. If it was contended that the course of action followed in this question had been lawful and corresponded to resolution 377 (V), the fact was that even this illegal resolution had not been adhered to. Resolution 377 (V) had called upon the General Assembly to act in the absence of unanimity among the permanent members of the Security Council. However, in the present case, the question of sanctions had never been discussed by the Security Council.

164. It was argued, on the other hand, that even if the draft resolution was considered to fall within the scope of the last sentence of Article 11 (2), the requirements of that provision had already been observed. The resolution adopted by the Security Council on 27 June 1950, concerning aggression against the Republic of Korea, recommended "that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area".

165. The relevant item had been removed subsequently from the agenda of the Security Council, and the General Assembly, in proceeding to exercise its duties for the maintenance of international peace and security, had been taking steps strictly within its own competence. Assuming that the conditions stipulated in Article 11 (2) had to be met, the fact was that the item had been withdrawn from the agenda of the Security Council, in accordance with Article 12. For these reasons the draft resolution was of undoubted legal validity, and in view of its urgent character the General Assembly could deal with the matter in accordance with resolution 377 A (V), section A, paragraph 1. 170/

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169/ G A (V), Annexes, a.1. 76, pp. 20 and 21, A/1799.

170/ For texts of relevant statements, see G A (V), 1st Com., vol. II,  
 443rd mtg.: Czechoslovakia, para. 26; Poland, paras. 13 and 14; USSR, para. o.  
 444th mtg.: Poland, para. 28; USSR, para. 26; United States, para. 25.  
 G A (V), Plen., vol. II,  
 330th mtg.: Byelorussian SSR, paras. 101, 102 and 107; Czechoslovakia,  
 paras. 87, 89; Ecuador, paras. 31-33; Poland, paras. 69-72;  
 122-129, 131; Ukrainian SSR, para. 65; USSR, paras. 37-42,  
 55 and 56, 122-124; United States, paras. 109-118.

Decision

At its 330th plenary meeting on 18 May 1951, the General Assembly adopted 171/ by 47 votes to none, with 8 abstentions resolution 500 (V): "Additional measures to be employed to meet the aggression in Korea". 172/

**5. Resolution 503 (VI)****a. PRECIS OF THE PROCEEDINGS CONNECTED WITH RESOLUTION 503 (VI) 173/****b. SUMMARY OF RELEVANT CONSTITUTIONAL DISCUSSION IN THE PROCEEDINGS CONNECTED WITH RESOLUTION 503 (VI)**

166. During the consideration of the first report of the Collective Measures Committee it was argued, on the one side, that no provision of the Charter gave the least support to the theory that jurisdiction to undertake enforcement measures to maintain international peace and security had been entrusted simultaneously to the Security Council and to the General Assembly. The report of the Collective Measures Committee which amounted to a programme of sanctions, reserved under the Charter to the Security Council, involved the transfer to the General Assembly of powers exclusively within the competence of the Security Council and the Military Staff Committee. According to the proposals of the Collective Measures Committee, the General Assembly was to establish an illegal authority to replace the Military Staff Committee on the grounds of the latter's alleged inactivity. This proposal violated the Charter as did the proposal concerning agreements to be concluded with participating States and would be contrary to Article 43. Thus, the functions of the Security Council and of the Military Staff Committee would be illegally arrogated by the General Assembly and an executive military authority. Therefore, the decision of the General Assembly concerning the measures contained in the report of the Collective Measures Committee would violate Article 11 (2), according to which any question requiring action should be referred by the General Assembly to the Security Council.

167. It was contended, on the other side, that it was only when the Security Council was prevented from taking emergency action because of the veto that its collective security functions would be partially assumed by the General Assembly. If the permanent members of the Security Council were unable to agree in determining an act of aggression, although aggression had, in fact, occurred, the determination of such aggression must be made outside the Security Council, that is to say, by the General Assembly, which, however, could do no more than recommend a line of action by Member States. The report explicitly recognized that the Security Council was responsible for the setting up of an armed international force in accordance with Article 43. However, the Security Council had not yet carried out its obligation to negotiate agreements provided for in Article 43 and the Military Staff Committee had been prevented from functioning. Therefore, as long as there had been no implementation of the provisions of Article 43, the General Assembly must develop means whereby Member States could act

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171/ G A (V), Plen., vol. II, 330th mtg., para. 135. Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR and the USSR did not participate in the voting.

172/ For text, see annex IV.

173/ See paras 91-100 above.

together effectively and promptly in defence of peace and thus set up alternative machinery for collective defence. 174/

#### Decision

At its 359th plenary meeting, on 12 January 1952, the General Assembly adopted, 175/ by 51 votes to 5, with 6 abstentions, resolution A, and by 57 votes to none, with 2 abstentions, resolution B of resolution 503 (VI): "Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter". 176/

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- 174/ For texts of relevant statements, see G A (VI), 1st Com.,  
 476th mtg.: United States, para. 25.  
 477th mtg.: USSR, para. 32.  
 478th mtg.: Indonesia, paras. 13 and 14, 16.  
 479th mtg.: Czechoslovakia, paras. 22-24, 26 and 27; Peru, para. 6.  
 480th mtg.: France, paras. 9-11; Lebanon, para. 39; Netherlands, para. 14;  
 Philippines, para. 48; Syria, para. 60.  
 481st mtg.: Byelorussian SSR, paras. 31 and 32; Chile, para. 15;  
 Iran, para. 23; Israel, paras. 53 and 54; Poland, para. 46;  
 Ukrainian SSR, para. 7.  
 482nd mtg.: Canada, paras. 11 and 12; Ecuador, para. 38.  
 483rd mtg.: United Kingdom, paras. 17, 19 and 20; United States, paras. 51  
 and 52.  
 485th mtg.: Czechoslovakia, para. 6; Poland, para. 19.  
 G A (VI), Plen.,  
 359th mtg.: France, para. 121.  
175/ G A (VI), Plen., 359th mtg., para. 143.  
176/ For text, see annex IV.

## ANNEX I

## Tabulation of agenda items bearing upon Article 11

A. Agenda items bearing upon the general principles of co-operation in the maintenance of international peace and security

<u>Title of the item</u>	<u>Assembly Session</u>	<u>Item No.</u>	<u>Resolution No.</u>
Study of methods for the promotion of international co-operation in the political field: report of the Interim Committee of the General Assembly	G A (III/1)	19	
	G A (III/2)	4	268 (III)
Establishment of a permanent commission of good offices	G A (V)	73	379 (V)

B. Agenda items bearing upon the principles governing disarmament and the regulation of armaments

<u>Title of the item</u>	<u>Assembly Session</u>	<u>Item No.</u>	<u>Resolution No.</u>
Establishment of a commission to deal with the problems raised by the discovery of atomic energy and other related matters	G A (I/1)	Supplementary list: 4	1 (I)
Presence of troops of States Members of the United Nations on non-enemy territories	G A (I/2)	44	42 (I)
General reduction of armaments	G A (I/2)	56	41 (I)
Reports of the Atomic Energy Commission; resolution of the Security Council	G A (III/1)	20	191 (III)
Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council	G A (III/1)	70	192 (III)
International control of atomic energy: resolutions of the Atomic Energy Commission (transmitted by the Security Council) and report of the permanent members of the Atomic Energy Commission	G A (IV)	23	299 (IV)

<u>Title of the item</u>	<u>Assembly Session</u>	<u>Item No.</u>	<u>Resolution No.</u>
Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council: report of the Security Council	G A (IV)	24	300 (IV)
International control of atomic energy	G A (V)	26	496 (V)
International control of atomic energy: report of the Committee of Twelve	G A (VI)	16	502 (VI)
Regulation, limitation and balanced reduction of all armed forces and all armaments	G A (VI)	66	502 (VI)
Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission	G A (VII)	17	704 (VII)
Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission	G A (VIII)	23	715 (VIII)

C. Agenda items of a general political character, bearing, inter alia, upon the principles governing disarmament and the regulation of armaments

<u>Title of the item</u>	<u>Assembly Session</u>	<u>Item No.</u>	<u>Resolution No.</u>
Condemnation of the preparations for a new war, and conclusion of a five-Power pact for the strengthening of peace	G A (IV)	67	290 (IV)
Declaration on the removal of the threat of a new war and the strengthening of peace and security among the nations	G A (V)	69	380 (V)
Measures to combat the threat of a new world war and to strengthen peace and friendship among the nations	G A (VI)	67	504 (VI)
Measures to avert the threat of a new world war and measures to strengthen peace and friendship among the nations	G A (VII)	72	705 (VII)

<u>Title of the item</u>	<u>Assembly Session</u>	<u>Item No.</u>	<u>Resolution No.</u>
Measures to avert the threat of a new world war and to reduce tension in international relations	G A (VII)	73	No resolution adopted

D. Agenda items bearing upon the maintenance of international peace and security

<u>Title of the item</u>	<u>Assembly Session</u>	<u>Item No.</u>	<u>Resolution No.</u>
Relations of Members of the United Nations with Spain	G A (I)	58	39 (I)
Relations of Members of the United Nations with Spain	G A (II)	18	114 (II)
Threats to the political independence and territorial integrity of Greece	G A (II)	45	109 (II)
Question of Franco Spain: implementation of the resolutions and recommendations of the General Assembly of 12 December 1946 and of 17 November 1947	G A (III/1)	55	
	G A (III/2)	12	No resolution adopted
Threats to the political independence and territorial integrity of Greece: reports of the United Nations' Special Committee on the Balkans	G A (III/1)	15	193 (III)
Appeal to the great Powers to renew their efforts to compose their differences and establish a lasting peace	G A (III/1)	72	190 (III)
Threats to the political independence and territorial integrity of Greece: report of the United Nations Special Committee on the Balkans	G A (IV)	21	288 (IV)
Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945, and from Soviet violations of the Charter of the United Nations	G A (IV)	68	291 (IV) 292 (IV)
Threats to the political independence and territorial integrity of Greece: (a) Report of the United Nations Special Committee on the Balkans; (b) Repatriation of Greek children: report of the Secretary-General	G A (V)	22	382 (V)

## Annexes

## Article 11

<u>Title of the item</u>	<u>Assembly Session</u>	<u>Item No.</u>	<u>Resolution No.</u>
Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations: report of the Interim Committee of the General Assembly	G A (V)	23	383 (V)
The problem of the independence of Korea: report of the United Nations Commission on Korea	G A (V)	24	376 (V)
Relations of States Members and specialized agencies with Spain	G A (V)	62	386 (V)
United action for peace	G A (V)	68	377 (V)
Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America	G A (V)	70	No resolution adopted
Duties of States in the event of the outbreak of hostilities	G A (V)	72	378 (V)
Complaint by the Union of Soviet Socialist Republics regarding the violation of Chinese air space by the Air Force of the United States of America and the machine-gunning and bombing of Chinese territory by that air force, and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States	G A (V)	75	No resolution adopted
Intervention of the Central People's Government of the People's Republic of China in Korea	G A (V)	76	384 (V) 498 (V) 500 (V)
The problem of the independence of Korea: report of the United Nations Commission for the Unification and Rehabilitation of Korea	G A (VI)	17	507 I (VI)
Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee	G A (VI)	18	503 (VI)

Article 11

<u>Title of the item</u>	<u>Assembly Session</u>	<u>Item No.</u>	<u>Resolution No.</u>
Threats to the political independence and territorial integrity of Greece: (a) Report of the United Nations Special Committee on the Balkans; (b) Repatriation of Greek children: reports of the Secretary-General and of the International Red Cross organizations	G A (VI)	19	508 (VI)
Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations	G A (VI)	23	505 (VI)
Complaint of aggressive acts of the United States of America and its interference in the domestic affairs of other countries, as instanced by the appropriation of 100 million dollars to finance the recruitment of persons and armed groups in the Soviet Union, Poland, Czechoslovakia, Hungary, Romania, Bulgaria, Albania and a number of other democratic countries, as well as outside the territory of those countries	G A (VI)	69	No resolution adopted
Korea: (a) Reports of the United Nations Commission for the Unification and Rehabilitation of Korea <u>a/</u>	G A (VII)	16 (a)	610 (VII) 711 (VII) 712 (VII)
Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee	G A (VII)	18	703 (VII)
The Tunisian question	G A (VII)	60	611 (VII)
The question of Morocco	G A (VII)	65	612 (VII)

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a/ At the second series of resumed meetings of the seventh session the title of this item was: "The Korean question".

<u>Title of the item</u>	<u>Assembly Session</u>	<u>Item No.</u>	<u>Resolution No.</u>
Interference of the United States of America in the internal affairs of other States as manifested by the organization on the part of the Government of the United States of America of subversive and espionage activities against the Union of Soviet Socialist Republics, the People's Republic of China, the Czechoslovak Republic and other people's democracies	G A (VII)	71	No resolution adopted
Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China	G A (VII)	77	707 (VII)
The Korean question: (a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea	G A (VIII)	18 (a)	716 (VIII)
Question of impartial investigation of charges of use by United Nations forces of bacterial warfare	G A (VIII)	24	714 (VIII)
Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China: report of the Government of the Union of Burma	G A (VIII)	25	717 (VIII)
The Tunisian question	G A (VIII)	56	No resolution adopted
The question of Morocco	G A (VIII)	57	No resolution adopted

E. Agenda items bearing upon the maintenance of international peace  
and the general principles of co-operation in this field

<u>Title of the item</u>	<u>Assembly Session</u>	<u>Item No.</u>	<u>Resolution No.</u>
Establishment of an interim committee of the General Assembly on peace and security	G A (II)	59	111 (II)
Advisability of establishing a permanent committee of the General Assembly: report of the Interim Committee of the General Assembly	G A (III/1)	18	196 (III)
Report of the Interim Committee of the General Assembly: (a) Promotion of international co-operation in the political field; (b) Constitution, duration and terms of reference of the Interim Committee	G A (IV)	25	295 (IV)

ANNEX II

Tabulation of provisions of resolutions of the General Assembly bearing upon Article 11

A. Provisions bearing upon the general principles of co-operation in the maintenance of international peace and security

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
111 (II). Establishment of an Interim Committee of the General Assembly	41	6	6	Establishing, for the period between the second and the third regular sessions of the General Assembly, an interim committee of the General Assembly which, <u>inter alia</u> , would consider and report on methods to be adopted to give effect to that part of Article 11 (1), which deals with the general principles of co-operation in the maintenance of international peace and security (para. 2 (c)).
196 (III). Re-establishment of the Interim Committee of the General Assembly	40	6	1	Re-establishing the Interim Committee, for the period between the third and the fourth regular sessions of the General Assembly, entrusting it, <u>inter alia</u> , with functions in connexion with Article 11 (1), similar to those entrusted to the Committee by resolution 111 (II) (para. 2 (c)).
295 (IV). Re-establishment of the Interim Committee of the General Assembly	45	5	4	Re-establishing the Interim Committee, to meet when the General Assembly is not actually in regular session, entrusting it, <u>inter alia</u> , with functions in connexion with Article 11 (1), similar to those entrusted to the Committee by resolution 196 (III) (para. 2 (c)).
268 A (III). Study of methods for the promotion of international co-operation in the political field	45	6	1	Instructing the Secretary-General to prepare a revised text of the General Act for the Pacific Settlement of International Disputes.

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Annexes

Article 11

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
268 B (III). Study of methods for the promotion of international co-operation in the political field	47	6	1	Recommending the appointment of a rapporteur or conciliator for a situation or dispute brought before the Security Council.
268 C (III). Study of methods for the promotion of international co-operation in the political field	48	2	4	Proposing amendments to the rules of procedure of the General Assembly.
268 D (III). Study of methods for the promotion of international co-operation in the political field	49	6	2	Recommending the creation of a panel for inquiry and conciliation.
379 (V). Establishment of a permanent commission of good offices	45	5	3	Referring to the Interim Committee of the General Assembly item 73: Establishment of a permanent commission of good offices, and recommending to the Interim Committee to study this item in connexion with the question of the establishment of a permanent organ of conciliation (paras. 1 and 2).

B. Provisions bearing upon the principles governing disarmament and regulation of armaments

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
1 (I). Establishment of a Commission to deal with the problems raised by the discovery of atomic energy	Unanimity			Establishing a Commission to make proposals <u>inter alia</u> , for the elimination of atomic weapons and weapons of mass destruction and for safeguards to protect complying States against violations and evasions (paras. 1 and 5 (c and d)).

Number and title of resolutionVote  
For Against AbstentionsPrécis of the provisions

41 (I). Principles governing the general regulation and reduction of armaments	Unanimity			Urging fulfilment by the Atomic Energy Commission of its terms of reference (para. 3); recommending to the Security Council to take various actions relative to the general regulation and reduction of armaments and armed forces (paras. 2, 4, 5); to accelerate the placing at its disposal of the armed forces mentioned in Article 43 of the Charter (para. 7); deciding the establishment of an international system of control and inspection (para. 5); recommending to the Members to take various actions (para. 7).
42 (I). Information on armed forces to be supplied by Members of the United Nations	36	6	4	Calling upon the Security Council to determine the information to be furnished by the Members of the United Nations in order to give effect to this resolution.
191 (III). Reports of the Atomic Energy Commission	40	6	4	Approving specific parts of the first and second reports of the Atomic Energy Commission (para. 1); requesting its six permanent members to consult in order to determine whether there existed a basis for agreement on the international control of atomic energy (para. 3); calling upon the Commission to survey the programme of work and to continue its study of useful subjects (para. 4).
192 (III). Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council	43	6	1	Recommending to the Security Council to pursue the study of the regulation and reduction of conventional armaments and armed forces through the Commission for Conventional Armaments (fifth paragraph); trusting that the Commission would formulate proposals for the receipt, checking and publication by an international organ of control of information to be supplied by Member States (sixth paragraph).

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
290 (IV). Essentials of peace	53	5	1	Calling upon every nation to co-operate to attain effective international regulation of conventional armaments; to agree to the exercise of national sovereignty jointly with other nations to the extent necessary to attain international control of atomic energy which would make effective the prohibition of atomic weapons (paras. 12 and 15).
299 (IV). International control of atomic energy	49	5	3	Requesting the permanent members of the Atomic Energy Commission to continue their consultations (para. 3).
300 (IV). Regulation and reduction of conventional armaments and armed forces	44	5	5	Approving the proposals of the Commission for Conventional Armaments (para. 1); recommending the Security Council to continue its study of the regulation and reduction of conventional armaments and armed forces (para. 4).
380 (V). Peace through deeds	50	5	1	Determining that for the realization of lasting peace and security it was indispensable that every nation agree: (a) to accept effective international control of atomic energy, under the United Nations, in order to make effective the prohibition of atomic weapons; (b) to strive for the control and elimination, under the United Nations, of all other weapons of mass destruction; (c) to regulate all armaments and armed forces under a United Nations system of control and inspection (para. 2 (2, a-c)).
496 (V). International control of atomic energy	47	5	3	Establishing a committee of twelve to report on the advisability of merging the functions of the Atomic Energy Commission and the Commission for Conventional Armaments and placing them under a consolidated disarmament commission.

Number and title of resolution

Vote  
For Against Abstentions

Précis of the provisions

502 (VI). Regulation, limitation and balanced reduction of all armed forces and all armaments; international control of atomic energy	42	5	7	Establishing a Disarmament Commission, dissolving the Atomic Energy Commission; and recommending the Security Council to dissolve the Commission for Conventional Armaments (paras. 1 and 2); directing the Disarmament Commission to prepare specific proposals and plans (paras. 3-6); declaring that a conference of all States should be convened to consider the proposals for a draft treaty prepared by the Commission (para. 8).
504 (VI). Measures to combat the threat of a new world war and to strengthen peace and friendship among the nations	40	5	3	Deciding to refer to the Disarmament Commission proposals in paragraphs 3 to 7 of A/C.1/698 (para. 1).
704 (VII). Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission	52	5	3	Taking note of the report of the Disarmament Commission; reaffirming resolution 502 (VI); requesting the Commission to report to the General Assembly and the Security Council no later than 1 September 1953 (paras. 1-3).
714 (VIII). Question of impartial investigation of charges of use by United Nations forces of bacterial warfare	47	0	12	Referring to the Disarmament Commission USSR draft resolution A/C.1/L.67 for consideration (para. 1).
715 (VIII). Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission	54	0	5	Taking note of the report of the Disarmament Commission (para. 1); requesting it to continue its efforts to reach agreement (para. 2); suggesting it to establish a sub-committee consisting of the Powers principally concerned to seek, in private, an acceptable solution and to arrange for the sub-committee to hold its private meetings as appropriate in different countries.

C. Provisions bearing upon the maintenance of international peace and security

1. Provisions recommending means for the settlement of questions relating to the maintenance of international peace and security

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
109 (II). Threats to the political independence and territorial integrity of Greece	40	6	11	Calling upon Albania, Bulgaria, Yugoslavia on the one hand, and Greece on the other, to co-operate in the settlement of their disputes by peaceful means, and to that end recommending: the establishment of normal diplomatic relations; the establishment of frontier conventions; voluntary repatriation of the refugees; the study of the practicability of the voluntary transfer of minorities (para. 5).
190 (III). Appeal to the great Powers to renew their efforts to compose their differences and establish a lasting peace	Unanimity			Recommending to the Powers signatories to the Moscow agreements of 24 December 1945 and to the Powers which acceded thereto, to secure the final settlement of the war and the conclusion of all the peace settlements (para. 3).
193 A (III): Threats to the political independence and territorial integrity of Greece	47	6	0	Calling upon Albania, Bulgaria, Yugoslavia to co-operate with Greece in the settlement of their dispute in accordance with the recommendations in resolution 109 (II) (para. 7).
193 B (III). Threats to the political independence and territorial integrity of Greece	53	0	0	Recommending to Greece, Albania, Bulgaria and Yugoslavia to renew their conventions for the settlement of frontier questions or to conclude new ones (second paragraph).

Number and title of resolution

<u>For</u>	<u>Vote</u>	
	<u>Against</u>	<u>Abstentions</u>

Précis of the provisions

288 A (IV). Threats to the political independence and territorial integrity of Greece .	50	6	2	Calling upon Albania, Bulgaria and Yugoslavia to co-operate with Greece in the settlement of their differences by peaceful means, in accordance with the provisions of Article 2 (3) of the Charter and to that end recommending: the continuation of further efforts by Greece and Yugoslavia through diplomatic channels to resolve their differences; the establishment of normal diplomatic relations between Albania and Bulgaria on the one side and Greece on the other; the renewal of frontier conventions or conclusion of new ones (para. 5).
377 C (V). Uniting for peace	52	5	2	Recommending to the permanent members of the Security Council to meet and discuss all problems likely to threaten international peace and hamper the activities of the United Nations with a view to their resolving fundamental differences and reaching agreement in accordance with the letter and the spirit of the Charter (sixth paragraph (a)).
503 B (VI). Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter	57	0	2	Recommending to the Security Council, in accordance with Article 28 of the Charter, to convene a periodic meeting to consider measures for removing the tension in international relations and the establishment of friendly relations between countries whenever such a meeting would usefully serve this purpose (second paragraph).
611 (VII). The Tunisian question	44	3	8	Appealing to the parties concerned to conduct their relations and settle their disputes in accordance with the spirit of the Charter and to refrain from any acts or measures likely to aggravate the present tension (para. 3).
612 (VII). The question of Morocco	45	3	11	Appealing to the parties to conduct their relations in an atmosphere of good will, mutual confidence and respect and to settle their disputes in accordance with the spirit of the Charter, thus refraining from any acts or measures likely to aggravate the present tension (para. 3).

Number and title of resolution

Vote

For Against Abstentions

Précis of the provisions

707 (VII). Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China	59	0	1	Recommending the continuation of negotiations in progress in order to put an end to the serious situation by means of the immediate disarmament and withdrawal of foreign forces from the territory of Burma or by means of their disarmament and internment (para. 4).
711 A (VII). The Korean question	43	5	10	Recommending that the side contributing armed forces under the Unified Command in Korea should have as participants in the political conference to be held in accordance with the Armistice Agreement those among the Member States contributing armed forces which would desire to be represented, together with the Republic of Korea (para. 5 (a)).
711 B (VII). The Korean question	55	1	1	Recommending that the USSR participate in the Korean political conference provided the other side desired it (para. 2).
717 (VIII). Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China	56	0	1	Urging that efforts be continued on the part of those concerned for the evacuation or internment of foreign forces and the surrender of all arms (para. 4); reaffirming resolution 707 (VII) (para. 5).

2. Provisions recommending the taking of specific measures

39 (I). Relations of Members of the United Nations with Spain	34	6	13	Recommending that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conferences or other activities which might be arranged by the United Nations or by these agencies, until a new and acceptable government was formed in Spain (sixth paragraph); recommending that all Members of the United Nations immediately recall from Madrid their Ambassadors and Ministers plenipotentiary accredited there (ninth paragraph).
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Number and title of resolution

<u>For</u>	<u>Vote</u>	
	<u>Against</u>	<u>Abstentions</u>

Précis of the provisions

109 (II). Threats to the political independence and territorial integrity of Greece	40	6	11	Calling upon Albania, Bulgaria and Yugoslavia to do nothing which could furnish aid and assistance to the guerrillas fighting against the Greek Government (para. 4).
193 A (III). Threats to the political independence and territorial integrity of Greece	47	6	0	Calling upon Albania, Bulgaria and Yugoslavia to cease forthwith rendering any assistance or support in any form to the guerrillas in fighting against the Greek Government, including the use of their territories as a base for the preparation or launching of armed action (para. 6); recommending to all Members of the United Nations and to all other States that their Governments refrain from any action designed to assist directly or through any other Government any armed group fighting against the Greek Government (para. 9).
193 B (III). Threats to the political independence and territorial integrity of Greece	53	0	0	Recommending that Greece, on the one hand, and Bulgaria and Albania on the other, establish diplomatic relations with each other (first paragraph).
288 A (IV). Threats to the political independence and territorial integrity of Greece	50	6	2	Calling upon Albania, Bulgaria and other States concerned to cease forthwith rendering any assistance or support to the guerrillas in fighting against Greece, including the use of their territories as a base for the preparation or launching of armed actions (para. 3); recommending to all Members of the United Nations and all other States: (a) to refrain from any action designed to assist directly or through any other Government any armed group fighting against Greece; (b) to refrain from the direct or indirect provision of arms or other materials of war to Albania and Bulgaria until the Special Committee or another competent United Nations organ had determined that the unlawful assistance of these States to the Greek guerrillas had ceased (para. 4).

Number and title of resolution

Vote  
For Against Abstentions

Précis of the provisions

291 (IV). Promotion of the stability of international relations in the Far East

45 5 0

Calling upon all States to refrain from (a) seeking to acquire spheres of influence or to create foreign-controlled régimes within the territory of China; (b) seeking to obtain special rights or privileges within the territory of China (para. 4).

378 A (V). Duties of States in the event of the outbreak of hostilities

49 5 1

Recommending that if a State becomes engaged in armed conflict with another State or States, it take all steps practicable and compatible with the right of self-defence to bring the armed conflict to an end at the earliest possible moment; in particular, that it make a public statement as to its readiness to discontinue military operations and notify the Secretary-General of this statement and of the circumstances in which the conflict has arisen (para. 1 (a), (b) and (c)).

498 (V). Intervention of the Central People's Government of the People's Republic of China in Korea

44 7 9

Finding that the Central People's Government of the People's Republic of China had itself engaged in aggression in Korea, the General Assembly called upon it to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea (paras. 1 and 2); called upon all States and authorities to continue to lend every assistance to the United Nations action in Korea (para. 4) and to refrain from giving any assistance to the aggressors in Korea (para. 5).



<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
<u>3. Provisions bearing upon the establishment of subsidiary organs or their functions</u>				
109 (II). Threats to the political independence and territorial integrity of Greece	40	6	11	Establishing a Special Committee (i) to observe the compliance by the four Governments concerned with recommendations of the General Assembly; (ii) to assist them in the implementation of such recommendations (para. 6).
111 (II). Establishment of an Interim Committee of the General Assembly	41	6	6	Establishing, for the period between the second and the third sessions of the General Assembly an Interim Committee of the General Assembly to consider, <u>inter alia</u> , and report to the General Assembly on any dispute or any situation which in virtue of Articles 11 (2), 14 or 35, had been proposed for inclusion in the agenda of the General Assembly by any Member of the United Nations or brought before it by the Security Council (para. 2 (b)).
193 A (III). Threats to the political independence and territorial integrity of Greece	47	6	0	Continuing in being the Special Committee with the functions conferred upon it by resolution 109 (II) (para. 10).
196 (III). Re-establishment of the Interim Committee of the General Assembly	45	5	4	Re-establishing for the period between the third and the fourth sessions of the General Assembly, the Interim Committee to consider, <u>inter alia</u> , and report to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (2), 14 or 35, had been proposed for inclusion in the agenda of the General Assembly by any Member of the United Nations, or by any non-Member State under Articles 11 (2), or 35, or had been brought before the General Assembly by the Security Council (para. 2 (b)).
288 A (IV). Threats to the political independence and territorial integrity of Greece	50	6	2	Instructing again the Special Committee to be available to assist the four Governments concerned in the implementation of resolutions of the General Assembly (para. 8).

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
295 (IV). Re-establishment of the Interim Committee of the General Assembly	45	5	4	Re-establishing the Interim Committee to meet when the General Assembly is not actually in regular session with functions, <u>inter alia</u> , as provided for in resolution 196 (III) (para. 2 (b)).
376 (V). The problem of the independence of Korea	47	5	7	Establishing the United Nations Commission for the Unification and Rehabilitation of Korea and defining its functions (para. 2 (a) and (c)); resolving that pending its arrival in Korea, the Governments of the States represented on the Commission should form an Interim Committee at the seat of the United Nations (para. 2 (b)).
377 A (V), section B. Uniting for peace	52	5	2	Establishing a Peace Observation Commission to observe and report on the situation in any area where there existed international tension likely to endanger the maintenance of international peace and security (para. 3).
377 A (V), section D. Uniting for peace	52	5	2	Establishing a Collective Measures Committee to study and report to the Security Council and to the General Assembly on methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter (para. 11).
382 B (V). Threats to the political independence and territorial integrity of Greece	53	6	0	Continuing the Special Committee in being, unless it recommended its own dissolution to the Interim Committee and authorizing the Interim Committee to act on such recommendation (paras. 2 and 3).
498 (V). Intervention of the Central People's Government of the People's Republic of China in Korea	44	7	9	Requesting a Committee composed of the members of the Collective Measures Committee to consider additional measures to be employed to meet the aggression in Korea (para. 6).

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
500 (V). Additional measures to be employed to meet the aggression in Korea	47	0	8 c/	Requesting the Additional Measures Committee to report to the General Assembly on the effectiveness of the embargo and the desirability of continuing, extending or relaxing it and to continue consideration of additional measures to be employed to meet aggression in Korea (para. 2 (a) and (b)); and requesting the Good Offices Committee to continue its good offices (para. 3).
503 A (VI). Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter	51	5	3	Directing the Collective Measures Committee to continue its studies on methods which might be used to maintain and strengthen international peace and security (para. 9).
508 A (VI). Threats to the political independence and territorial integrity of Greece	48	5	1	Deciding to discontinue the Special Committee (para. 4).
508 B (VI). Threats to the political independence and territorial integrity of Greece	48	5	1	Resolving to request the Peace Observation Commission to establish a Balkan sub-commission (third paragraph).
703 (VII). Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee	50	5	3	Directing the Collective Measures Committee to pursue studies to strengthen the capability of the United Nations to maintain peace, to continue the examination of information received from States pursuant to resolutions 377 (V), 503 (VI) and 703 (VII) and to suggest to the Security Council and the General Assembly ways and means to encourage further preparatory action by States (para. 4).

c/ Five delegations declared that they did not wish to participate in the vote.

Number and title of resolutionVote  
For Against AbstentionsPrécis of the provisions4. Provisions requesting action by the President of the General Assembly

288 C (IV). Threats to the political independence and territorial integrity of Greece	adopted d/				To ascertain the views of the Greek Government concerning the suspension of death sentences passed by military courts for political reasons
384 (V). Intervention of the Central People's Government of the People's Republic of China in Korea	52	5	1		To constitute a group of three persons, including the President, to determine the basis for a cease-fire in Korea and to make recommendations to the General Assembly (third paragraph).
498 (V). Intervention of the Central People's Government of the People's Republic of China in Korea	44	7	9		To designate two persons to meet with the President and to use their good offices to bring about a cessation of hostilities in Korea (para. 7).
610 (VII). Korea: reports of the United Nations Commission for the Unification and Rehabilitation of Korea	54	5	1		To communicate proposals concerning the release and repatriation of prisoners of war to the Central People's Government of the People's Republic of China and to the North Korean authorities and to report to the General Assembly (para. 3).
705 (VII). The Korean question	Unanimity				To reconvene the session to resume consideration of the Korean question (a) upon notification by the Unified Command to the Security Council of the signing of an armistice agreement in Korea; or (b) when, in the view of a majority of Members, other developments in Korea would require consideration of this item.

d/ The result of the vote was recorded as follows: "The resolution was adopted". (G A (IV), Plen., 268th mtg., p. 522).

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
716 (VIII). The Korean question	55	0	5	To reconvene the eighth regular session of the General Assembly with the concurrence of the majority of Members of the United Nations if, in his opinion, developments in respect of the Korean question would warrant such reconvening, or one or more Members would make such a request to the President (para. 2).

5. Provisions bearing upon the future discharge of responsibilities concerning the maintenance of international peace and security

377 A (V). Uniting for peace	52	5	2	Resolving that if the Security Council, because of the lack of unanimity of the permanent members, failed to exercise its primary responsibility for the maintenance of international peace and security in any case where there appeared to be a threat to the peace, or breach of the peace, it "shall consider" the matter immediately with a view to recommending collective measures including the use of armed force in the case of a threat to or a breach of the peace (para. 1); inviting each Member of the United Nations to survey its resources in order to determine the nature and scope of its assistance in support of recommendations of the Security Council or of the General Assembly for the restoration of international peace and security (para. 7); recommending that each Member of the United Nations maintain within its forces elements to be available as a United Nations unit or units upon recommendation by the Security Council or the General Assembly (para. 8).
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<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
377 B (V). Uniting for peace	52	5	2	Recommending to the Security Council to take the necessary steps to ensure that the action provided for under the Charter was taken with respect to threats to the peace, breaches of the peace or acts of aggression and with respect to the peaceful settlement of disputes or situations likely to endanger the maintenance of international peace and security (operative part, para. 1); recommending further to the Security Council to devise measures for the earliest application of Articles 43, 45, 46 and 47 of the Charter (operative part, para. 2).
503 A (VI). Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter	51	5	3	Recommending to Members of the United Nations belonging to other international bodies, or parties to international arrangements concluded in accordance with the Charter to seek to obtain, in and through those bodies or arrangements, support for collective measures undertaken by the United Nations (para. 6); inviting States not Members of the United Nations to consider ways and means whereby they could contribute to collective measures undertaken by the United Nations (para. 7).
<u>6. Other provisions bearing upon the maintenance of international peace and security</u>				
114 (II). Relations of Members of the United Nations with Spain	36	5	12	Expressing confidence that the Security Council would exercise its responsibilities under the Charter as soon as it considered that the situation in regard to Spain so required (second paragraph).
288 A (IV). Threats to the political independence and territorial integrity of Greece	50	6	2	Recommending to all Members of the United Nations and to all other States to take into account, in their relations with Albania and Bulgaria, the extent to which they would abide by the recommendations of the General Assembly in their relations with Greece (para. 4 (c)).

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
290 (IV). Essentials of peace	53	5	1	Calling upon every nation to refrain from threatening or using force contrary to the Charter; to refrain from any threats or acts aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife; to settle international disputes by peaceful means (paras. 2, 3 and 11).
291 (IV). Promotion of the stability of international relations in the Far East	45	5	0	Calling upon all States (i) to respect the political independence of China and to be guided by the principles of the United Nations in their relations with China; (ii) to respect the right of the people of China to choose freely their political institutions and to maintain a government independent of foreign control; to respect existing treaties relating to China (paras. 1, 2 and 3).
376 (V). The problem of the independence of Korea	47	5	7	Recommending that all appropriate steps be taken to ensure conditions of stability throughout Korea; all constituent acts be taken for the establishment of a unified, independent and democratic government in the sovereign State of Korea; all sections and representative bodies of the population of Korea, South and North, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections and in the establishment of a unified government; United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the above objectives; all necessary measures be taken to accomplish the economic rehabilitation of Korea (para. 1 (a-e)).

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
377 A (V), section E: Uniting for peace	52	5	2	Urging Member States to develop universal respect for an observance of human rights and fundamental freedoms and to intensify efforts to achieve conditions of economic stability and social progress, particularly through the development of under-developed countries and areas (para. 15).
380 (V). Peace through deeds	50	5	1	Reaffirming that any aggression, whether committed openly, or by fomenting civil strife in the interest of a foreign Power, was the gravest of all crimes against peace and security; determining that for the realization of lasting peace and security it was indispensable to take prompt united action to meet aggression (paras. 1 and 2 (1)).
383 B (V). Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations	39	6	14	Deciding to draw the attention of all States to the necessity of complying with the recommendations contained in resolution 291 (IV), recommending, <u>inter alia</u> , the principle of observance of the treaties the purpose of which was to secure the independence and territorial integrity of China.
386 (V). Relations of States Members and specialized agencies with Spain	38	10	12	Resolving to revoke the recommendation for the withdrawal of Ambassadors and Ministers from Madrid contained in resolution 39 (I); and to revoke the recommendation in the same resolution intended to debar Spain from membership in international agencies established by or brought into relationship with the United Nations (paras. 1 and 2).

<u>Number and title of resolution</u>	<u>Vote</u>			<u>Précis of the provisions</u>
	<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
505 (VI). Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations	25	9	24	Determining that the Union of Soviet Socialist Republics, in its relations with China since the surrender of Japan, had failed to carry out the Treaty of Friendship and Alliance between China and the Soviet Union of 14 August 1945 (fourth paragraph).
507 (VI). The problem of the independence of Korea: report of the United Nations Commission for the Unification and Rehabilitation of Korea	51	5	2	Deciding that: (a) upon notification by the Unified Command to the Security Council of the conclusion of an armistice in Korea, the Secretary-General should convene a special session of the General Assembly to consider the item; (b) when other developments in Korea would make desirable consideration of the item the Secretary-General should convene a special session or an emergency special session of the General Assembly.
610 (VII). Korea: reports of the United Nations Commission for the Unification and Rehabilitation of Korea	54	5	1	Affirming that the release and repatriation of prisoners of war should be effected in accordance with the Geneva Convention of 1949 and that force should not be used against them to prevent or effect their return to their homelands; and requesting the President of the General Assembly to communicate its proposals for the facilitation of the return to their homelands of all prisoners of war to the Central People's Government of the People's Republic of China and to the North Korean authorities (paras. 1-3).

Number and title of resolution

Vote  
For Against Abstentions

Précis of the provisions

712 (VII). Tribute to the armed forces who have fought in Korea to resist aggression and uphold the cause of freedom and peace

53            5            0

Paying tribute to the armed forces who had fought in Korea to resist aggression and expressing the satisfaction of the General Assembly that the first efforts pursuant to the call of the United Nations to repel armed aggression by collective military measures had been successful (paras. 2 and 3).

ANNEX III

TABULATION OF THE DECISIONS OF THE GENERAL ASSEMBLY WITH RESPECT  
TO DISARMAMENT AND THE REGULATION OF ARMAMENTS e/

<u>Agenda item</u>	<u>Proposal</u>	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of vote f/</u>
			<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
FIRST SESSION						
Establishment of a commission to deal with the problems raised by the discovery of atomic energy and other related matters: Draft resolution presented by the delegations of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, France, China and Canada	Draft resolution recommended by the First Committee (identical with the six-Power draft resolution). (G A (I/1), Plen., 17th mtg., pp. 258 and 259, A/12)	17th mtg., 24 Jan. 1946	Unanimity			Resolution 1 (I)
General reduction of armaments (proposal of the delegation of the Union of Soviet Socialist Republics)	Draft resolution recommended by the First Committee (A/267)	62nd mtg., 14 Dec. 1945	Unanimity			Resolution 41 (I): "Principles governing the general regulation and reduction of armaments"
Presence of troops of States Members of the United Nations on non-enemy territories (item proposed by the Union of Soviet Socialist Republics)	Draft resolution recommended by the First Committee (G A (I/2), Plen., pp. 1506 and 1507, annex 49 b (A, 269))	63rd mtg., 14 Dec. 1945	36	6	4	Resolution 42 (I): "Information on Armed Forces to be supplied by Members of the United Nations"

e/ This list includes all the decisions relating to disarmament and the regulation of armaments except those on certain procedural matters. As indicated in the text, only rarely did the General Assembly make specific reference to Article 11 (1).

f/ Titles of resolutions are indicated when their language differs substantially from that of the corresponding agenda items.

<u>Agenda item</u>	<u>Proposal</u>	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of vote</u>
			<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
THIRD SESSION						
Reports of the Atomic Energy Commission: resolution of the Security Council	Draft resolution submitted by USSR (G A (III/1), 1st Com., Annexes, p. 19, A/C.1, 310)	157th mtg., 4 Nov. 1948	6	40	5	Rejected
	Amendments submitted by India to the draft resolution recommended by the First Committee (G A (III/1), Plen., 156th mtg., pp. 422-424, A/700)	"				
	first paragraph		9	15	26	Rejected
	second paragraph		5	31	15	Rejected
	Resolution recommended by the First Committee (G A (III/1), Plen., Annexes, pp. 274 and 275, A/690, para. 9)	"	40	6	4	Resolution 191 (III)
Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council - United States of America, United Kingdom, Union of Soviet Socialist Republics, France and China: Item proposed by the Union of Soviet Socialist Republics	Draft resolution recommended by the First Committee (G A (III/1), Plen., Annexes, pp. 371 and 372, A/722 and Corr.1, para. 11)	163rd mtg., 19 Nov. 1948	43	6	1	Resolution 192 (III)
	Draft resolution submitted by USSR (G A (III/1), Plen., Annexes, p. 372, A/723)	"	6	39	6	Rejected
	Draft resolution submitted by Poland (G A (III/1), Plen., Annexes, pp. 398 and 399, A/732)	"	6	33	5	Rejected

<u>Agenda item</u>	<u>Proposal</u>	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of vote</u>
			<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
FOURTH SESSION						
International control of atomic energy: resolutions of the Atomic Energy Commission (transmitted by the Security Council) and report of the permanent members of the Atomic Energy Commission	Draft resolution recommended by the <u>Ad Hoc Political Committee</u> (G A (IV), Plen., Annex, p. 74, A/1119)	254th mtg., 23 Nov. 1949	49	5	3	Resolution 299 (IV)
	Draft resolution submitted by USSR (G A (IV), Plen., Annex, p. 74, A/1120)					
	paragraph 1		5	50	1	Rejected
	paragraph 2		5	51	1	Rejected
	paragraph 3		6	41	10	Rejected
Condemnation of the preparations for a new war, and conclusion of a five-Power pact for the strengthening of peace	Draft resolution recommended by the <u>First Committee</u> (G A (IV), Plen., Annex, p. 233, A/1150)	261st mtg., 1 Dec. 1949	53	5	1	Resolution 290 (IV): "Essentials of peace"
	Draft resolution submitted by USSR (A/1149, same as text G A (IV), General Com., pp. 15-16, A/996)				vote in parts	Rejected
Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the permanent members of the Security Council: report of the Security Council	Title of the draft resolution recommended by the <u>Ad Hoc Political Committee</u>	268th mtg., 5 Dec. 1949	40	5	8	Adopted
	Draft resolution recommended by the <u>Ad Hoc Political Committee</u> (G A (IV), Plen., Annex, pp. 75-76, A/1151)		44	5	5	Resolution 300 (IV): "Regulation and reduction of conventional armaments and armed forces"

<u>Agenda item</u>	<u>Proposal</u>	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of vote</u>
			<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
	Draft resolution submitted by USSR (G A (IV), Plen., 268th mtg., A/1169, para. 52)		6	39	9	Rejected
FIFTH SESSION						
Declaration on the removal of the threat of a new war and the strengthening of peace and security among the nations	Amendments to draft resolution A recommended by the First Committee, submitted by Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR and USSR (G A (V), Annexes, a.i. 69, pp. 7-8, A/1505)	308th mtg., 17 Nov. 1950		vote in parts		Rejected
	Draft resolution A recommended by the First Committee (G A (V), Annexes, a.i. 69, p. 7, A/1490)		50	5	1	Resolution 380 (V): "Peace through deeds"
	Draft resolution submitted by USSR (A/1491, same text as G A (V), Annexes, a.i. 69, p. 2, A/C.1/595)					
	preamble		5	31	15	Rejected
	paragraph 1		5	34	11	Rejected
	paragraph 2		5	35	11	Rejected
	paragraph 3		5	35	11	Rejected
International control of atomic energy	Draft resolution submitted by Australia, Canada, Ecuador, France, Netherlands, Turkey, United Kingdom and United States (A/1668 and Corr.1)	323rd mtg., 13 Dec. 1950	47	5	3	Resolution 496 (V)

<u>Agenda item</u>	<u>Proposal</u>	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of vote</u>
			<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
	Draft resolution submitted by USSR (G A (V), Plen., 321st mtg., A/1676, para. 147)		5	32	16	Rejected
SIXTH SESSION						
Regulation, limitation and balanced reduction of all armed forces and all armaments	Amendments submitted by Czechoslovakia to the draft resolution recommended by the First Committee (G A (VI), Plen., 358th mtg., A/2035, paras. 24-26)	358th mtg., 11 Jan. 1952				
<u>and</u>						
International control of atomic energy: report of the Committee of Twelve	first amendment		5	42	8	Rejected
	second amendment		5	42	9	Rejected
	third amendment		6	41	8	Rejected
	Draft resolution recommended by the First Committee (G A (VI), Annexes, a.i. 66 and 16, pp. 18-19, A/2025)					
	paragraph 3 (c)		32	5	9	Adopted
	as a whole		42	5	7	Resolution 502 (VI)
Measures to combat the threat of a new world war and to strengthen peace and friendship among the nations	Draft resolution recommended by the First Committee (G A (VI), Annexes, a.i. 67, p. 4, A/2067)	363rd mtg., 19 Jan. 1952	40	5	3	Resolution 504 (VI)
	Draft resolution submitted by USSR (A/2068, same text as G A (VI), Annexes, a.i. 67, pp. 2-3, A/C.1/698)				vote in parts	Rejected g/

g/ Paragraphs 3 to 7 of the draft resolution submitted by USSR had been referred to the Disarmament Commission by resolution 504 (VI). Only the remainder of the draft resolution was voted on and rejected.

<u>Agenda item</u>	<u>Proposal</u>	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of vote</u>
			<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
SEVENTH SESSION						
Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission	USSR amendments to draft resolution recommended by the First Committee (G A (VII), Plen., 424th mtg., A/L.149, para. 8)	424th mtg., 8 Apr. 1953				
	first amendment			no objection		Adopted
	second amendment		10	33	13	Rejected
	Draft resolution recommended by the First Committee (G A (VII), Annexes, a.i. 17, p. 4, A/2373) as amended		52	5 h/	3	Resolution 704 (VII)
EIGHTH SESSION						
Question of impartial investigation of charges of use by United Nations forces of bacterial warfare	Draft resolution recommended by the First Committee (G A (VIII), Annexes, a.i. 24, p. 15, A/2535)	456th mtg., 3 Nov. 1953	47	0	12	Resolution 714 (VIII)
Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission	USSR amendments to draft resolution recommended by the First Committee (A/L.167, same text as G A (VIII), Annexes, a.i. 23, p. 7, A/C.1/L.75/Rev.3)	460th mtg., 28 Nov. 1953				
	first amendment		8	36	14	Rejected
	second amendment		8	39	13	Rejected
	third amendment		5	37	14	Rejected
	fourth amendment		5	39	11	Rejected

h/ In paragraph-by-paragraph vote, all paragraphs except paragraph 2 were adopted with no votes against. The first part of paragraph 2, reaffirming General Assembly resolution 502 (VI) was adopted by 38 votes to 6, with 16 abstentions, and the remainder by 57 votes to none, with 2 abstentions.

<u>Agenda item</u>	<u>Proposal</u>	<u>Meeting and date</u>	<u>Vote</u>			<u>Result of vote</u>
			<u>For</u>	<u>Against</u>	<u>Abstentions</u>	
	Draft resolution recommended by the First Committee (G A (VIII), Annexes, a.i. 23, p. 11, A/2562)		54	0	5	Resolution 715 (VIII)
Measures to avert the threat of a new world war and to reduce tension in international relations	Draft resolution submitted by USSR (A/L.168, same text as G A (VIII), Annexes, a.i. 73, pp. 1-2, A/2485/Rev.1)	461st mtg. 30 Nov. 1953	vote in parts			Rejected <u>1/</u>
NINTH SESSION						
Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission	Draft resolutions recommended by the First Committee (A/2779) draft resolution A draft resolution B draft resolution C	497th mtg., 4 Nov. 1954	unanimity			Resolution 808 A (IX) Resolution 808 B (IX) Resolution 808 C (IX)
			57	1	0	
			56	0	2	
<u>and</u>						
Conclusion of an international convention (treaty) on the reduction of armaments and the prohibition of atomic, hydrogen and other weapons of mass destruction						

1/ In paragraph-by-paragraph vote, all paragraphs except the first paragraph of the preamble were rejected. The draft resolution was, therefore, declared rejected.

## ANNEX IV

Resolutions of the General Assembly treated in  
the Analytical Summary of PracticeResolution 39 (I). Relations of Members of the United Nations with Spain

[Adopted by the General Assembly at its 59th plenary meeting on 12 December 1946,  
by 34 votes in favour, 6 against, with 3 abstentions.]

The peoples of the United Nations, at San Francisco, Potsdam and London, condemned the Franco régime in Spain and decided that, as long as that régime remains, Spain may not be admitted to the United Nations.

The General Assembly, in its resolution of 9 February 1946, recommended that the Members of the United Nations should act in accordance with the letter and the spirit of the declarations of San Francisco and Potsdam.

The peoples of the United Nations assure the Spanish people of their enduring sympathy and of the cordial welcome awaiting them when circumstances enable them to be admitted to the United Nations.

The General Assembly recalls that, in May and June 1946, the Security Council conducted an investigation of the possible further action to be taken by the United Nations. The Sub-Committee of the Security Council charged with the investigation found unanimously:

"(a) In origin, nature, structure and general conduct, the Franco régime is a fascist régime patterned on, and established largely as a result of aid received from, Hitler's Nazi Germany and Mussolini's Fascist Italy.

"(b) During the long struggle of the United Nations against Hitler and Mussolini, Franco, despite continued Allied protests, gave very substantial aid to the enemy Powers. First, for example, from 1941 to 1945, the Blue Infantry Division, the Spanish Legion of Volunteers and the Salvador Air Squadron fought against Soviet Russia on the Eastern front. Second, in the summer of 1940, Spain seized Tangier in breach of international statute, and as a result of Spain maintaining a large army in Spanish Morocco large numbers of Allied troops were immobilized in North Africa.

"(c) Incontrovertible documentary evidence establishes that Franco was a guilty party with Hitler and Mussolini in the conspiracy to wage war against those countries which eventually in the course of the world war became banded together as the United Nations. It was part of the conspiracy that Franco's full belligerency should be postponed until a time to be mutually agreed upon."

The General Assembly,

Convinced that the Franco Fascist Government of Spain, which was imposed by force upon the Spanish people with the aid of the Axis Powers and which gave material assistance to the Axis Powers in the war, does not represent the Spanish people, and by its continued control of Spain is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs;

Recommends that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conferences or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain.

The General Assembly,

Further, desiring to secure the participation of all peace-loving peoples, including the people of Spain, in the community of nations.

Recommends that if, within a reasonable time, there is not established a government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will, the Security Council consider the adequate measures to be taken in order to remedy the situation;

Recommends that all Members of the United Nations immediately recall from Madrid their Ambassadors and Ministers plenipotentiary accredited there.

The General Assembly further recommends that the States Members of the Organization report to the Secretary-General and to the next session of the Assembly what action they have taken in accordance with this recommendation.

Resolution 111 (II). Establishment of an Interim Committee of the General Assembly

[Adopted by the General Assembly at its 111th plenary meeting on 13 November 1947,  
by 41 votes in favour, 6 against, with 6 abstentions.]

The General Assembly,

Conscious of the responsibility specifically conferred upon it by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13) and the peaceful adjustment of any situations likely to impair the general welfare or friendly relations among nations (Article 14);

Deeming it necessary for the effective performance of these duties to establish an interim committee to consider such matters during the period between the closing of the present session and the opening of the next regular session of the General Assembly, and report with its conclusions to the General Assembly;

Recognizing fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24),

Resolves that

1. There shall be established, for the period between the closing of the present session and the opening of the next regular session of the General Assembly, an Interim Committee on which each Member of the General Assembly shall have the right to appoint one representative;

2. The Interim Committee, as a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter, shall assist the General Assembly in the performance of its functions by discharging the following duties:

- (a) To consider and report, with its conclusions, to the General Assembly on such matters as have been referred to it by the General Assembly;
- (b) To consider and report with its conclusions to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (paragraph 2), 14 or 35 of the Charter, has been proposed for inclusion in the agenda of the General Assembly by any Member of the United Nations or brought before the General Assembly by the Security Council, provided the Committee previously determines the matter to be both important and requiring preliminary study. Such determination shall be made by a majority of two-thirds of the members present and voting, unless the matter is one referred by the Security Council under Article 11 (paragraph 2), in which case a simple majority will suffice;
- (c) To consider, as it deems useful and advisable, and report with its conclusions to the General Assembly on methods to be adopted to give effect to that part of Article 11 (paragraph 1), which deals with the general principle of co-operation in the maintenance of international peace and security, and to that part of Article 13 (paragraph 1 a), which deals with the promotion of international co-operation in the political field;
- (d) To consider, in connexion with any matter under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly and, if it deems that such session is required, so to advise the Secretary-General in order that he may obtain the views of the Members of the United Nations thereon;
- (e) To conduct investigations and appoint commissions of enquiry within the scope of its duties, as it may deem useful and necessary, provided that decisions to conduct such investigations or enquiries shall be made by a two-thirds majority of the members present and voting. An investigation or enquiry elsewhere than at the headquarters of the United Nations shall not be conducted without the consent of the State or States in whose territory it is to take place;
- (f) To report to the next regular session of the General Assembly on the advisability of establishing a permanent committee of the General Assembly to perform the duties of the Interim Committee as stated above with any changes considered desirable in the light of experience;
3. In discharging its duties the Interim Committee shall at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other Councils or to any committee or commission. The Interim Committee shall not consider any matter of which the Security Council is seized;
4. Subject to paragraphs 2 (b) and 2 (e) above, the rules of procedure of the General Assembly shall, so far as they are applicable, govern the proceedings of the Interim Committee and such sub-committees and commissions as it may set up. The Interim Committee shall, however, have authority to adopt such additional rules as it may deem necessary provided that they are not inconsistent with any of the rules of procedure of the General Assembly. The Interim Committee shall be convened by the Secretary-General not later than six weeks following the close of the second regular session of the General Assembly. It shall meet as and when it deems necessary for the conduct of its business.

5. The Secretary-General shall provide the necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its sub-committees and commissions.

Resolution 196 (III). Re-establishment of the Interim Committee of the General Assembly

[Adopted by the General Assembly at its 169th plenary meeting on 3 December 1948, by 40 votes in favour, 6 against, with 1 abstention.]

The General Assembly,

Having taken note of the report submitted to it by the Interim Committee on the advisability of establishing a permanent committee of the General Assembly (A/606),

Affirming that, for the effective performance of the duties specifically conferred upon the General Assembly by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13), and the peaceful adjustment of any situation likely to impair the general welfare or friendly relations among nations (Article 14), it is necessary to continue the Interim Committee for the purpose of considering such matters further and reporting with conclusions to the General Assembly,

Recognizing fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24),

Resolves that

1. There shall be re-established for the period between the closing of the present session and the opening of the next regular session of the General Assembly an Interim Committee on which each Member of the General Assembly shall have the right to appoint one representative;

2. The Interim Committee, as a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter, shall assist the General Assembly in the performance of its functions by discharging the following duties:

(a) To consider and report with conclusions to the General Assembly on such matters as may be referred to the Committee by or under the authority of the General Assembly;

(b) To consider and report with conclusions to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (paragraph 2), 14 or 35 of the Charter, has been proposed for inclusion in the agenda of the General Assembly by any Member of the United Nations, or by any non-member State under Articles 11 (paragraph 2) or 35, or has been brought before the General Assembly by the Security Council, provided the Committee previously determines the matter to be both important and requiring preliminary study. Such determination shall be made by a majority of two-thirds of the members present and voting, unless the matter is one referred to the General Assembly by the Security Council, in which case a simple majority will suffice;

(c) To consider systematically, using as a starting point the recommendations and studies of the Interim Committee contained in document A/605, the further implementation of that part of Article 11 (paragraph 1) relating to the general principles of co-operation in the maintenance of international peace and security, and

of that part of Article 13 (paragraph 1 a) which deals with the promotion of international co-operation in the political field, and to report with conclusions to the General Assembly;

(d) To consider, in connexion with any matter under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly and, if the Committee deems that a session is required, so to advise the Secretary-General in order that he may obtain the views of the Members of the United Nations thereon;

(e) To conduct investigations and appoint commissions of inquiry within the scope of the Committee's duties, as it may deem useful and necessary, provided that decisions to conduct such investigations or inquiries shall be made by a two-thirds majority of the members present and voting. An investigation or inquiry elsewhere than at the headquarters of the United Nations shall not be conducted without the consent of the State or States in whose territory it is to take place;

(f) To report to the next regular session of the General Assembly on any changes in the Committee's constitution, its duration or its terms of reference which may be considered desirable in the light of experience;

3. The Interim Committee is hereby authorized to request advisory opinions of the International Court of Justice on legal questions arising within the scope of the Committee's activities;

4. In discharging its duties, the Interim Committee shall at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other Councils or to any committee or commission. The Interim Committee shall not consider any matter of which the Security Council is seized and which the latter has not submitted to the General Assembly;

5. The rules of procedure governing the proceedings of the Interim Committee and such sub-committees and commissions as it may set up shall be those adopted by the Interim Committee on 9 January 1948 with such changes and additions as the Interim Committee may deem necessary, provided that they are not inconsistent with any provision of the present resolution or with any applicable rule of procedure of the General Assembly. The Interim Committee shall be convened by the Secretary-General, in consultation with the Chairman elected during the previous session of the Committee or the head of his delegation, to meet at the headquarters of the United Nations not later than 31 January 1949. At the opening meeting, the Chairman elected during the previous session of the Committee, or the head of his delegation, shall preside until the Interim Committee has elected a Chairman. The Interim Committee shall meet as and when it deems necessary for the conduct of its business. No new credentials shall be required for representatives who were duly accredited to the Interim Committee during its previous session;

6. The Secretary-General shall provide the necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its sub-committees and commissions.

Resolution 295 (IV). Re-establishment of the Interim Committee of the General Assembly

[Adopted by the General Assembly at its 250th plenary meeting on 21 November 1949, by 45 votes in favour, 5 against, with 4 abstentions.]

The General Assembly,

Having taken note of the report submitted to it by the Interim Committee of the General Assembly on the changes in the Committee's constitution, its duration or its terms of reference which are considered desirable in the light of experience,

Affirming that, for the effective performance of the duties specifically conferred upon the General Assembly by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13), and the peaceful adjustment of any situation likely to impair the general welfare or friendly relations among nations (Article 14), it is necessary to continue the Interim Committee for the purpose of considering such matters and reporting with conclusions to the General Assembly,

Recognizing fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24),

Resolves that:

1. There shall be re-established an Interim Committee of the General Assembly, to meet when the General Assembly is not actually in regular session, on which each Member of the General Assembly shall have the right to appoint one representative;

2. The Interim Committee, as a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter, shall assist the General Assembly in the performance of its functions by discharging the following duties:

(a) To consider and report with conclusions to the General Assembly on such matters as may be referred to the Committee by or under the authority of the General Assembly;

(b) To consider and report with conclusions to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (paragraph 2), 14 or 35 of the Charter, has been proposed for inclusion in the agenda of the General Assembly by any Member of the United Nations, or by any non-member State under Articles 11 (paragraph 2) or 35, or has been brought before the General Assembly by the Security Council, provided the Committee previously determines the matter to be both important and requiring preliminary study. Such determination shall be made by a majority of two-thirds of the members present and voting, unless the matter is one referred to the General Assembly by the Security Council, in which case a simple majority will suffice;

(c) To consider systematically, using the recommendations and studies of the Interim Committee contained in documents A/605 and A/AC.18/91, the further implementation of that part of Article 11 (paragraph 1) relating to the general principles of co-operation in the maintenance of international peace and security, and of that part of Article 13 (paragraph 1 a) which deals with the promotion of international co-operation in the political field, and to report with conclusions to the General Assembly;

(d) To consider, in connexion with any matter under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly and, if the Committee deems that a session is required, so to advise

the Secretary-General in order that he may obtain the views of the Members of the United Nations thereon;

(e) To conduct investigations and appoint commissions of inquiry within the scope of the Committee's duties, as it may deem useful and necessary, provided that decisions to conduct such investigations or inquiries shall be made by a two-thirds majority of the members present and voting. An investigation or inquiry elsewhere than at the Headquarters of the United Nations shall not be conducted without the consent of the State or States in whose territory it is to take place;

(f) To report to the General Assembly, should the occasion arise, on any changes in the Committee's constitution or its terms of reference which may be considered desirable in the light of experience;

3. The Interim Committee is authorized to request advisory opinions of the International Court of Justice on legal questions arising within the scope of the Committee's activities;

4. In discharging its duties, the Interim Committee shall at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other Councils or to any committee or commission. The Interim Committee shall not consider any matter of which the Security Council is seized and which the latter has not submitted to the General Assembly;

5. The rules of procedure governing the proceedings of the Interim Committee and such sub-committees and commissions as it may set up shall be those adopted by the Interim Committee on 9 January 1948 as amended by the Interim Committee on 31 March 1949, with such changes and additions as the Interim Committee may deem necessary, provided that they are not inconsistent with any provisions of this resolution. The Interim Committee shall hold the first meeting of its annual session at the Headquarters of the United Nations within six weeks from the date of the conclusion or adjournment of any regular session of the General Assembly. The date of the first meeting of each session of the Interim Committee shall be determined by the Chairman elected during the previous session, or by the head of his delegation, in consultation with the Secretary-General, who shall notify the members of the Committee accordingly. At the opening meeting, the Chairman elected during the previous session of the Committee or the head of his delegation shall preside until the Interim Committee has elected a Chairman. The Interim Committee shall meet as and when it deems necessary for the conduct of its business. No new credentials shall be required for representatives who were duly accredited to the Interim Committee during its previous session;

6. The Secretary-General shall provide the necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its sub-committees and commissions.

Resolution 377 (V). Uniting for peace

[Adopted by the General Assembly at its 302nd plenary meeting on 3 November 1950, by 52 votes in favour, 5 against, with 2 abstentions.]

A

The General Assembly,

Recognizing that the first two stated Purposes of the United Nations are:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace", and

"to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace",

Reaffirming that it remains the primary duty of all Members of the United Nations, when involved in an international dispute, to seek settlement of such a dispute by peaceful means through the procedures laid down in Chapter VI of the Charter, and recalling the successful achievements of the United Nations in this regard on a number of previous occasions,

Finding that international tension exists on a dangerous scale,

Recalling its resolution 290 (IV) entitled "Essentials of peace", which states that disregard of the Principles of the Charter of the United Nations is primarily responsible for the continuance of international tension, and desiring to contribute further to the objectives of that resolution,

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements for armed forces provided for in Article 43 of the Charter belongs to the Security Council, and desiring to ensure that, pending the conclusion of such agreements, the United Nations has at its disposal means for maintaining international peace and security,

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the Member States, particularly those responsibilities referred to in the two preceding paragraphs, does not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security,

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter in regard to the maintenance of international peace and security,

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendation by the General Assembly to Members of the United Nations for collective action which, to be effective, should be prompt,

A

1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider

the matter immediately with a view 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. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations;

2. Adopts for this purpose the amendments to its rules of procedure set forth in the annex to the present resolution;

## B

3. Establishes a Peace Observation Commission which, for the calendar years 1951 and 1952, shall be composed of fourteen Members, namely: China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the State into whose territory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission if the Security Council is not exercising the functions assigned to it by the Charter with respect to the matter in question. Decisions to utilize the Commission shall be made on the affirmative vote of two-thirds of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the Charter;

4. Decides that the Commission shall have authority in its discretion to appoint sub-commissions and to utilize the services of observers to assist it in the performance of its functions;

5. Recommends to all governments and authorities that they co-operate with the Commission and assist it in the performance of its functions;

6. Requests the Secretary-General to provide the necessary staff and facilities, utilizing, where directed by the Commission, the United Nations Panel of Field Observers envisaged in General Assembly resolution 297 B (IV);

## C

7. Invites each Member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in support of any recommendations of the Security Council or of the General Assembly for the restoration of international peace and security;

8. Recommends to the States Members of the United Nations that each Member maintain within its national armed forces elements so trained, organized and equipped that they could promptly be made available, in accordance with its constitutional processes, for service as a United Nations unit or units, upon recommendation by the Security Council or the General Assembly, without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter;

9. Invites the Members of the United Nations to inform the Collective Measures Committee provided for in paragraph 11 as soon as possible of the measures taken in implementation of the preceding paragraph;

10. Requests the Secretary-General to appoint, with the approval of the Committee provided for in paragraph 11, a panel of military experts who could be made available, on request, to Member States wishing to obtain technical advice regarding the organization, training, and equipment for prompt service as United Nations units of the elements referred to in paragraph 8;

## D

11. Establishes a Collective Measures Committee consisting of fourteen Members, namely: Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, Philippines, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Yugoslavia, and directs the Committee, in consultation with the Secretary-General and with such Member States as the Committee finds appropriate, to study and make a report to the Security Council and the General Assembly, not later than 1 September 1951, on methods, including those in section C of the present resolution, which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements (Articles 51 and 52 of the Charter);

12. Recommends to all Member States that they co-operate with the Committee and assist it in the performance of its functions;

13. Requests the Secretary-General to furnish the staff and facilities necessary for the effective accomplishment of the purposes set forth in sections C and D of the present resolution;

## E

14. Is fully conscious that, in adopting the proposals set forth above, enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the Principles and Purposes established in the Charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries; and accordingly

15. Urges Member States to respect fully, and to intensify, joint action, in co-operation with the United Nations, to develop and stimulate universal respect for and observance of human rights and fundamental freedoms, and to intensify individual and collective efforts to achieve conditions of economic stability and social progress, particularly through the development of under-developed countries and areas.

## ANNEX

The rules of procedure of the General Assembly are amended in the following respects:

1. The present text of rule 8 shall become paragraph (a) of that rule, and a new paragraph (b) shall be added to read as follows:

"Emergency special sessions pursuant to resolution 377 A (V) shall be convened within twenty-four hours of the receipt by the Secretary-General of a request for such a session from the Security Council, on the vote of any seven members thereof, or of a request from a majority of the Members of the United Nations expressed by

vote in the Interim Committee or otherwise, or of the concurrence of a majority of Members as provided in rule 9."

2. The present text of rule 9 shall become paragraph (a) of that rule and a new paragraph (b) shall be added to read as follows:

"This rule shall apply also to a request by any Member for an emergency special session pursuant to resolution 377 A (V). In such a case the Secretary-General shall communicate with other Members by the most expeditious means of communication available."

3. Rule 10 is amended by adding at the end thereof the following:

"...In the case of an emergency special session convened pursuant to rule 8 (b), the Secretary-General shall notify the Members of the United Nations at least twelve hours in advance of the opening of the session."

4. Rule 16 is amended by adding at the end thereof the following:

"...The provisional agenda of an emergency special session shall be communicated to the Members of the United Nations simultaneously with the communication summoning the session."

5. Rule 19 is amended by adding at the end thereof the following:

"...During an emergency special session additional items concerning the matters dealt with in resolution 377 A (V) may be added to the agenda by a two-thirds majority of the Members present and voting."

6. There is added a new rule to precede rule 65 to read as follows:

"Notwithstanding the provisions of any other rule and unless the General Assembly decides otherwise, the Assembly, in case of an emergency special session, shall convene in plenary session only and proceed directly to consider the item proposed for consideration in the request for the holding of the session, without previous reference to the General Committee or to any other Committee; the President and Vice-Presidents for such emergency special sessions shall be, respectively, the Chairman of those delegations from which were elected the President and Vice-Presidents of the previous session."

## B

For the purpose of maintaining international peace and security, in accordance with the Charter of the United Nations, and, in particular, with Chapters V, VI and VII of the Charter,

### The General Assembly

#### Recommends to the Security Council:

That it should take the necessary steps to ensure that the action provided for under the Charter is taken with respect to threats to the peace, breaches of the peace or acts of aggression and with respect to the peaceful settlement of disputes or situations likely to endanger the maintenance of international peace and security;

That it should devise measures for the earliest application of Articles 43, 45, 46 and 47 of the Charter of the United Nations regarding the placing of armed forces at the disposal of the Security Council by the States Members of the United Nations and the effective functioning of the Military Staff Committee;

The above dispositions should in no manner prevent the General Assembly from fulfilling its functions under resolution 377 A (V).

C

The General Assembly,

Recognizing that the primary function of the United Nations Organization is to maintain and promote peace, security and justice among all nations,

Recognizing the responsibility of all Member States to promote the cause of international peace in accordance with their obligations as provided in the Charter,

Recognizing that the Charter charges the Security Council with the primary responsibility for maintaining international peace and security,

Reaffirming the importance of unanimity among the permanent members of the Security Council on all problems which are likely to threaten world peace,

Recalling General Assembly resolution 190 (III) entitled "Appeal to the Great Powers to renew their efforts to compose their differences and establish a lasting peace",

Recommends to the permanent members of the Security Council that:

(a) They meet and discuss, collectively or otherwise, and, if necessary, with other States concerned, all problems which are likely to threaten international peace and hamper the activities of the United Nations, with a view to their resolving fundamental differences and reaching agreement in accordance with the spirit and letter of the Charter;

(b) They advise the General Assembly and, when it is not in session, the Members of the United Nations, as soon as appropriate, of the results of their consultations.

Resolution 498 (V). Intervention of the Central People's Government of the People's Republic of China in Korea

[Adopted by the General Assembly at its 327th plenary meeting on 1 February 1951, by 44 votes in favour, 7 against, with 9 abstentions.]

The General Assembly,

Noting that the Security Council, because of lack of unanimity of the permanent members, has failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese Communist intervention in Korea,

Noting that the Central People's Government of the People's Republic of China has not accepted United Nations proposals to bring about a cessation of hostilities in Korea with a view to peaceful settlement, and that its armed forces continue their invasion of Korea and their large-scale attacks upon United Nations forces there,

1. Finds that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there, has itself engaged in aggression in Korea;

2. Calls upon the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea;

3. Affirms the determination of the United Nations to continue its action in Korea to meet the aggression;
4. Calls upon all States and authorities to continue to lend every assistance to the United Nations action in Korea;
5. Calls upon all States and authorities to refrain from giving any assistance to the aggressors in Korea;
6. Requests a Committee composed of the members of the Collective Measures Committee as a matter of urgency to consider additional measures to be employed to meet this aggression and to report thereon to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee referred to in the following paragraph reports satisfactory progress in its efforts;
7. Affirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea and the achievement of United Nations objectives in Korea by peaceful means, and requests the President of the General Assembly to designate forthwith two persons who would meet with him at any suitable opportunity to use their good offices to this end.

Resolution 500 (V). Additional measures to be employed to meet the aggression in Korea

[Adopted by the General Assembly at its 330th plenary meeting on 18 May 1951  
by 47 votes in favour, none against, with 8 abstentions. 1/1]

The General Assembly,

Noting the report of the Additional Measures Committee dated 14 May 1951,

Recalling its resolution 498 (V) of 1 February 1951,

Noting that:

- (a) The Additional Measures Committee established by that resolution has considered additional measures to be employed to meet the aggression in Korea,
- (b) The Additional Measures Committee has reported that a number of States have already taken measures designed to deny contributions to the military strength of the forces opposing the United Nations in Korea,
- (c) The Additional Measures Committee has also reported that certain economic measures designed further to deny such contributions would support and supplement the military action of the United Nations in Korea and would assist in putting an end to the aggression,

1. Recommends that every State:

- (a) Apply an embargo on the shipment to areas under the control of the Central People's Government of the People's Republic of China and of the North Korean authorities of arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition and implements of war;

1/ The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR did not participate in the vote.

(b) Determine which commodities exported from its territory fall within the embargo, and apply controls to give effect to the embargo;

(c) Prevent by all means within its jurisdiction the circumvention of controls on shipments applied by other States pursuant to the present resolution;

(d) Co-operate with other States in carrying out the purposes of this embargo;

(e) Report to the Additional Measures Committee, within thirty days and thereafter at the request of the Committee, on the measures taken in accordance with the present resolution;

2. Requests the Additional Measures Committee:

(a) To report to the General Assembly, with recommendations as appropriate, on the general effectiveness of the embargo and the desirability of continuing, extending or relaxing it;

(b) To continue its consideration of additional measures to be employed to meet the aggression in Korea, and to report thereon further to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee reports satisfactory progress in its efforts;

3. Reaffirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea, and the achievement of United Nations objectives in Korea by peaceful means, and requests the Good Offices Committee to continue its good offices.

Resolution 503 (VI). Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter

Adopted by the General Assembly at its 539th plenary meeting on 12 January 1952; resolution A adopted by 51 votes in favour, 5 against, with 3 abstentions; resolution B adopted by 57 votes to none, with 2 abstentions.

A

The General Assembly,

Reaffirming that it is one of the foremost Purposes of the United Nations to "take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace",

Recognizing that the establishment of an effective collective security system is in harmony with other United Nations Purposes and Principles as embodied in the Charter, in particular those relating to the pacific settlement of disputes, which must be fulfilled if an enduring peace is to be secured,

Reaffirming its desire, as expressed in its resolution 377 A (V) entitled "Uniting for peace", to ensure that the United Nations has at its disposal means for maintaining international peace and security pending the conclusion of agreements provided for in Article 43 of the Charter,

Recognizing that the ability and readiness of States to contribute armed forces and other assistance and facilities in support of United Nations collective action are essential to an effective security system,

Having received the report of the Collective Measures Committee rendered in accordance with paragraph 11 of resolution 377 A (V),

Noting the responses from Member States to its recommendation contained in that resolution that they maintain elements within their national armed forces which could be made available for United Nations service,

Convinced, moreover, that additional action should be taken by States and further study undertaken by the United Nations for the establishment of an effective system of collective security under the authority of the United Nations,

Recognizing that regional and collective self-defence arrangements concluded in accordance with the terms of the Charter can and should constitute an important contribution to the universal collective security system of the United Nations,

Recognizing that United Nations collective action, to be most effective, should be as nearly universal as possible and that in the event of need States not Members of the United Nations should unite their strength with that of the United Nations to maintain international peace and security in accordance with the Purposes and Principles of the Charter,

1. Takes note of the report of the Collective Measures Committee and of its conclusions and expresses its appreciation of the Committee's constructive work in the study of collective security;

2. Recommends to Member States that, in accordance with paragraph 8 of resolution 377 A (V), each take such further action as is necessary to maintain within its national armed forces elements so trained, organized and equipped that they could promptly be made available, in accordance with its constitutional processes and to the extent to which in its judgment its capacity permits it to do so, for service as a United Nations unit or units without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter and without prejudice likewise to internal security;

3. Recommends to Member States that they take such steps as are necessary to enable them, in accordance with their constitutional processes and to the extent to which in their judgment their capacity permits them to do so, to provide assistance and facilities to United Nations armed forces engaged in collective military measures undertaken by the Security Council or by the General Assembly;

4. Recommends to Member States that they determine, in the light of their existing legislation, the appropriate steps for carrying out promptly and effectively United Nations collective measures in accordance with their constitutional processes;

5. Recommends to Member States that they continue the survey of their resources provided for in paragraph 7 of resolution 377 A (V);

6. Recommends to Members of the United Nations which belong to other international bodies, or which are parties to international arrangements concluded in accordance with the Charter, that, in addition to their individual participation in the collective security system of the United Nations, they seek to obtain, when appropriate, in and through such bodies and arrangements within the constitutional limitations and the other provisions of those bodies and arrangements, all possible support for collective measures undertaken by the United Nations;

7. Invites States not Members of the United Nations to take note of the report of the Collective Measures Committee and consider ways and means, in the economic as well

as in other fields, whereby they could contribute most effectively to collective measures undertaken by the United Nations in accordance with the Purposes and Principles of the Charter;

8. Requests the Secretary-General to appoint as soon as possible the members of the panel of military experts provided for in paragraph 10 of resolution 377 A (V), to the end that they can be made available on request of States wishing to obtain technical advice regarding the training, organization and equipment of the United Nations units referred to in paragraph 2 above;

9. Directs the Collective Measures Committee, in consultation with the Secretary-General and with such States as the Committee finds appropriate, to continue for another year its studies on methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of both regional and collective self-defence arrangements, and to report thereon to the Security Council and to the General Assembly before the seventh session of the General Assembly;

10. Recognizes that nothing in the present resolution shall be construed to permit any measures to be taken in any State without the free and express consent of that State.

B

The General Assembly,

Considering that a basic task of the United Nations is to secure and strengthen international peace and security, and bearing in mind that under the Charter the main responsibility for the maintenance of international peace and security has been conferred on the Security Council,

Recommends that the Security Council, in accordance with Article 28 of the Charter, should convene a periodic meeting to consider what measures might ensure the removal of the tension at present existing in international relations and the establishment of friendly relations between countries whenever such a meeting would usefully serve to remove such tension and establish such friendly relations in furtherance of the Purposes and Principles of the Charter.

Resolution 703 (VII). Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee

[Adopted by the General Assembly at its 415th plenary meeting on 17 March 1953, by 50 votes in favour, 5 against, with 3 abstentions.]

The General Assembly,

Having received the second report of the Collective Measures Committee,

Affirming the need for strengthening further the system of collective security under the authority of the United Nations,

Finding that to this end further steps could be taken by States and by the United Nations in accordance with the Charter and in conformity with the "Uniting for peace" resolution (377 A (V)) and with resolution 503 (VI),

1. Takes note of the second report of the Collective Measures Committee and expresses appreciation of the constructive work done by the Committee during the past year, particularly in the economic field, including the preparation of lists of arms, ammunition and implements of war and of strategic items for consideration by the Security Council or the General Assembly in the application of a selective embargo;

2. Requests the Collective Measures Committee to continue its work until the ninth session of the General Assembly, as directed in paragraph 4 below, for the maintenance and strengthening of the United Nations collective security system;

3. Recommends to States Members, and invites States not Members of the United Nations:

(a) To give careful consideration to the reports of the Collective Measures Committee;

(b) To continue and intensify their efforts to carry out the recommendations of the "Uniting for peace" resolution and of resolution 503 (VI);

(c) To keep the Collective Measures Committee currently informed of the progress they are making in this respect;

4. Directs the Collective Measures Committee:

(a) To pursue such studies as it may deem desirable to strengthen the capability of the United Nations to maintain peace, taking account of the "Uniting for peace" resolution, resolution 503 (VI) and the present resolution;

(b) To continue the examination of information received from States pursuant to the "Uniting for peace" resolution, resolution 503 (VI) and the present resolution;

(c) In the light of its studies, to suggest to the Security Council and to the General Assembly such specific ways and means as it may deem appropriate to encourage further preparatory action by States;

(d) To report to the Security Council and to the General Assembly not later than the ninth session of the Assembly.