



*Friday, 4 January 1952, at 10.30 a.m.*

*Palais de Chaillot, Paris*

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*Chairman* : Mr. Finn MOE (Norway).

**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 (A/1891, A/C.1/676 and A/C.1/688) (*continued*)**

[Item 18]\*

*GENERAL DEBATE (continued)*

1. Mr. BELAUNDE (Peru) stated that the report of the Collective Measures Committee (A/1891) and the eleven-Power joint draft resolution (A/C.1/676) had three aspects which should be emphasized : first, although the Committee had made use of the Korean experience, it had realized that general principles could not be derived from a specific case alone ; secondly, in laying down guiding principles the report had not followed the policies of any particular State or States nor had it pointed to any particular aggressor but had maintained a spirit of objectivity ; and thirdly, although the Committee had been established by the "Uniting for peace" resolution 377 (V) of the General Assembly, it had not confined itself to cases in which the General Assembly would assume responsibility for the maintenance of peace. Moreover, the Committee had stated that the report represented a preliminary study and assumed that research would be continued. There was therefore no necessity at the present stage for a resolution approving its work.

2. The collective security system provided by the United Nations Charter had two fundamental principles. One of those which had frequently been overlooked, was the principle of the universality of the responsibility for collective security. Not only in general terms in the Preamble, but specifically in Article 43, the Charter set forth the duty of all Members to contribute to enforcement measures. The other basic principle was concerned with the direction of enforcement measures which, under the Charter, had been placed in the control of the Security Council.

3. Although according to the Charter, the Security Council would call upon governments to provide armed forces and other assistance in accordance with agreements entered into between the Security Council and all Members, the

obligations on the part of all Members were not created either by the call of the Security Council or by the agreements ; the obligations arose out of the Charter and existed before any agreements and before any request from the Security Council. The means of co-ordination provided by the Charter was the Military Staff Committee which would establish a link between the authority of the Security Council and the contributing nations.

4. The system was flexible and clear but, unfortunately, was based upon an almost utopian postulate, namely the unanimity of the permanent Members.

5. The current situation was that there existed neither any agreements under Article 43 nor a functioning Military Staff Committee. In other words, the means required for achieving collective security did not exist. That, however, was no reason to abandon the objective. Rather they should seek other means, particularly because the General Assembly also had responsibilities in respect of peace and security. According to the Charter, the responsibility of the Security Council was primary but not exclusive. If that primary responsibility was not exercised by the Security Council, it should be assumed by the higher authority which had conferred it. Article 24, which pointed out that the Security Council acted on behalf and under the authority of all Members, should not be overlooked.

6. At San Francisco, the smaller nations had suspected that the principle of unanimity was utopian and had sought two remedies. They had wished to have Article 12 so amended that if the Security Council failed to resolve a problem, it could be transferred to the General Assembly. Secondly, in the matter of security, the small nations had promoted the inclusion of the approval of the principle of regional arrangements for collective defence. Those regional arrangements both furnished additional machinery for the pacific settlement of local disputes and made it possible for a victim of aggression to receive immediate assistance. Certain principles had been established in regional organizations, notably the thesis that an attack on one was an attack on all. Such a principle should be extended to the United Nations. Under the Charter there already existed an obligation to co-operate.

7. If it was not considered that the system of the Military Staff Committee and the Security Council could be replaced by emergency methods through regional arrangements or

\* Indicates the item number on the General Assembly agenda.

otherwise, little would remain of the Organization. If the General Assembly was unable to take action against aggression, it would degenerate into a debating society where the enemies of the United Nations could practise their propaganda. The clear duty of the General Assembly was to provide for collective measures in the event of the failure of the Security Council and the Military Staff Committee.

8. In the future studies of the Collective Measures Committee, Mr. Belaúnde believed that there were certain topics which might be given attention. The Committee might examine the problem of the preparation of measures on the part of the General Assembly. Although a system of regional agreements was a sound basis for peace, they ought not to abandon the study of functions of the General Assembly. Under the Charter, preparatory work would be undertaken by the Military Staff Committee and if it was not functioning, they should seek some other means of preparing for collective action.

9. The Collective Measures Committee in its report contemplated setting up an executive military authority only after the General Assembly had decided upon collective action. That authority therefore could not make advance preparations. Yet the General Assembly had the power to establish a committee to prepare for such action in the absence of Security Council agreement. There should be preparatory measures taken not only centrally but also by Member States so as to avoid the necessity for improvisation after aggression had taken place.

10. With regard to the nature of the executive military authority, the Collective Measures Committee had proposed that it might be either a State or a group of States. As the organs established for the purpose under the Charter were collective, Mr. Belaúnde believed that it would be better not to have such an authority consisting of an individual State. That was a matter which could be given further review and need not be decided at once.

11. Article 40 of the United Nations Charter dealing with provisional measures for a settlement was of great importance and the Collective Measures Committee had borne in mind the procedure of appeals to parties to a dispute. Mr. Belaúnde believed that such appeals ought to include conditions such as the return to the *status quo*, the withdrawal of troops et cetera. If such provisional measures solved the problem, all would be well. But, if the conditions were not accepted by one party, due account could be taken of the fact. It would be useful for the Collective Measures Committee to devote further study to the question of provisional measures.

12. Although economic measures had been elaborated very fully, they also should have further consideration. Two principles should govern: first, the measures must be effective and secondly, the interests of participating States should be respected and there should be equality of sacrifice.

13. In general, the Committee, in its future work, should bear in mind the differences between national economies and seek to establish a system which would be flexible and equitable. Although nations might make only voluntary contributions, there was a need for some advance negotiations before aggression occurred.

14. Dealing with the question of the relations between the executive military authority, which might be set up in case of aggression, and the participating States, Mr. Belaúnde compared the system set forth in the committee's report and the one provided for in the Charter, a system based upon the Security Council. He pointed out that in the

latter system, States which furnished forces participated in the debates of the Council. If there were many such participants, the Council would in fact be converted into a General Assembly. The systems were thus similar.

15. A participating State required direct contact with the authority. He feared that the paragraphs dealing with the question in the report of the Collective Measures Committee were insufficient in that respect. There should be some explicit principle which would lead to close contact between participating States and the authority.

16. Turning to the joint draft resolution (A/C.1/676), Mr. Belaúnde considered that regional arrangements, which were sanctioned by the Charter, should be termed an essential element, rather than an important one, of the system of collective security.

17. He did not think that the report of the Collective Measures Committee, which dealt with very complicated matters, required blanket approval. Members of the United Nations might be invited to consider the principles enunciated in the report and to submit suggestions.

18. In connexion with paragraph 3 of the operative part of the draft resolution, he pointed out that obligations contrary to the principles of a State's constitution could not be undertaken; nor could his delegation undertake to change the constitution of his country.

19. The invitation to non-member States contained in paragraph 7 of the operative part of the proposal was important because universality was the basis for the existence of the United Nations. It was indispensable that certain countries should be invited to join in the United Nations effort and that the Organization should be prepared to accept their co-operation.

20. In conclusion, Mr. Belaúnde considered that the work of the Collective Measures Committee must be continued.

21. Mrs. SEKANINOVA-ČAKRTOVA (Czechoslovakia) stated that the aggressive character of the "Uniting for peace" resolution, made clear at the fifth session of the General Assembly by various delegations, had again been demonstrated by the events of 1951, which had once more confirmed the fact that the so-called collective measures were designed to use the United Nations to legalize the aggressive acts of the United States and to ensure the participation in those acts of Member States, not already part of aggressive blocs, or of States not members of the United Nations. The fight against the principle of the unanimity of the great Powers and the procedures utilized in the United Nations by the "Anglo-American bloc" were an integral part of the policy directed towards the unleashing of a new war.

22. The report of the so-called Collective Measures Committee dealt with measures designed to make easier what had been called "future Koreas". All the recommendations in the report shared the illegality of General Assembly resolution 377 (V) which, contrary to the Charter, transferred to the General Assembly matters exclusively within the province of the Security Council and the Military Staff Committee. The special position of the Council was demonstrated by the fact that the members of the Organization had entrusted it with primary responsibility for the maintenance of international peace and security, that they had agreed that in carrying out its duties the Council should act on their behalf and that they would accept and carry out its decisions in accordance with the Charter.

23. Therefore, the Security Council alone, according to the precise wording of the Charter, could determine whether

there existed a threat to peace, a breach of the peace or an aggressive act. Only the Council could decide that force would be used, or order the use of measures under Articles 40, 41 and 42 of the Charter. Only the Security Council was competent to conclude with Member States agreements making available to it armed forces and assistance.

24. No provision in the Charter gave the least support to the theory that jurisdiction to undertake enforcement action to maintain international peace and security had been entrusted simultaneously to the General Assembly. Article 11, paragraph 2, provided that the Assembly should transmit any question requiring action to the Security Council, because of the necessity of unanimity of the great Powers for solution of such matters. Since, according to international law, only an organ with the appropriate competence could make a valid and binding decision, a decision of the General Assembly concerning one of the measures contained in the report of the Collective Measures Committee would be contrary to the Charter. In that connexion, Mrs. Sekaninova-Čakrtova cited the comments to that effect contained in *The Law of the United Nations* by Professor Hans Kelsen.

25. The proposals in the report of the Collective Measures Committee were intended to join the various paths of United States imperialism. The "aggressive blocs" created by the United States in contradiction of the Charter, were now to be brought into contact with the Organization by a further serious violation of the Charter. Permanent machinery was to be at the disposal of the United States for all stages of aggressive actions so as to ensure that any future actions would not have to be improvised.

26. Phrases to the effect that the proposed measures were not aimed against anyone and had no specific situation in view were shown to be false by the character of the proposed measures, by the nature and activities of aggressive pacts which were to be integrated with the United Nations actions, and by references to the "inspiration" of Korea. Thus, the stress in the report upon the alternative use of the General Assembly and the Security Council showed that its authors were aware of the fundamental illegality which was involved in the General Assembly's deciding matters assigned to the Security Council and the Military Staff Committee.

27. One of the results of the proposed "political" measures proposed in the Committee's report would be the outright violation of Articles 5 and 6 of the Charter affecting every Member State and the Organization itself. The measure intended to enable the General Assembly to brand illegally and falsely a victim of aggression as an aggressor against whom "collective" action should be taken, was the one in which the Anglo-American imperialists were most interested.

28. Similarly, the proposed economic and financial measures would be just another means to make the Organization serve the interests of American monopolies. They were based on the extensive experience of the United States in the use of discriminatory policies against the USSR and the people's democracies. The measures were to be used to coerce and intimidate unwilling countries into submitting to the aggressive policies of the United States and to permit the United States monopolies to secure control of raw materials. The representative quoted General MacArthur and Admiral Sherman on the effects of a blockade which would include food and medicines.

29. The proposed military measures were especially important. Starting from the "Uniting for peace" resolu-

tion they moved toward formation of an international army under United States command. The report even recommended to Member States to consider whether they could undertake any action even before a decision of the United Nations on the use of armed forces, apparently with the analogy of United States action in Korea in mind.

30. The so-called regional arrangements and pacts formed by the United States against the USSR, the people's democracies and the national liberation movements of nations still under foreign domination—in particular the North Atlantic Treaty—were incompatible with the United Nations Charter and were based on one criterion alone: the extent to which the countries in them could serve the aggressive aims of the United States. The attempts to create a Middle East Command aimed at the establishment of a base for attack against the USSR and the people's democracies and the suppression of the national liberation movements of the Arab countries.

31. The aggressive character of the so-called regional arrangements had been apparent from the beginning. The USSR Government had noted their incompatibility with international agreements concluded between the great Powers during the Second World War, as well as with bilateral treaties between the great Powers which directly excluded participation in pacts and coalitions which could be aimed against one of the other contracting parties. The USSR had also pointed out that such "blocs" were incompatible with the Charter.

32. In January 1949 the USSR had declared that the North Atlantic Treaty was designed to enable the ruling circles in the United States and Great Britain to direct and use the largest possible number of countries in order to realize aggressive plans for world domination. The representative pointed out the effects of the North Atlantic Treaty on the national economy and national defense of its member countries. The report of the Collective Measures Committee and other developments since the signing of the treaty had confirmed that interpretation which could be applied to the so-called collective measures under discussion. Those proposals were clearly intended to permit the aggressive acts of various countries signatories to the North Atlantic Treaty to be presented as United Nations action.

33. Even truly regional arrangements made in accordance with the Charter gave no right to their members to take any military action without an authorization from the Security Council. The United States State Department's report to Congress had itself recognized that the Security Council must have general authority over regional arrangements to prevent them from developing independently and pursuing different ends.

34. The report's provisions for the nomination of an executive military authority and for the determination of assistance which individual countries were to give, fully reflected the interests of the United States. To illustrate what the report understood under humanitarian principles applied by the so-called United Nations Command in Korea, she quoted from General MacArthur's testimony in the United States Senate about the destruction in Korea.

35. The so-called collective measures, as illustrated by events in connexion with Korea were to serve to cover further aggressive acts of the United States all over the world. The United States representative said that his country had learned many lessons in Korea; what it had learned was, apparently, how to wage aggressive war under the misappropriated flag of the United Nations, to get others to fight for it and to deceive world public opinion systematically about the real causes of the war. In the

future, the United States was only to command: soldiers from other countries were to do the dying. The facts did not bear out the United States representative's contention that the United States Government desired an early armistice in Korea.

36. The effort made by the United States Government to secure adoption of the illegal General Assembly resolution of 1 February 1951 (resolution 498 (V)), falsely attaching the label of aggressor to the People's Republic of China, and of resolution 500 (V) of 18 May 1951 imposing economic sanctions against that Republic had missed its mark.

37. While talking of peace, the United States was remilitarizing West Germany, under hitlerite generals and

creating a new Wehrmacht and giving Japan the same part to play in the Far East as had been entrusted to West Germany in Europe. The proposals of the so-called Collective Measures Committee were an attempt to pass from a policy of improvised aggressive acts—for which the United States had hitherto sought only subsequent false legalization from the United Nations—to a policy of aggression prepared in advance.

38. The Czechoslovak delegation would vote against the joint draft resolution and welcomed the draft resolution submitted by the USSR.

The meeting rose at 1.15 p. m.