The origin of the United Nations veto

Jerry Daniel Donnelly

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THE ORIGIN OF THE UNITED NATIONS VETO

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Jerry Daniel Donnelly
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Robert T. Turner
Chairman of the Board of Examiners

Dean of the Graduate School

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J. D. D.
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CHAPTER I

THE ROLE OF SOVEREIGNTY IN INTERNATIONAL POLITICS

The termination of the religious and political struggle known as the Thirty Year's War brought also to an end the idea of unity or "one worldness" which long had pervaded the western Christian world. Both Pope and Emperor, as legal heads of the Christian Church and Holy Roman Empire, were dedicated to the preservation of the Pax Romana of the ancient world. The cataclysms of the 16th century, backed by the intellectual forces of the Renaissance and Reformation, served to shatter the common Christian bond which had held in check the aspirations and self-assertiveness of the various princes and national groups of Europe. Once loosed, these forces provided the embryo for the formation of the modern nation-state.

Justification for the existence, and study of the nature, of the relation between the new-found states became the major concern of a great number of writers of the period—a fact evident in the work of such men as the Spaniard Victoria and his Heptameron Theologicum, the Italian Gentili with de jure bellii, and the more systematic
method of Hugo Grotius in the following 17th century. Thus in the same intellectual breath which created modern statehood, the Christian West conceived the idea of sovereignty as an explanation and description of the character of the individual state.

Sovereignty, as the highest attribute of the state, received one of its finest treatments from the hand of the French writer Jean Bodin in the latter part of the sixteenth century. Bodin saw it as the "highest power over citizens and subjects, unrestrained by laws." Further, he stated, "The chief mark of sovereignty is the power to give law to all citizens, generally and singly." But the elusive nature of his subject is evident when he declares that it is limited by laws "divine and natural" and by the "laws of the realm," phrases which are not particularly clarified by his work. Formalization of the doctrine of sovereignty began to take effect in the 13th century as Rousseau found sovereignty to reside in the "body politic" with no legal limitations. In the work of the German jurists of the 19th century can be found an even more inclusive, rigid handling of the nature


3. Ibid., p. 267.
of the rights of the state.\footnote{Ibid.} Considerations, political and practical, were allowed to enter into the shaping of the national policy on the international level. In short, since the state was seen as an institution that by its inherent nature was free from outside control, it therefore had a right to determine its own scope of action in its relations with other states. To a certain extent, the idealism of the prevailing international codes came to be disregarded in favor of a more opportunistic, practical national policy. Thus, a state, acting in its capacity as a sovereign nation, had equal rights with other sovereign nations attempting to fulfill the same role. In other words, states were equal.

International law recognized the juridical equality of all states; this concept is a corollary of the system. It is apparent also, that in the period under discussion, it recognized to a large extent the equality of states as political forces. Tobin, in his \textit{The Termination of Multipartite Treaties}, takes note of this. "The principle of unanimous consent," he declares, "was accepted up until 1914 even in the case of conferences dealing with regulations designed to be applicable to the international community as a whole."\footnote{H. J. Tobin, \textit{The Termination of Multipartite Treaties}, (Columbia, New York, 1933), p. 203.} Scott, commenting on the Hague Peace Conference makes the observation that: "As international law is based upon the
legal equality of states, it necessarily follows that each state have one vote."

A misconception of the doctrine of equality is evident. The existence of the state as an International Person was confused with the state as a political power factor. Under this premise, a minor power, despite its lack of resources, economic, or military strength, was seen as the equal of an actually great power on the international level. The words "sovereignty," "equality," and "unanimity" were regarded as almost interchangeable. Sovereignty, as freedom from outside control in conducting the internal affairs of the state, also came to be sovereignty as freedom from any limitation in the community of nations. This resulted from equality, both legal and political, as enshrined in the body of international law. Preservation of this concept was entrusted to the other member of the mystic trio—"unanimity."

The role of unanimity at the conference table in protecting the interests of the sovereign and equal state must be inspected. Since voting is the actual hinge upon which such conferences of nations operates, unanimous consent is the safeguard of the interests of the individual state. By a negative vote the dissenting state can effectively prevent adoption of any measure likely to constitute a threat to its particular designs. This may be effected at the expense of

the international community. Even if the dissenting state were to be a minor political factor on the world scene, it would be permitted, under total unanimity, to stop any effective action seen fit by the other members. Evidence of such practice can be found in the later stages of this discussion.

Despite the emphasis that has been placed upon the role of the sovereign state in world affairs and the speculation upon the nature of sovereignty itself, it is evident in the history of Europe that limitations have been imposed. That is to say, the ambitions of a state engaged in acting its role as a sovereign nation have been curtailed in the game of international power politics whenever they clashed with the interests of the Great Powers. For instance, at Berlin in 1878, although Turkey expressed strong disapproval of the settlement on Bosnia and Herzegovina she was forced to accept the settlement proposed. It must be recognized, of course, that this limitation has been experienced chiefly by the lesser and middle power aspired to play the game. In the event of the clash of interests of the Great Powers the result has been a major conflict—a struggle of sovereign states to assert themselves on the international scene.

Realization of this political fact gave birth to what can be considered the first of the international security systems of the modern era—the Concert of Europe. This was the result of a realistic approach to the preservation of

the status quo, a problem which was recognized as being in the particular sphere of no one nation, but rather the common problem of the nations of Europe. Thus, at Vienna in 1815, the five Great Powers of the period (Austria, Great Britain, France, Prussia, and Russia) pledged themselves to a unity designed to stem the liberal and rationalistic tide then threatening the monarchies of the continent.

It must be borne in mind that the keystone to the Concert system, a system that endured until undermined by the alliance system prior to World War I, was the unanimity of the major continental powers. Intervention served admirably to implement the designs of stabilization as is evinced by Austria in Naples and Piedmont (1820) and France in Spain (1823). Although hampered by British reticence in Greece, the Levant, and later in Spain, the Concert of Europe served to avert any widespread, general conflict of the Great Powers until 1914.

Regarded technically, the coalition of the World Powers of the period can not be considered as permanent international organization but rather as a series of conferences which served mainly as a sounding board for the diplomatists of Europe. Problems were dealt with as they arose by a series of international ad hoc conferences that lacked a formal character, and whose decisions were in no way binding on a dissenting minority. From the modern viewpoint, international political organization, as a planned and permanent system did not come into existence until the advent of the League of Nations.
after the first World War.

The period between 1815 and 1914 showed a growth in the belief of the juridical equality and sovereignty of states regardless of size or resources. The emergence of submerged minority groups as separate nationalities and states was accompanied by claims to equal rights as political entities on an international scale. While equality in a legal sense cannot be dismissed, equality of a small state as a political actuality is questionable. To an extent, this concept can be traced to a liberal and practical aversion to the suppression of minority groups. Great Britain, as has been stated, due to considerations of both a liberal and political nature, chose to play the role of protector of the liberties of suppressed groups. Popular European sentiment also reinforced the concept of equality. Thus, in the Morea, it was the European coalition which stayed the hand of the Sultan in his final attempt to subjugate the Greek rebels. But once sovereignty was bestowed upon such a minority it cannot be stated that a new state at once achieved the stature of, say, a France or Prussia. Oddly enough, the idea of political equality among states was abetted by a division among the same powers which had recognized at Vienna at an earlier date that the greatest responsibility must be shouldered by the strongest in unity.

By the twentieth century three main political features came to be regarded as necessary for the success of international cooperation and organization. These can be conveniently listed as: the sovereignty of the participating states; the
unanimity of the great powers, and a workable solution to the mutual problems. Equal representation and equal voting became prerequisites since legal equality was an accepted fact. The preponderance of the Great Powers in these organizations cannot be overlooked; nor can the inescapable fact be omitted, that since all the member states were sovereign, unanimity of all was to obtain. While such devices as limitation of membership, control of the executive body, and special voting arrangements served to keep key positions in the hands of the most interested powers, any action of a serious political nature could be negated by the dissenting vote of any one "sovereign" state.

An examination of a number of such conferences demonstrates the point at hand. The resolutions of the First and Second Hague Conferences were reduced to little more than pious hopes by the unanimity requirement. They did serve to demonstrate the degree of cooperation possible among twenty-six nations but at the same time it must be noted that no state was bound by any decision to which it did not agree.

"The first principle of every Conference," E. Melidov, president of the Second Hague Peace Conference said, "is that of unanimity; it is not an empty form but the basis of every political understanding." 8 (The unanimity here should

not be confused with the unanimity of the Great Powers; it refers to the agreement of all members).

The strength of this concept is illustrated further by the collapse of the Central American Court of Justice (1907) when Nicaragua, backed by the United States, ignored the finding of that body concerning her treaty obligations.\textsuperscript{9} Again, another instance is found in the American Peace Society as envisaged by William Ladd in 1829, wherein he sought to abolish war and gave to each member state as many representatives as it desired but allowed only one equal vote to each.\textsuperscript{10} Here, evidently, the principle of juridical equality would have protected a minority voting group from any decision of the majority. Article IX of the plans of the Fabian Society of England required the unanimous decision of the Council on questions affecting "the sovereignty, territorial integrity, ...... or any change in the internal laws of any state,"\textsuperscript{11} a requirement that negates any action but that of a non-political character. It is apparent then, that unanimity had become the general rule and was accepted in the body of customary international law dealing with decisions of a political character on an international scale.

Numerous instances can be, and have been, cited to show


\textsuperscript{10} Ibid., p. 107.

\textsuperscript{11} Ibid., p. 161.
that majority voting held sway in a great many organizations in the nineteenth and twentieth centuries. This is true; but it was either in organizations of a non-political character or on decisions of the same type in political organizations. At the Congress of Berlin (1878) a vote by the majority was employed in matters of procedure unless there was a formal protest by the minority.\textsuperscript{12} De Molinari, writing in 1857, favored a "universal concert" in which a majority of states would decide disputes and interpret laws instead of allowing each state to determine its own droit de guerre.\textsuperscript{13} (This presents an exception in political conference plans and ignores the formal ideas of the day). The two Hague Peace Conferences allowed recommendation by a majority to be made in committee although resolutions of the Conference were based on unanimity.\textsuperscript{14} There is little to indicate however, that decisions or actions of serious consequence were taken without first being made subject to the test of total unanimity.

It would be unfair to state that recognition of the need for the preponderance of the Great Powers was neglected in the period under discussion. As indicated, the Concert of Europe was a tacit recognition of this situation. Many small states were invited to participate in the deliberations of the


\textsuperscript{13} Hemleben, \textit{op. cit.}, p. 115.

\textsuperscript{14} Riches, \textit{op. cit.}, p. 18.
Great Powers but in the final analysis it was the leadership of the five major powers that served to avert a major conflict. Yet the Holy Alliance was never able to achieve the stature of an international government due to the divergence of national interest of the participating governments. It was dedicated to preserving the status quo, a balance that was subject to various interpretations by the allied states. The small states that attended the conferences were unable to produce any noticeable changes in the policies of the major powers—Russia or England, for example. Thus at Vienna in 1815, although all the victorious states were invited, the final decisions were made by the Big Five. Again at Paris in 1919, the Peace Conference allotted one vote to each represented state, yet each of the Five Principal Allied and Associated Powers (the United States, Great Britain, France, Italy, and Japan) had five delegates; Belgium, Brazil, and Serbia three each, and the remainder either one or two each. Voting was restricted to the approval of the decisions of the Council of Ten on which only the Five were represented. The Rules and Procedure of the Conference had been laid out in advance by a drafting committee consisting only of the representatives of these powers. On all other commissions and committees they kept a majority over the smaller states.15 Clemenceau, speaking in regard to a move by the small nations to achieve greater

representation on the Commission appointed to work out the
details, constitution, and function of the League of Nations,
reminded them that it was only because of the Great Powers
that they had been invited and that the Great Powers were the
only ones capable of making and keeping the peace. 16

Yet it was the same men, representing the same Great
Powers, as were present at Paris and in the formation of the
League, who included the provision for total unanimity on
political matters within the Council of that organization. In
theory at least, complete agreement between the large and small
states on political matters was considered a prime requirement.
It is true, however, that through limited membership, restricted
and weighted voting, the major powers did exercise a greater
measure of control in the conferences prior to the creation of
the League. But it will be seen that to a great degree the
League was to become the victim of the complete unanimity con­
cept, a requirement which had not been tolerated in any major
conference that dealt with the preservation of the peace. It
will also be seen that the failure of the League Council to
take necessary action when most needed was the result not only
of the lack of unanimity, but, moreover, because of the breach
among the participating Great Powers.

16. Ibid., p. 23.
II

The Covenant of the League of Nations was an attempt to embody the past experience of international organization, both political and non-political. An examination of the Charter reveals the inclusion of the practices that have been discussed, and which had become accepted in the international field.

Article 5 of the Covenant reads:

"Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting."

Thus the practice of unanimity voting was to obtain—meaning however, it must be stressed, the unanimity of all the members of the organization. Sovereignty and juridical equality, which had become exalted by the international thinking of the time, were still regarded as sacred.

An endeavor to take cognizance of the special interests of the Great Powers was made by General Smuts who presented a plan in which he advocated a council of all the member states which would make recommendations and a special council which would be dominated by the Great Powers. The latter council was to make decisions if not more than two members objected. His draft, entitled "A Practical Suggestion" stated that:

"We want a league which will be real, practical, effective as

a system of world government." He stressed the need for recognizing the position of the large states:

The League will include a few Great Powers, a large number of small states. If in the councils of the League they are all to come and vote as of equal value, the few powers will be at the mercy of the great majority of small states. It is quite certain that no Great Power will willingly run such a risk by entering a league in which all have equal voting power. 18

The apparent need for additional strength for the Great Powers in any important decisions of the League led to the adoption of equal voting practices in the Assembly where all the states were equal, but in the Council the Great Powers were given permanent seat while the smaller power representation was limited. Still, voting in the Council, as in the Assembly, was to be unanimous, giving in effect what can be termed a liberum veto to the lesser power members of that body.

Incorporated in the Covenant of the League can be found what is evidently a concession to the principle of majority voting, in other words, a quest for workability and compromise on problems of lesser importance. Part 2 of Article 5 of the Covenant states partially: "All matters of procedure at meetings of the Assembly or of the Council", ....."may be decided by a majority of the Members of League represented at the meeting." 19

Riches lists ten exceptions to the rule of unanimity besides the aforementioned article:

19. Ibid., p. 685.
(Article 1, paragraph 2) provides for the admissions of new members by a two-third vote of the Assembly.

(Article 4, paragraph 2) allows the Council to name additional permanent members of the League with the approval of two-thirds of the Assembly; and with similar approval to "increase the number of Members of the League to be selected by the Assembly for representation on the Council."

(Article 6, paragraph 2) provides for the appointment of the Secretary General by the Council with a majority vote by the Assembly.

(Article 15, paragraph 2) provides that disputes which have not been settled either by arbitration or judicial settlement in accordance with Article 13 reports thereon and recommendations pertaining thereto shall be subject to either a unanimous or a majority vote.

(Article 15, paragraph 6) if such a settlement is agreed to unanimously by members exclusive of the parties to the dispute then League Members are not to go to war with any party to the dispute which complies with the recommendations.

(Article 15, paragraph 10) if a report is made to the Assembly and is concurred in by the representatives of the League Members represented on the Council and of a majority of the other members, excluding the disputants, it shall have the same effect as a report unanimously accepted by the Council, exclusive of the parties to a dispute.

(Article 16, paragraph 4) a Member of the League which has violated any League covenant may be expelled from the League by a vote of the Council concurred in by the Representatives of all the Members thereon represented.

(Article 26, paragraph 1) ratification of amendments to the Covenant requires unanimity of the Representatives of the Members of the League on the Council and a majority of the Representatives in the Assembly.

(Article 26, paragraph 2) such amendments are not binding on any Member which may dissent; dissenting states are no longer considered members.

(Article 4, paragraph 2 bis; amendment in force July 23, 1926)20 rules dealing with election of non-permanent members of the Council, their terms of office, and re-eligibility shall require two-thirds vote of the Assembly.21

20. This amendment came into effect because of Brazil's determination to keep Germany out of the Council. It was the only formal amendment to the unanimity rule in the Council. See Riches, op. cit., p. 21.

Obviously, in these provisions there is no real circum-
vention of the unanimity requirement of the Council, the group
charged with handling the most serious political functions of
the organization. Matters of this nature, it will be noted,
were subject first to the unanimity of the Council, then to
the majority of the Assembly after the former prerequisite
had been met. Witness Article 15 as mentioned above in deal-
ing with disputes: it allowed only majority voting on report
and recommendation concerning disputes; further, it referred
to majority voting in the Council only in the sense that the
disputants were in the minority—hence, there was unanimity
of all other members. Similarly, Article 26, dealing with
amendments, required unanimity among the members represented
on the Council before majority voting became operative in the
Assembly. Again, it is seen in paragraph 2 of the same arti-
cle that dissenting minorities to an amendment, though voting
under the majority rule in the Assembly, were no longer con-
sidered members of the organization and were not bound by the
decision.

The most successful attempt to evade the total unanimity
concept is found in the practice of the Assembly and the Coun-
cil more so than in the specific provision of the Covenant.
A liberal interpretation by both bodies served in several in-
stances to produce exceptions to the unanimity rule. For
example, the exclusion of Soviet Russia from the League was
obtained by a vote of only seven members of a total of four-
teen on the Council since three were absent and four abstained
from voting. Thus, the "unanimity" of the Council was claimed even though one-half failed to vote on the resolution. Rule 19, paragraph 5, of the Assembly's Rules of Procedure stated that "For the purposes of this Rule, Representatives who abstain from voting shall be considered as not present." Likewise, though no provision was made in the Rules of the Council, the practice was to count abstentions as absences.

It can be further demonstrated that majority voting was put to use far beyond the scope of procedural matters. Paragraph 3 of Article 19 of the Assembly's Rules stated that decisions made in virtue of the Rules should be deemed procedural. Paragraph 2 of the same article provided for a majority vote of the members in such cases. Both the Assembly and the Council extended their interpretation of procedural matters to such non-controversial matters as the rules of procedure, election of officers, and the agenda. Under Article 5, paragraph 2 of the Covenant, the appointment of committees of inquiry was listed as a procedural question; in practice, however, it was often interpreted to include the actual establishment of the committee. Thus, in 1922, the Council sent a

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commission of inquiry to investigate the Polish-Lithuanian dis-
pute; 26 and in 1925, the Greek-Bulgarian dispute was investigated
by a commission elected by the majority vote of the Council. 27
Also considered as a matter of procedure was the election by
the Assembly of the non-permanent members of the Council. 28 In
1931, in the case of the conflict between China and Japan, a
precedent seems to have been established. An invitation to
the United States to attend the sessions discussing the dispute
was voted against by Japan who obviously considered the issue
as one of substance thus requiring a unanimous vote. The
Council, however, held that since a previous unanimous resolu-
tion had been passed agreeing to keep the United States infor-
med on the progress of the dispute, it was clearly a procedural
matter and subject to determination by a majority vote. 29 Evi-
dently, the Council in this instance considered that the deter-
mination of whether a question was a matter of procedure was
in itself a procedural matter. In the absence of specific
provisions to that effect, it would appear, however, that
such decision should have come under Article 5 of the Coven-
ant which required unanimous consent.

27. Ibid.
Further examination of the League practices with regard to voting illustrates that absolute unanimity was escaped by drawing a fine distinction concerning the nature of substantive and procedural matters. Strict compliance with Article 5 would greatly have increased the work burden of the Assembly. The application of the unanimity requirement was in many instances put aside by virtue of the distinction made in that body between a decision and a "voeu" or recommendation. A decision, according to this interpretation, imposed a definite legal obligation upon the member and had to be determined by unanimous consent of the entire body; a "voeu" lacked the obligatory character of the former and was merely in the nature of a recommendation. This could be determined by a majority vote. Voting in the Council remained subject to the general rule of unanimity regardless of whether or not the resolution had legal implications or merely recommended a course of action.\textsuperscript{30} It appears that there was a tendency in the Assembly to act upon the decision of the majority in matters concerning interpretation of the Covenant although this was a matter which required unanimous consent. Thus, when the negative vote of Persia at the Fourth Assembly prevented the adoption of a resolution interpreting Article 10, it was pointed out that although the resolution had failed to pass it had not been rejected com-

\textsuperscript{30} Pastuhov, \textit{op. cit.}, pp. 136-137.
On occasion the unanimity rule was escaped by changing the nature of a resolution from a decision to a recommendation.

Article 26 which dealt with amendments to the Covenant neglected to mention the type of vote required to introduce amendments. The Assembly, therefore, chose to interpret this article as requiring only a majority vote of the members of the Assembly and a unanimous vote by the members of the Council. For example, the proposed amendment to Article 6 was adopted by a majority vote over the negative vote of Greece. It must not be overlooked, nevertheless, that if this dissenting vote had been cast in the Council adoption of the proposal would have been effectively vetoed.

Despite Rule 27 of the Rules of Procedure which stated: "These Rules of Procedure shall apply to the proceeding of committees of the Assembly..." the practice of taking votes in the Assembly's committees by a majority margin on practically all decisions was officially approved by the Assembly. Here again, then, is encountered a liberal view concerning the stipulations of Article 5 and Rules of

35. Riches, op. cit., p. 25.
Procedure.

The practice of the League concerning the effect of voting by parties to a dispute varied. Article 15, paragraphs 6, 7, and 10, of the Covenant, called for unanimous consent "other than the Representatives of one or more of the parties to the dispute." Similarly, Article 16, paragraph 4, provided for the expulsion of a member from the League for violation of the Covenant. Such action was taken by the vote of the members other than the states in question. In such instances as the Iraq boundary dispute involving Great Britain and Turkey (1925), and the Austro-Hungarian dispute (1922), the disputant refrained from voting. However, in the Polish-Lithuanian dispute (1923), and the Sino-Japanese conflict (1931), action was stalemated due to the objection of Lithuania and Japan respectively.

While these incidents illustrate a recognition in the League of the need for compromise and a desire for practicality in performing their functions, it is also apparent that such measures were adopted in some instances due to political considerations, as in the Lithuanian and Japanese actions.

It can also be pointed to, in examining the use of

37. Riches, op. cit., p. 23.
majority rule, that some of the peace treaties specified this method for the Council of the League. The Treaty of Versailles provided for decisions concerning the Saar to be taken on such a basis. Investigation of the reduction of armaments of the defeated powers was, under the same treaty, also subject to majority vote by the Council. Numerous other decisions instances appear in the post-war treaties; a majority of the Assembly and Council elected the judges of the International Court of Justice; disputes concerning the Oriental Railways were subject to a similar vote; the Convention Concerning the Territory of Memel called for unanimity of the Principal Allied Powers plus the majority vote of the Council in matters concerning that area; disputes centering on the Greek-Bulgarian financial agreement of 1927 were referred to an absolute majority of the Council; and violation of the Aaland Islands Convention was to invoke measures which could be taken by a two-thirds vote of the Council.

These examples may be construed as an indication of a trend away from unanimity as a general requirement in political matters. Yet, let it be remembered, that in practically all of these instances it is a case of victorious powers dictating to the defeated. With regard to the Saar for


40. Riches, pp. 22-23.
example, it was not a matter of two sides making vital decisions; it was a majority of the powers who already were in control that actually controlled decisions. These treaties were the work of victors who were determined to act together to prevent a recurrence of the past conflict and who were determined to remove from the defeated powers the means with which to rise. The danger to their interest, therefore, in the use of the majority voting system in these instances, was negligible. The treaties, in brief, were actually evidence of a pre-established unanimity that existed prior to the inclusion therein of majority voting provisions.

While the concession made to the principle of majority voting by the Assembly end the Council of the League, through a liberal interpretation of the provisions of the Covenant, served to facilitate the dispatch of a great portion of the business assigned to those bodies, it can be shown that a strict application of the unanimity rule in political matters of serious consequence was exercised. There are numerous instances wherein the functioning and efficiency of the League of Nations was seriously impaired by the adherence to this concept. A resolution of the Council, for example, in the Sino-Japanese controversy was defeated by the single negative vote of Japan in 1931. A League committee of jurists

41. A discussion of this point can be found in William E. Hoppard, Uniting Europe, (Published by the Institute of Politics by the Yale University Press, New Haven, 1930), pp. 103-130.

appointed in 1935 to study possible action on treaty violations was unable to decide if, under Article 11, the matter required absolute unanimity. Further, the Assembly practice of majority vote on "voeu" or recommendations was never put into practice in the Council. Voting in the latter body, then, on all matters other than procedural, depended on the unanimous consent of the members.

Articles 10, 11, and 13, dealing with aggression, threats to the peace, and measures to be taken against parties failing to comply with the League findings, respectively, contained no provision that the votes of parties to a dispute were to be ineffective. Again, in Article 16, paragraph 2, concerning the use of force to protect the members of the League, no provision was made excluding the vote of an aggressor. In the case of Article 13, which dealt with conditions endangering world peace, unanimity also obtained. Thus, in any instance coming under these Articles of the Covenant, it is apparent that a dissenting party could have prevented League action due to the failure to include provisions exempting such matter from the test of total agreement by the Council members.

Professor Stone of Harvard, writing in 1933, listed

43. Ibid., Vol. XV, No. 6, (June, 1935), p. 147.
44. niches, op. cit., pp. 24-25.
three propositions in support of the rule of unanimity:

1. A majority decision lacks authority.
2. Such a decision is therefore unenforceable in the face of the opposition of any of the Great Powers, or of the interested states.
3. Hence the practice of taking such decisions would tend to undermine the prestige of the League of Nations.

This observation is quite correct if certain assumptions are made. Any majority decision in serious political matters which does not include Great Power unanimity is, realistically regarded, bound for failure. Majority vote could conceivably bring into being effective security measures on the part of the organization. This view, however, assumes the non-existence of Great Power blocs or coalitions within the security agency, a condition not likely to exist in view of varying interests on the part of the member states both large and small. Professor Stone’s qualifications however, fail to distinguish between total unanimity and agreement of the major powers. As has been mentioned, in the case in point, the prevailing concept of equality and sovereignty led to the extension of this privileged position to all members of the League Council, thereby making it possible for the vote of a single small state to block effective action of the organization. It may be contended that the League was confronted with a large number of “Great

Powers" of widely varying economic and political considerations. This is valid, but it may also be pointed out that that organization was to a great extent crippled by the unwillingness of its members to take necessary action even when the violating party was acting independently and represented a definite minority. In illustration, the failure of the recommended sanctions against Italy in the Italo-Ethiopian conflict can be noted.

It is not the intention to state here that decision by majority in the League would have served to prevent the outbreak of a wide-scale conflict. To reiterate: the existence of power blocs would invalidate the effectiveness of any such decision. This also holds true for major power unanimity. But rather then regard the latter as a voting system, it must be held up as the only hope of international organization. It is not a method to achieve complete eye-to-eye unity but a means to ensure against total disunity among the Great Powers of the world. The attempt here has been to demonstrate that the misguided concept of complete unanimity which governed the League of Nations, coupled with an inability and unwillingness to take timely measures, had fatal consequences for that now-extinct organization. Majority voting served effectively to dispense with procedural and routine matters, but it would have been impossible

47. Restriction of the rule of majority voting to non-political functions is well demonstrated in the technical and advisory organizations of the League. The Economic and Financial Organization, the Communications
to apply to the chief political body of the League—the Council. The words of Dr. Heggard of Switzerland that, "The

and Transit Organization, and the Health Organization, comprising the technical bodies of the League, decided issues on this basis. Groups serving in an advisory capacity, such as the Permanent Mandates Commission, also took decisions by majority vote. The Permanent Advisory Commission for Military, Naval, and Air Questions presented an exception to this practice. Here, procedural matters were handled by the majority, but a unanimous vote was required in the dispatch of items of a substantive nature.

The form of voting required in non-political organizations varied according to the importance attached to them by the member states. Thus, unanimity was also required in such organizations as the Conference of the Union for the Protection of Industrial Property (1883), and the Conference of the Union for the Protection of Literary and Artistic Works (1886), the General Assembly of the International Institute of Agriculture. It will be noted that unanimity would be more easily obtainable in such groups than in a political organization for obvious reasons.

Great Power predominance can also be found in some non-political groups; as in political organizations, methods, such as restricted membership and weighted voting were employed. Thus, in the International Tele-Communications Union either two or three votes are given to large-state members while smaller states receive one each. Voting in the International Institute of Agriculture is determined on the basis of financial contribution.

Perhaps the Organization which exercises the most extensive non-political functions is the International Labor Organization. Here, also, voting is by majority. Decisions are subject, however, to the national legislatures of the member states. The eight chief industrial member states have a permanent seat on the Governing Body of the organization.

Lesser political organizations, such as the International Commission of the Elbe, customarily require unanimous approval in certain matters of international significance, such as navigation, etc.

For a discussion of the voting systems employed in these organizations and others of this type see Riches, op. cit., pp. 236, 240, 242, 107-108.
League is in reality governed... by the ministries and parliaments of the States members of the League... "48 are significant when viewed in the light of the action of the Council where even the lesser members of the League were allowed to exercise a *liberum veto* as a matter of individual national policy at the expense of world peace and an organization which had been designed to "save succeeding generations from the scourge of war."

III

Paragraph 4 of the Moscow Declaration of August 11, 1943, states that the adherents thereto,

"recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states..."49

At first glance the wording of this phrase suggests the intention to incorporate in the new organization the same concept of "sovereign equality" embodied in the deed League.


Examination of the tentative proposals discussed by the Big Four (China, the United Kingdom, the Union of Soviet Socialist Republics, and the United States) give indication of a more practical approach to the task of reorganizing the post-war world for peace. In them will be seen a realization of the nature of legal equality of states as contrasted with their relative political power and equality.

The first actual steps in the United States in the preparation of proposals for world organization were taken at the request of President Roosevelt in 1943. In July of that year, as a result of the work of the Special Subcommittee on International Organization, a Draft Constitution of International Organization was submitted to the President for approval. While the proposals contained in this document were carefully analyzed and put to the test of comparison with actual cases in the League, the subcommittee was not bound to adhere to past or prevailing practices, only to its own reasoning.

Article 3 of the Draft dealt with the Executive Committee which was charged with "...responsibility in matters of international security...." The four Great Power planners were designated as permanent members and further membership on the Committee, as well as all matters of substance, were made subject to the unanimous consent of these powers.


51. Ibid., Appendix 13, p. 472.
Again, in August of 1943, a similar Draft plan for a Charter for the organization suggested the initial membership of the same Big Four and set voting at a two-thirds majority of the proposed membership of seven. Unanimity of the major powers was required. By April, 1944, the "Possible Plan," as the Draft Proposal came to be known, after an exchange of ideas and discussions with the proposed initial member states, was enlarged considerably. Similar provisions were included for the executive body as were contained in the earlier draft; that is, provisions for initial membership and unanimity thereof. But a further advance was represented by specific notice given concerning the nature of substantive matters. Handling and settlement of disputes, arms and armament regulation, threats to and breaches of the peace, and enforcement measures, for example, were all listed as matter of a non-procedural character.

It is evident, then, at this stage that the planners of world cooperation for the period following World War II were unimpressed by the earlier concept of the political equality of states. Workability, they recognized, would demand concessions to the powers with a preponderance of actual strength in an economic, political, and military sense. In no instance in the three proposals cited is absolute political equality considered for a lesser member

52. Ibid., Appendix 23, p. 526.
53. Ibid., Appendix 35, p. 582.
of the executive body of the proposed organization. True, "sovereign equality" in a legal sense was necessary consideration in the formation of plans, since no nation, large or small, would willingly become a member of an organization depriving it of its domestic and internal authority. "Sovereign equality" in a political sense was not, and could not be, incorporated in the charter of an organization that hoped to profit from the experience of the League of Nations.

The bases for the new supra-national authority to preserve world peace viewed from a structural standpoint represent a break with the past. It will be the purpose of the following chapter to consider the limitations encountered in the formation of the organization and its possibilities for survival. The role of power politics and the resulting formation of power blocs in the modern world will be seen to play the major role in the ultimate fate of the world's latest undertaking to govern itself.
CHAPTER II

THE VETO AT DUMBARTON OAKS AND YALTA

I

The plans for an international organization, with the "United Nations at war" as a nucleus, culminated in the Dumbarton Oaks Conversations, held in August and September of 1944 in Washington, D. C. Planning for the proposed organization had been carried on in the foreign offices of the participating governments, China, the United Kingdom, and the U. S. S. R., as well as in the United States. 1 The proposals submitted at Dumbarton Oaks did not constitute a charter for the new organization but were rather tentative propositions to which the four governments could agree as a basis for international cooperation.

The Dumbarton Oaks Conversations comprised two phases, the first ending September 28, and the second, or "Chinese Phase" occupying the last nine days of the seven weeks devoted

1. While the United Kingdom and the United States had exchanged draft plans on international organization, no official Soviet view was submitted. The Soviet government explained that it did not consider it necessary until a meeting was held. See Department of State Publication 3580, General Foreign Policy Series 15, Postwar Foreign Policy Preparation, (Washington, D. C., Government Printing Office, 1950), pp. 282-283 and 257.
to the meetings. Since there were no major disagreements among China, the United Kingdom, and the United States in the latter part of the discussions, and since Conversation A, or the "Soviet Phase," contained the crux of the voting issue, it is to this portion of the conference that attention must be directed.

Stage II of the meetings, according to information available, was devoted to discussing the voting procedure in the security agency of the proposed organization. It was in this area that the most serious difficulty arose among the United Kingdom, the United States, and the U. S. S. R. No question evidently was present in the minds of any of the delegates as to the desirability for unanimity among the permanent members on matters of a nonprocedural character. On this there appears to have been general concurrence. The British and United States view, however, that parties to a dispute before the security body should refrain from voting on matters pertaining to peaceful settlement, was opposed with a great degree of finality by the Russian delegates.

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2. Since the Soviet Government was not at war with Japan it did not wish to participate in a conference with China. Ibid., p. 277.

3. Ibid., pp. 328-334.

4. The official documents of the Conversations are still regarded as secret by the Department of State.

5. Ibid., p. 317.

6. Note the seriousness with which the Soviet attitude was regarded. "It was in these days that conciliation of opposing positions became increasingly doubt-
a direct communication from President Roosevelt to Marshal Stalin, which appealed the issue in the name of international organization, failed to produce results. This matter, it then was decided by the president, should be handled at "top level" and accordingly was set aside for later consideration by the "Heads of the Governments" involved.  

In the proposals submitted, plans were included for a further general conference of the four governments to complete the draft to be presented to the United Nations. A threat to the progress of the joint planning arose, however, when Ambassador Gromyko informed the British and American representatives that only a complete acceptance of the Soviet attitude on the question of voting, and admittance of the Soviet Republics to initial membership in the proposed organization, would ensure Soviet participation in such a conference. Unanimity, the Ambassador declared, was viewed by his

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ful on the issue of whether a major power when party to a dispute should have or not have a right to vote in decisions by the council on such dispute. To recognize such a right would, in effect, signify a veto by the major power that was a party in such a matter, in view of the agreed rule requiring in non-procedural decisions unanimous concurrence by the major powers. . . . Soviet insistence that the right of vote should be kept by major powers in such cases.... Secretary Hull had personally discussed the matter with Ambassador Gromyko, on August 31, with no avail."  

Ibid., p. 320.


8. Department of State, Postwar Foreign Policy Preparation, pp. 334-335; Hull, op. cit., 1703.

9. Ibid., p. 327.
government as an "unconditional requirement" for the major powers; no explanation was tendered at this time for the request for membership for the Republics of the U. S. S. R. 10

Thus the Dumbarton Oaks Conversations closed on a note of uncertainty. Optimistically regarded, the differences manifested at this early stage could be ascribed to the birth pangs of such a gigantic undertaking. Viewed politically, that is, in the light of the observations of the preceding chapter, a more calculating examination is required. The official view (also essentially that of the United Kingdom and China), that peaceful settlement of a dispute should not be subject to the veto of a party to that dispute, represented a compromise in the interests of the small powers to be members of the organization. Few powers, regardless of political stature, would be willing to participate in an arrangement that would deprive them of even a fundamental right to security. The attitude of the United States that a disputant, even though a Great Power, should not be able to prevent decision in such instances appears sound. So basic a concept as the right of discussion and investigation appears incontestable in modern political thinking.

On the other hand, the Soviet view at Dumbarton Oaks on the surface appears narrow and short sighted. On closer

10. Ibid., p. 327; Hull, op. cit., p. 1706. Earlier, on this point the Soviet Government had maintained that the Republics were morally entitled to initial membership in view of their war contribution and also since they were no less sovereign than the British Dominions. See Department of State, Ibid., p. 318.
scrutiny however, it was a product of reality. Assuming Soviet Russia as a party to a dispute and deprived of the right to veto peaceful settlement; assuming the existence of an unfriendly power, or a coalition of unfriendly powers, who by virtue of not being involved in the dispute retained their vote; would, then, any settlement by such a group be favorable to the Soviet Union? It was not a question of whether such settlement would be justiciable; rather it involved the question of whether it would be detrimental to the interests of the party unable to exercise the veto. Soviet policy at the conference, then, may have assumed the existence of such factions in the post-war world and more specifically in the proposed organization. Naturally, since secrecy has been maintained by all the participating governments with regard to the actual discussions, such observation are by nature speculation.11

The area of disagreement between the major powers did not diminish in the period between the Dumbarton Oaks Conversations and the Crimea Conference. Reference is made, in a memorandum dated October 14, 1944, and addressed to Secretary Hull from Under Secretary Stettinius, to "six open questions" that had not been solved by the Dumbarton Oaks discussions.12

11. Hull, commenting on Stalin's reply to Roosevelt's appeal, states: "The Marshal, saying that unanimity among the great powers presupposed the absence of mutual suspicion between them, remarked that the Soviet Union had to take account of the existence of what he called ridiculous prejudices which frequently hampered an objective view toward the Soviet Union." Hull, op. cit., p. 1701.

12. Department of State, Postwar Foreign Policy Preparation, p. 374.
Accordingly, work was begun in the United States by a committee headed by Stettinius to prepare a "follow through" program which would serve as a basis for participation in the conference provided at the last general Great Power meeting. At the first meeting of this committee it was reported by the under secretary that President Roosevelt planned to take up the open items with Prime Minister Churchill and Marshal Stalin at a conference which as yet had to be arranged.13

These matters, however, continued to figure in the discussions of the newly created committee and at its third meeting the voting question was considered. The basis for handling the problem was provided by a memorandum prepared by experts of the Office of Special Political Affairs and Its Divisions.14 According to this statement the voting issue had not changed since the discussion at Dumbarton Oaks; the issues were the same. There was no disagreement concerning the handling of non-procedural matters by the unanimous consent of the Great Powers. The most important question involved the functions of the security body in seeking peaceful settlement. More specifically: "Could the conciliatory and quasi-judicial functions of the proposed Security Council be blocked while it was seeking pacific settlement?"15

13. Ibid., p. 327.
15. This issue must not be confused with the unanimity requirement for the permanent members in matters of
The limitation on the unanimity of the permanent members in this respect had been supported by the United States delegates at Dumbarton Oaks, and the experts, in their list of alternatives presented to the "follow-through" committee, had taken a similar position. This, then, was to be the stand of the United States at the Crimea Conference. Considered from the viewpoint of the non-permanent members of the proposed organization it would represent a compromise on the part of the Great Powers, since no member who was a party to a dispute would be entitled to vote on its own case while the body charged with security measures was seeking peaceful settlement.16 The United States at Yalta was to present the same case as it had in the first general conference.

Nor had the Soviet view apparently altered in the interim period. Indications to this effect are found (although there is a paucity of material on the subject) in a speech made by Marshal Stalin concerning the prevention of a renewal of German aggression:

"Can we expect the actions of this world organization to be sufficiently effective? They will be effective if the great powers which have borne the brunt of the war against Hitler Germany continue to act in a spirit of unanimity and accord. They enforcement in which unanimity must obtain, since obviously any such action requires the concurrence of all the Great Powers.

16. A further U. S. concession, that of requiring a seven vote majority in the Council of the proposed membership of eleven, was discussed at this time.
will not be effective if this essential condition is violated."\textsuperscript{17}

Marshal Stalin's "essential condition" referred, evidently, not only to permanent member unanimity in non-procedural matters, but indicated a continuation of the Soviet policy as presented earlier at Dumbarton Oaks.

II

The Crimea Conference, February 4-11, 1945, was attended by Prime Minister Churchill for the United Kingdom, President Roosevelt for the United States, Marshal Stalin for the Soviet Union, and their advisers.\textsuperscript{18} At the third formal meeting, Stettinius, now Secretary of State, introduced the proposal of the United States on the question of Security Council voting procedure. The heart of this statement was contained in its description of the United States view of the voting mechanism for the Security Council. Under the heading of Chapter VI, Section C, of the Dumbarton Oaks Proposals, it was presented as follows:

\textsuperscript{17} \textit{Ibid.}, p. 337, citing the Soviet Information Bulletin, Vol. IV, No. 117, (Nov. 4, 1944), p. 4. The Soviet Government appears to have been almost noncommittal in the interim period on the voting issue. Stalin asked for time to study the matter further. On December 22, 1944, Stalin commented that he saw no chance for agreement. \textit{Ibid.}, p. 382. As indicated, the Chinese and British views coincided generally with the U.S.; thus the omission. See Hull, \textit{op. cit.}, p. 1712.

\textsuperscript{18} \textit{Ibid.}, p. 391. Accompanying the president: Secretary Stettinius, Hopkins, Byrnes, Harriman.
"C. Voting

1. Each member of the Security Council should have one vote.

2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A, and under the second sentence of paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting."19

This, essentially, was the "Yalta Formula." The American proposal at the Crimea was agreed to and accepted by the three great powers present and was incorporated in the Charter of the United Nations in almost identical form.20 Thus, a careful examination thereof is warranted.

Paragraphs 1 and 2 of Section C of the United States proposal were uncontested even in the early stages of the discussions of the Big Three. The principle of "one state-one vote," which was incorporated in the first paragraph, was obviously a necessary recognition of the "sovereign equality" of the members—since it was upon this concept that the entire organization was based. A system of weighted voting, or similar limitations which sought to


20. An official publication of the Charter can be found in Department of State, Publication 2368, Conference Series 76.
achieve a basic inequality in the votes case, would, then, have been unacceptable to the lesser members and would have belied the fundamental principle involved. Since council membership was limited to six smaller states out of a proposed membership of eleven, the threat posed to Great Power interests was negligible.

Similarly, Paragraph 2 was in keeping with traditional practices in international organization. From the preceding chapter it will be recalled that customarily, in both conferences of a political and non-political nature, procedural matters were handled by majority vote. Thus, the requirement that any seven members voting in accord could take such decisions represented no substantial deviation from the established rule. Again, as in the case of Paragraph 1, it must be pointed out that the special position of the Great Powers was not jeopardized by this arrangement. Procedural matters do not constitute the taking of political decisions or any other steps tending to conflict with the interests or policies of the member states.21

Further, the inclusion of the majority principle in this phase of voting in the Security Council represented a

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21. At San Francisco, for example, procedural matters were clarified in this manner: "...the Council will, by a vote of any seven of its members, adopt or alter its rules of procedure; determine the method of selecting its President; organize itself in such a way as to able to function continuously; select the times and places of its regular and special meetings......" See UNCGO XI, Doc. 852, III/1/37, Paragraph 2, Part I, p. 711.
measure of concession to the smaller members of that body. Here, their votes would be on an equal footing with the votes of the Great Power members; and, while the area in which this equality existed was limited, and while it was based on an established principle, it provided a yardstick with which the sincerity of the original planners could be measured.

It has been illustrated, then, that the first two paragraphs of the United States plan for voting in the security agency of the proposed world organization embodied the traditional concepts of sovereignty and equality in the international community. The one-vote system and majority rule assured the existence of these doctrines at least as a basic assumption of the planners.

The point of departure from the ideas of past international conferences and organization was found in Paragraph 3 of Section C. This was the most vital portion of the United States proposal, and consequently, it was subject to the greatest amount of discussion. The Dumbarton Oaks Conversations had left it unsettled and accorded it the prominence of being left for personal discussion by the highest level officials of the United Kingdom, the United States, and the U. S. S. R. For purposes of re-emphasis the text should once again be brought to mind:

3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the conccurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A, and under the second sentence of paragraph 1 of Chapter VIII,
Section C, a party to a dispute should abstain from voting. 22

A cursory reading of the provision does not suffice, for underlying the first phrase is a complete abrogation of what seemed to have become a first principle of conferences by nations—that is to say, the requirement of total unanimity for the political body of any such enterprise. It is significant, in reviewing the history of the Security Council voting procedure, that in very few instances has the unanimity of the permanent members been challenged with the twin spectres of complete unanimity, or simple majority, and then only by the politically naive. 23 The experience of the League had not gone unheeded.

The fact that the provision for "the concurring votes of the permanent members" went largely unchallenged indicates the presence of a large degree of political realism. That Great Power unanimity must obtain is an inescapable, hard political fact. For obviously, punitive decisions made by the security agency would require the resources of the powers most qualified by virtue of military strength to carry out such measures. These powers are the permanent members of the Security Council, and any attempt to carry

22. Stettinius, op. cit., pp. 143-144.

23. See the amendments offered at San Francisco by Cuba, requiring a two-thirds majority in such cases; Ecuador, eight affirmative votes; Iran, a nine vote majority; and the Philippine Commonwealth, a majority of permanent and non-permanent members voting separately. UNCIIO, XI, pp. 775 and 777.
out enforcement measures without the cooperation of all the Great Powers would undermine the prestige of the organization as a body competent of keeping the peace. Further, unanimity among the large states is essential in all matters affecting the interests of any one of the permanent members. Presupposing the absence of a requirement for the concur-
rence in political decisions of the predominate military
and economic nations of the world, would the decision of a simple majority to take steps contrary to the wishes of one or more of these powers be effective? Again, could the de-
cisions of a group of Great Powers be enforced if they are in opposition to the interests of one or more Great Powers? In both instances the answer is similar. Only at the cost of another world conflict could the interests of any Great Power be violated. The major casualty of such an attempt would be the world organization itself—the organization whose very existence was designed to preserve the "peace and security." Thus, the inclusion of the permanent

24. Witness the Korean action where a decision taken without the consent of one permanent member has re-
sulted in a stalemate.

25. This proposition was stated by the United Kingdom Delegate at the San Francisco Conference: "Ex hypothesi a Great Power has challenged the world organization.....if the other Great Powers take up the challenge what is the situation? Surely then the World Organization has broken down.....It seems to me that look at realistically this so-called veto of enforcement.....is really only a consequence of realities." Statement of Questions by the Delegate of New Zealand and of Replies by the Delegate of the United Kingdom, Ninth Meeting, III/1, (UNCM, XI), p. 317, (1).
member unanimity clause in Paragraph 3 of the proposals by the planners, and the unquestioning acceptance thereof by a majority of the smaller powers gives evidence of a sound approach to one of the basic problems of international organization.

The United States proposal, as outlined by Secretary of State Stettinius at Yalta, contained a list of decisions wherein it was considered that the veto of a permanent member should become operative. These decisions were encompassed by the term "all other matters" in Paragraph 3—meaning, of course, matters of substance as opposed to procedural matters as mentioned in Paragraph 2. According to the viewpoint presented, the following matters would require the unqualified unanimity of the permanent members as a part of the necessary seven affirmative votes:

I. Recommendations to the General Assembly on
   1. Admission of new members;
   2. Suspension of a member;
   3. Expulsion of a member;
   4. Election of the Secretary General.

II. Restoration of the rights and privileges of a suspended member.

III. Removal of threats to the peace and suppression of breaches of the peace, including the following questions:
   1. Whether failure on the part of the parties to a dispute to settle it by means of their own choice or in accordance with the recommendation of the Security Council in fact constitutes a threat to the peace;
   2. Whether any other actions on the part of any country constitutes a threat to the peace or a breach of the peace;
   3. What measures should be taken by the Council to maintain or restore the peace in the manner in which such measures should be
carried out;

4. Whether a regional agency should be authorized to take measures of enforcement.

IV. Approval of special agreement or agreements for the provision of armed forces and facilities.

V. Formulation of plans for a general system of regulation of armaments and submission of such plans to the member states.

VI. Determination of whether the nature and activities of a regional agency or arrangement for the maintenance of peace and security are consistent with the purposes and principles of the general organization. 26

From an examination of these decisions, it is self-evident why they were classed as "substantive." The interests of the Great Powers demanded it—a fact illustrated in the previous discussion of the role of the Security Council. For example, the membership of new states was made subject to the voting provisions of Paragraph 3. A state considered politically undesirable by any permanent member would thus be excluded from the organization through the operation of the veto. The power casting the dissenting vote would retain its position, unimpaired by the presence of an unfriendly power. In like manner, by use of a negative vote, it could prevent the expulsion or suspension of a friendly state. Again, the appointment of the secretary-general, who, under Article 99 may bring to the attention of the Security Council any dispute likely to endanger the

peace, was subjected to the approval of the permanent members. In this instance, as in the case of decisions concerning threats to the peace and action thereon, the reasons are apparent. No Great Power will allow its area of special interest to be subject to unfriendly influence. It was necessary, then, for the sake of world organization that precautions be taken to ensure full participation by the strongest nations. Finally it can be pointed out, the provision of a military force for the security agency, limitation of armaments, and consideration of the practices of regional agencies are the special province of the Great Powers, since it is they who stand to profit or lose by such decisions. It would be disastrous for the organization to attempt to take decisions of this nature without first referring them to the approval of the permanent members.

Five other decisions were listed in the Yalta presentation of the United States plan as coming under the category of "substantive." Embodied in Paragraph 3 as Section A, Chapter VIII, and "the second sentence of paragraph 1 of Chapter VIII, Section C," they represented the center of the unsettled voting problem of Dumbarton Oaks that had been left for the Crimea Conference to solve. It will be recalled that this was the portion of the provisions dealing with pacific settlement of disputes and that the Soviet government had

27. Charter of the United Nations, Article 93. (See footnote 20; see also any standard work in the field of international organization for text of Charter.)
specifically stated at the close of the Dumbarton Oaks Conversations that it regarded unqualified unanimity at all stages of a dispute as a prime requisite. On the other hand, the United Kingdom-United States view was that parties to a dispute should refrain from voting in so far as regards peaceful handling of the matter before the Security Council. The United States list of substantive decisions on which it was proposed that a party to a dispute would abstain from voting follows:

I. Whether a dispute or a situation brought to the Council's attention is of such a nature that its continuation is likely to threaten the peace;

II. Whether the Council should call on the parties to settle or adjust the dispute or situation by means of their own choice;

III. Whether the Council should make a recommendation to the parties as to methods and procedure of settlement;

IV. Whether the legal aspects of the matter before it should be referred by the Council for advice to the international court of justice;

V. Whether, if there exists a regional agency for peaceful settlement of local disputes, such an agency should be asked to concern itself with the controversy.28

Now, it is evident from the previous discussion of Soviet policy on this matter that the chief concern of that government was to prevent the domination of the new security organization by unfriendly powers. Again it should be pointed out, this fear was not entirely unwarranted in view

of the divergence of interest among the Great Powers of the modern world. Under these provisions, any Great Power, deprived of its vote in the Council by the fact of it being a disputant, would to a certain extent, be at the mercy of the other Great Powers in so far as peaceful settlement is concerned.

It is interesting, however, to take note of the situation that could theoretically arise if a Security Council directive to settle a dispute peacefully were ignored by one of the permanent members, a party thereto. Logically, enforcement action would be the result. Such action, however, would be subject to the veto of the permanent member involved in the dispute, since it is entitled, under the provisions of Paragraph 3, to vote in matters requiring the use of force. The effect would be to completely nullify any action taken under the provisions for peaceful settlement of that section if a permanent member were a party to the dispute and took the view that its interests were at stake. Recommendations and decisions of the Council in these matters thus would be reduced to the regulation of the situations and disputes which would arise in connection with the relations among the smaller powers. The step-by-step unanimity of the permanent members, as insisted

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29. Note also, the voting provisions which permit a permanent member, not a party to a dispute, to vote on measures calling for pacific settlement. This will be handled in the following chapter.
upon by the Soviet government, would, if a situation of this type were to occur, produce results of a similar consequence, since no strong power would allow its sphere of interest to be disregarded.

The proposals of the United States on the other hand were based on good faith rather than realism. Quite plainly, they assumed that all decisions of the Security Council will be obeyed whether or not the situation is of importance to a permanent member. Unfortunately, power politics are not based on assumptions of this nature, but rather on cold, practical considerations. Compromise, while necessary, is limited by the same political factors, and no Great Power will commit itself to any extremes which would endanger its policy on the international level. While the member states of the organization would be pledged, as signatories, to support the decisions of that body, in reality, enforcement would be effective largely with regard to the small, weak members—or at the risk of a total war, if enforcement were attempted against a permanent member.

In summation, then, the Soviet attitude on pacific settlement represented a more hardened approach to political reality. It sought to accomplish by legal means what would be accomplished otherwise at the risk of popular disfavor. Under the Soviet proposal, action detrimental to the interests of a permanent member would be vetoed at the outset rather than by open defiance in the final stages. In opposition, the United Kingdom and the United States
favored a strictly legal application based on the assumption that decisions of the Security Council would have a moral force capable of overriding illegal resistance. The latter view, while commendable in character, would hardly obtain in political practice.

Acceptance of the American proposal by the Soviet Government at Yalta came on February 7. It had been discussed by the heads of the three governments and studied at length, at the request of Marshal Stalin, by the host government. According to the statement of Foreign Minister Molotov, the questions were now much clearer since they had been explained by Secretary Stettinius. They embodied, he said, the Soviet idea of unanimity and were "acceptable." 30

Accounts of the Crimea Conference indicate a minimum of discussion on the voting problem. 31 Considered in the light of the Soviet stand at Dumbarton Oaks, this is confusing; the stated opposition in the inter-conference period gave warning of a definite threat to the very existence of the proposed organization. It is possible that a bargain was struck at Yalta.

On February 8, one day after the agreement on the voting formula was announced, the governments of the United Kingdom and the United States indicated that they would

30. See Hull, op. cit., p. 1705; Stettinius, op. cit., p. 171; and Department of State, 3580, pp. 391-398.

31. Hull, Ibid.; Stettinius, Ibid., pp. 171-172, and Department of State, 3580, Ibid.
support the candidacy of the Ukrainian and Byelorussian Republics for initial membership in the organization—a proposition that had been set forth at Dumbarton Oaks and had been coolly received by the former powers. The secrecy maintained by the participating governments with regard to the conference makes such a contention of a "bargain" merely conjecture, but the bi-polar views of the two embryo power blocs prior to the conference lends a degree of credulity to this observation.

Whatever compromises were reached in the Crimea, the "Yalta formula" was the result. The statement that the voting problem of the proposed security agency was "settled" was given wide publicity. It did represent, as President Roosevelt called it, "a step forward," and did indicate an encouraging amount of mutual trust and cooperation among the Great Powers. "Settlement" however, as a final decision was as yet far from being an actuality. The disagreement among the "Sponsoring Governments" on the interpretation—

32. Department of State, Postwar Foreign Policy Preparation, pp. 318; and Stettinius, op. cit., p. 173.

33. Stettinius remarks that "...the President....said that the most important thing was to maintain the unity of the three Great Powers....There would be approximately fifty seats in the Assembly anyway, and after all, what practical difference would it make to the success or failure of the Assembly for the Soviet Union to have two additional seats to represent its vast population and territory? This statement was made in connection with the discussion of votes for the Ukraine and Byelorussia. Stettinius, op. cit., p. 188. See also pp. 186-137.
tion of the proposals, and the bitter opposition of the small powers, which developed at San Francisco, attest the validity of this statement. The major test was still to come on the voting procedure—the test of acceptance by the great multitude of lesser member states whose consciousness of their relatively inferior position on the international scene was to make the battle hard-fought and at times embarrassing.
CHAPTER III

THE GREAT POWERS AT SAN FRANCISCO

I

The United Nations Conference on International Organization opened at San Francisco on April 25, 1945. It will be recalled that provision had been made at Yalta for such a conference (of the nations who had qualified for invitation by declaring war on Germany or Japan by March 1, 1945) to consider the proposals that evolved at Dumbarton Oaks and the Crimea as a basis for a charter of the new organization. 1 Fifty nations were represented.

From the discussion to follow it will be seen that the now famous Yalta formula, as presented by the Sponsoring Governments, (China, the United Kingdom, the United States, and the U. S. S. R.) was to be the controversial core of many complex problems placed before the assembled nations. Since the Security Council was assigned the role of handling the most vital political functions, it was the Council’s voting procedure that was to receive the undivided attention of the participants.

The issue, however, was not to take the form of

opposition to "the concurring votes of the permanent members," as required for substantive decisions in the Council. That this premise was accepted by the large nations and practically all of the smaller members is evidenced by a lack of amendments seeking its limitation. It was rather the area of application of the Great Power veto that was to come under fire. The wording of the Yalta proposals with regard to voting by the body entrusted with the securing functions of the United Nations was by no means exempt from a highly technical examination by the doubting, if not fearful, lesser members. Such phraseology, for example, as "all other matters" possessed a rather dubious connotation for states who now were asked to accept the proposals. Again, in matters of peaceful settlement, the provisions of Paragraph 3 of the formula left much room for improvement where they concerned the rights of the small powers.

It was to these portions of the plan of the permanent members, then, that questions of the most of the member states were to be directed. Contrary to popular belief, the unanimity requirement largely was ignored. To reiterate, the veto itself was an accepted fact, and the major dispute arose over how it would operate and in what circumstances.

The small nations evidently were quite aware of the role to be assigned them in the organization. They would be subjected to the decisions of the permanent members with regard to the effects of their external affairs on other nations; but in so far as action on their part was concerned,
they would be limited by the wishes of the predominately strong members against whom no effective action could be taken. Realization of this position evidently led these states to an attack on what they considered the most unsound provisions in the proposed Charter. In the realm of peaceful settlement and in the reference of a dispute to regional agencies were to be found the strongest safeguards of the admittedly limited status of a weak state. The fact that a perhaps disinterested state could eliminate this measure of security, by use of the veto, was alarming. Thus, at San Francisco, what appeared to be a formidable small-power bloc, and which in fact proved to be a highly competent one, materialized around the cry for modification of the Yalta Formula with respect to Chapter VII of the proposals.

With the conference in sessions, comment and criticism were not long withheld. On May 1, at the Conference's first night plenary session, New Zealand delegate Peter Fraser called attention to "a number of glaring weaknesses" in the plan for the organization, the second of these being "the executive authority which is conferred on the great powers."

3. These are the matters covered by Section A and the first paragraph of Section C of Chapter VIII of the proposals.

4. It will be recalled that in matter of peaceful settlement and enforcement by regional agencies that a permanent member, though interested in a dispute but not a party thereto, would be able to exercise the veto on any decision.

Again, on May 9, statements recorded by the press gave indication of the nature and scope of the debate which was to result in Committee III/1. Speeches in the general sessions by the representatives of Canada and the Netherlands attacked the right of the permanent members to veto enforcement action by regional agencies. The most important statement, however, came from Dr. Herbert Vere Evatt of Australia, who suggested a three-vote veto in the Security Council on such matters. The provision for the veto of the Great Powers over action by the Council, he said, was "acceptable;" but the individual veto power over regional agency action by a party not concerned with a dispute, was "not understandable."

To Committee III/1 of Commission III of the Conference was delegated the task of examining the structure and procedures of the Security Council. Since Paragraphs 1 and 2 of Chapter VI of the proposals, which dealt with the provision of one vote for each state and for the handling of procedural matters by an affirmative vote of seven members respectively, produced little disagreement in committee, they can be largely ignored for the purposes here. As stated, the real issue involved the method of application

of the third paragraph. To examine this question in the light of political realism is the question at hand.

The protests of the small nations as pictured above, and the momentum which they had gathered, gained full recognition at the Ninth Meeting of the Committee on May 17. Under the leadership of the able New Zealander, Sir Peter Frazer, the small power crusade commenced on a note of interrogation. Recognizing that the alternative to accepting the veto was the dropping of the Proposals, Frazer insisted on a "full, clear and detailed explanation" of how the veto was to operate. The doubts entertained by the New Zealand delegate were summed up in a "Statement of questions" which primarily questioned the extent of effectiveness of the Security Council in matters (under Chapter VIII, Section A) pertaining to limitation of discussion and suggestion, and the effect of arbitrary action during peaceful settlement by a permanent member in a dispute to which it is not a party. In reply, the delegate of the United Kingdom, Sir Alexander Cadogan, stated that in his view the investigation of a dispute by the Council could not be blocked by the action of a permanent member; the action of a Great Power in vetoing decisions in dispute he represented as an advantage over the League Council provisions whereby any member could block action. It will be subsequently seen

that this opinion on freedom of investigation was not shared by all the permanent members and that the importance of this statement as yet was unrecognized.

The problem that was to become the center of the Committee discussion was broached at this meeting by the Australian delegate. Now, since the observations of the Australian delegation had hit directly upon the part of the proposals which it was most difficult for the Sponsoring Governments to justify, (the application of the veto during pacific settlement), it was natural that the views of this delegation became a rallying point for the other small-state representatives. To illustrate: the small powers at the Conference found it hard to accept the permanent member veto in cases not directly involving those members, and, moreover, the sponsoring nations had committed the error of separating in their proposals the functions of enforcement and peaceful settlement. The Australian representatives were quick to seize upon this separation and to stress the point that the veto of peaceful settlement was absurd. The effect of the force of this argument on the other delegations can be noted in the discussions that were to follow.

Obviously, the inclusion of Section A and the relevant wording of Section C, Chapter VIII, as matters of substance, was a deliberate intention of the Great Powers. In their opinion the process of peaceful settlement was as much their concern as was the enforcement action coming
under Section B of that Chapter. This was the position to be taken in the "Statement" that later was to be issued by the Big Four, although at such an early point as the Ninth Meeting they were in no position to issue a mutual declaration of views. To the nations who were being asked to accept the proposals, this section of Paragraph 3 was particularly galling. In short, they were requested to allow a Great Power, on the grounds of general "interest" so it appeared, to prevent peaceful settlement in a dispute in which small powers might become involved. Thus the accurate portrayal by the Australian delegate of the theoretical case against application of the veto to Section A of Chapter VIII beckoned the support of the discontented.

Introducing his statement, Dr. Herbert Vere Evatt, the leading member of Australia's delegation, noted that "...a clear distinction should be drawn between pacific settlement of disputes under Chapter VIII, Section A, and action taken to deal with threats to the peace or acts of aggression under Chapter VIII, Section B." Further, he maintained:

Under the Yalta formula, parties to a dispute under VIII, A, were debarred from voting. In agreeing to this provision the countries represented at Yalta would seem to have intended to go further, namely, to admit that countries which are not parties to a dispute should not be permitted through the exercise of their veto to prevent steps for pacific settlement."10

Despite Evatt's opinion, the voting proposals appear quite clear on this point. Paragraph 3 of the proposal on voting stated definitely that only parties to a dispute shall be required to give up their voting right. It was a misfortune that it should be construed in any other manner, for the impression thereby created, as indicated, became the spearhead of the assault on the position of the permanent members. Hence, the assumption upon which the small powers based their argument was false and doomed to defeat. The alternative was to pay the price of having an organization without the Great Powers—certainly an infeasible proposition.

II

The "Questions" of the New Zealand delegate and the comments and subsequent amendment proposed by the Australian delegation served a dual role. They illustrated that even among the Sponsoring Governments there was confusion regarding the interpretation of the voting proposals, and they

See the statement of the Peruvian delegate who, at the Seventeenth Meeting declared that "...he did not agree that the process of peaceful settlement was indivisible and he believed that a distinction should be drawn between the conciliatory stage and the coercive stage." Summary Report of the Seventeenth Meeting of Committee III/1, Doc. 922, June 12, 1945, (UNC10, XI), p. 457. This statement sums up accurately the fundamental idea of many of the small powers in so far as the functions of the Security Council were concerned. Although it is not a sound approach to this problem it illustrates the real problem presented by the Australian amendment.
served further to outline clearly the issues on which the actual debate would concentrate. At the Tenth Meeting it became fairly evident that the small powers would make the Australian view the test-case for their grievances when the Canadian and Belgian delegates came to its support. Although some seventeen of the participating states offered amendments (of varying degrees of realism) designed to limit the powers of the permanent members it was the Australian amendment that located the chink in the armor of the Sponsoring Governments' proposals and caused confusion within their ranks. Further at the Tenth Meeting, V. M. Molotov,

11. The Australian voting proposal read as follows:
   (1) Each member of the Security Council shall have one vote.
   (2) Except as otherwise expressly provided, a decision of the Security Council may be made upon the affirmative vote of seven members.
   (3) In decisions of the Security Council under Section (A) of Chapter VIII and under the first paragraph of Section (C) of Chapter VIII, a party to a dispute shall abstain from voting.
   (4) Under Section (B) of Chapter VIII, a decision of the Security Council shall require the affirmative vote of seven members, including the five permanent members. Under paragraph (2) of Section (C) of Chapter VIII, a decision of the Security Council shall require the affirmative vote of seven members, including at least three of the permanent members. (See UNCIO, XI, p. 774).

At the Tenth Meeting the Canadian delegate, with the support of the Belgian delegate, "...suggested, furthermore, that there should not only be no 'veto' under Chapter VIII, Section A for an interested party...but also none for a permanent member not a party to a dispute." Summary report of Tenth Meeting of Committee III/1, Doc. 459, May 21, 1945, III/1/22, (UNCIO, XI), p. 332.
speaking for the U. S. S. R., called for the acceptance by
the small powers of the voting procedure as drawn up at
Yalta. The special position of the Great Powers, he declared,
was commensurate with "the responsibilities and duties that
would be imposed upon them."\footnote{ibid., p. 332.}

The tone of the discussion at the Ninth and Tenth
Meetings of Committee III/1 led the Colombian delegate to
observe:

...that discussion on the application of provisions
of Section C, Chapter VI, with relation to the mea-
sures that the Security Council should take in com-
pliance with Section A, Chapter VII, has made it
clear that there is not a uniform interpretation of
the voting procedure in that respect...\footnote{ibid., p. 334.}

This statement he followed with a motion to create a sub-
committee to study the proposals at length. The motion
was adopted, and the subcommittee created was designated
as Subcommittee III/1/B.\footnote{ibid., p. 336.}

\footnote{Summary Report of the Tenth Meeting of Committee III/1, Dec. 459, May 18,
1945, III/1/22, (UNC10, XI), p. 332.}
The position of the Sponsoring Governments at this point was fairly clear. No attack of serious proportions had been made on the unanimity requirement of Paragraph 3 as such; on this point their stand had been firm and largely accepted. The uncertainty shown by them, however, with regard to the voting provisions concerning pacific settlement had given their small power adversaries a definite basis on which to demand modification. It is also quite clear from an examination of the record that at this point the Great Powers considered the Yalta Formula a limit beyond which they could not afford to go. The proposals of the big powers had been, it will be remembered, the result of prolonged bargaining and discussion at Dumbarton Oaks and Yalta, and they represented substantially what the strongest powers of the world considered as the type of organization which they would be willing to join. The greatest concession, then, that the small powers would be able to win would be a liberal interpretation of matters on which the veto power would be used. It is doubtful that this was realized at the time by the governments seeking amendment, as indicated by the amount of support received by the Australian delegation in its attempt to limit the power of the permanent members. It was not until the issuance of the "Statement" by the big powers that it became quite obvious that an organization based on any other principle would be unacceptable to the Great Powers as a system to keep the peace. At no time in the discussions of the Ninth and Tenth meetings of the
Committee or in the preparatory stages did the sponsoring Governments give indication that they would be willing to submit their proposals to amendments presented by the lesser states.15

III

The problem of clarification of the provisions now rested with the subcommittee, and the major committee had to await its report. The role of subcommittee III/1/B was perhaps the most important at the Conference. The great need lay much less in clarification for the states who had been invited to attend than in the necessity for a joint interpretation by the Sponsoring Governments. Consequently, the Great Powers brought into existence a separate group which Koo refers to as the "Committee of Five," which had as its purpose the presentation of a common front by the

15. This point was well demonstrated at the Tenth Meeting. The original Colombian motion to create Subcommittee III/1/B included the provision that this body should not only clarify the interpretation of the voting procedure on peaceful settlement but "...which will consider, as well, the possibility of introducing into that section those proposed amendments that may be deemed advisable." The reaction to this motion illustrates the position of the Great Powers: "The Delegates of the United Kingdom and the United States asked that the Colombian motion be amended to limit the terms of reference of the Subcommittee to clarification of the voting formula and indicated that they could not otherwise accept membership on the Subcommittee." Ibid., p. 335.

Evidently, in the opinion of the Great Powers, no amendment was "deemed advisable" nor even contemplated by them.
Big Five to the Conference. Since it was the ultimate decisions of this body that represented the extent of Great Power compromise, its work was of the greatest importance to the future of the proposed organization. The actual work of Subcommittee III/1/B fell in turn, then, to this "subcommittee of the Big Five."

On May 19, 1945, at the first meeting of Subcommittee III/1/B, it was decided that the members thereof, other than the permanent members, would be allowed to present questions to the five Sponsoring Governments to which they would render a "unified interpretation of Chapter VI, Section C." Accordingly, a list of questions was prepared and submitted for explanation. Of the twenty-three questions forwarded

16. Koo refers to this group as an "unofficial committee" of the delegates of the Big Five, "whose existence was not generally known..." This group he states consisted "...of technical experts appointed by the heads of the respective delegations...a subcommittee of the Big Five, for whom it prepared texts embodying the agreed views of the five delegations as a result of amendments... put forward by other powers." Wellington Koo, Jr., Voting Procedures in International Political Organizations, (Columbia University Press, New York, 1947), p. 121. It is significant that Koo fails to mention his source of information on this group. Since he is the only available work dealing with the Committee of Five the material in the text here is of necessity from that source.

17. Membership on Subcommittee III/1/B was designated as representatives "of the four sponsoring powers and Australia, Cuba, Egypt, the Netherlands, Greece and France..." Ibid., p. 336.

to the subcommittee, nineteen dealt directly with Chapter VIII concerning the operation of the Council on matters of peace and security; three dealt with the operation of Paragraph 3 as regards the veto; and the remaining question concerned the election of the secretary general. 19

As the questions embodied the gravest doubts of the lesser states, they serve well to indicate the dimensions of the campaign to soften the proposals. For example, practically all of the inquiries concerned the power of recommendation, decision-making, and investigation as affected by the veto-right of the permanent members—a stand right in line with the proposed Australian amendment. It was apparent that the issues had become largely centered on a problem, the acceptance or rejection of which, would spell the outcome of the final form of the new organization. Although the "questionnaire" had been edited before presentation to eliminate duplicate or immaterial questions, its nature demonstrates an attempt to wrest from the Great Powers prerogatives they could not substantially prove as necessary to their special position in the Security Council. Restriction of the veto to matters calling for enforcement by that body thus became the chief concern of the minor member states at San Francisco.

19. For the text of these questions see questionnaire on Exercise of Veto in Security Council, Doc. 855, III/1/6/2, (UNC10, AI), pp. 699-709. See also appendix.
On the other hand, as a result of Dumbarton Oaks and Yalta, the Sponsoring Governments had already committed themselves in this respect, thereby presenting a unified front with regard to Chapter VIII. Now, in the course of the Conference a new problem had arisen which threatened the unity of the major states.

In the discussions of Committee III/1, at the Ninth Meeting, Sir Alexander Cadogan of the United Kingdom had stated that "investigation" of a dispute could not be blocked by any one member of the Council—a view that was not concurred in by all the permanent members. From the viewpoint of the Sponsoring Governments, the real task lay not in providing an answer to the questions submitted by the other members of the subcommittee, but in ironing out the differences that existed among themselves. Since this was the case, the Committee of Five did not concern itself at any length in discussing the elimination of the veto in peaceful settlement. As stated, this point was a foregone conclusion from which they were not prepared to deviate.

The implication of the interpretation of the relevant section of Chapter VIII by the British delegate does not appear on the surface; accordingly, a closer view is

20. See footnote 9, Chapter III. See also the statements of the delegates of the USSR, China, Byelorussia, and Czechoslovakia, Summary Report of the Tenth Meeting of Committee III/1, (U.S.I.G., XI), pp. 332-337.

necessary. Unfortunately, "investigation" held a different meaning for him than for the other delegates of the Great Powers, notably the Soviet representative. Cadogan seems to have intended to mean that consideration of a dispute and discussion thereof could not be prevented through use of the veto;\(^2\)\(^2\) the impression created among the small powers, however, by his statement, was that subsequent investigation was also a matter that would be exempt from the veto. Consequently, the release to the subcommittee of the statement of the Sponsoring Governments in answer to the questions presented was regarded as "less liberal" than the previous view taken by the United Kingdom delegate.\(^2\)\(^3\) Not only was this viewpoint significant because of its effect on the

\[\text{22. The exact meaning of the statement of the British Delegate was never actually cleared up since Mr. Cadogan was recalled from the Conference by the time that the discussion in Committee III/1 arrived at this point of the debate. The impressions given by his interpretation could not be taken as the interpretation of the British delegation. Later, it was claimed by a British representative that "...the question had not been anticipated. That was the principal reason why the Delegate...who was regretably absent now, had said some things which in the long run he could not quite justify." Summary Report of the Sixteenth Meeting of Committee III/1, Doc. 397, June 9, 1945, (UNC10, XI), p. 435.}\]

\[\text{23. This interpretation was circulated widely at the request of the New Zealand delegate. See UNC10, XI, p. 317. Said the Australian delegate: "...it is far more restrictive than the interpretation given by the representative of one of the sponsoring governments when the matter was last before the Committee." Annex A, statement by the Delegate of Australia Circulated at the Sixteenth Meeting of Committee III/1, June 9, 1945, (UNC10, XI), p. 433.}\]
lesser governments but also for the debate which arose among the Big Five in an effort to present a unified stand to the Conference. It was, then, the province of the Committee of Five to seek a common ground for the Great Powers on this issue. It will be recalled that this problem arose in connection with Chapter VIII, Section A of the proposals. The relevant portion read as follows:

The Security Council should be empowered to investigate any dispute, or any situation which may lead to international friction or give rise to a dispute, in order to determine whether its continuance is likely to endanger the maintenance of international peace and security.

Now, if a strict application of the British delegate's view were adhered to, obviously a circumvention of the unanimity of the permanent members would be achieved. As the provision read, "investigation" is conducted "in order to determine whether its dispute or situation/continuance is likely to endanger...peace and security"—a matter that was undeniably substantive and thereby requiring the complete agreement of the five Great Powers. Thus, in toto, Section A lent itself to the interpretation that even discussion and consideration are placed at the discretion of any one permanent member. Essentially, this represented the Soviet position in the Committee of Five. 24

The view taken by the United States with regard to the meaning of Section A can be described as an assertion

of a previously stated principle. At Yalta, and again in
the period prior to San Francisco, freedom of discussion,
while not referred to explicitly in connection with Section
A, VIII, had been insisted upon. Therefore it was the con-
tention of the United States Delegate in the Committee of
Five that the term "investigation" as incorporated in that
section included the preliminary right to discuss and

25. Presenting the American proposal at Yalta Secretary
Stettinius informed the representatives of the three
governments: "At the same time our proposal recog-
nizes the desirability of the permanent members frankly
stating that the peaceful adjustment of any controversy
which may arise is a matter of general world interest
in which any sovereign member state involved should
have a right to present its case...we believe that un­
less this freedom of discussion in the Council is per­
mitted, the establishment of the World Organization
which we all so earnestly desire in order to save the
world from the tragedy of another war would be ser­
iously jeopardized. Without full and free discussion
in the Council, the Organization, even if it could be
established, would be vastly different from the one
we have contemplated." Stettinius, Roosevelt and the
Russians, p. 143.
Again in March of 1945, just prior to the San Francisco
Conference, the US Department of State maintained:
"The question is put in the following form: Could the
projected international Organization be precluded from
discussing any dispute or situation which might threaten
the peace and security by the act of any one of its
members?
"The answer is 'NO'." ...It is this Government's under­
standing that under these voting procedures there is
nothing which could prevent any state from bringing to
the attention of the Security Council any dispute or
any situation which it believes may lead to internation­
al friction or may give rise to a dispute. And, furth­
more, there is nothing in these provisions which could
prevent any party to such dispute or situation from
receiving a hearing before the Council and having the
case discussed." Department of State, Bulletin, March
25, 1945, p. 470.
While the British delegation concurred with the opinion of Cadogan, it did not press the issue to the extent that a prefunctor examination would imply. For instance, in the exclusively big-power meetings the position of the United Kingdom was very similar to that of the United States—that "investigation," as a hearing of a case, could not be prevented by the single vote of a member of the Council. It becomes evident that in these two points of view a separation of the nature of the term "investigate" was intended; to clarify—that the preliminary meaning of the word, in a step-by-step action by the Council on a dispute or situation, would entail no more than the vote of any seven members of the Council. At the point, however, that a decision was made that a threat to the peace existed the "concurring votes of the permanent members" would be required.

If such was in the minds of the American and British representatives at the Crimea, it is unfortunate that more specific provision was not included by them in the proposals. For, as stated, the actual phraseology of Section A, Chapter VIII, coincided with the narrow interpretation insisted upon by the Soviet Government, and not with the half-procedural—half-substantive concept of the former states.

Divested of much of its dependence on the terminology

employed in a single sentence, the issue now becomes clearer. Reduced to simple terms the question takes two opposite sides--the position that consideration and discussion of a dispute cannot be denied to the members of the organization; as opposed to the view that such action is the first step in a series that may involve decisions of a more serious consequence, thus making it imperative that no initial action be taken without unanimity, regardless of the simplicity of the nature of matters which may arise. Regarded in this light, the debates of the Committee of Five appear as a struggle between principle on one hand and a practical sense of caution on the other.

The technical aspects involved, however, must not be disregarded. In the finer magnification available through a less personal outlook, the issue appears as a mutual problem of the Sponsoring Governments. It is true that the opposing stands are still apparent therein, but the major work of the five governments can be seen in their attempt to reach a compromise solution. In short, to arrive at the real difficulty the technical field must be invaded.

It was seen that the UK-US view conceived an implied separation, in the wording of the section under discussion, of the status of discussion as contrasted with actual investigation. Further, the USSR saw investigation as eventually involving Security Council action. Legally speaking, then, the main task of the Great Powers in the Committee of Five was the determination of what constituted a procedural matter.
As seen by the UK-US, under Section A, VIII, the term "investigation" was procedural in so far as discussion of a matter was concerned and became substantive only when a course of action was decided upon. According to the Soviet interpretation, such a matter was inherently substantive at all stages and entailed, necessarily, Great Power concurrence. To the unofficial committee, accordingly, was delegated the solution, by compromise, of this extremely important question. By discussion of Section A, VIII, it was to decide the instances in which the veto would not apply to procedural matters. 28

To be concise, the actual problem which arose was the determination of a standard by which the Security Council could judge the type of vote necessary in disputes to be dealt with in the future. The case at hand thus provided a test from which a working agreement could be reached and which would serve as a guide to consequent performance.

The information available on the meetings of the Committee of Five states the viewpoints of the three differing powers in this manner:

The United Kingdom was desirous of having included among those matters to be settled by a procedural vote the right of the Security Council to discuss a dispute and to consider it when such a dispute was brought before it. If possible, the United Kingdom would have liked to see such a proviso written into the Charter. The United States, in support of the substantive idea of the British

28. Not only had the decision to be made if this was a procedural matter, but also what constituted a procedural matter.
attitude, thought it might be possible to include the right of discussion under the listing of procedural matters appearing in Section D of Chapter VI: or, failing that, to draft a list of decisions by the Security Council under the terms of the Charter which would be governed by a procedural vote, and to incorporate such a list in the statement to be issued by the Sponsoring Powers. The Soviet position opposed both the substance of the United Kingdom proposal and the methodology of the United States proposal. 29

With the aid of this definitive statement it is seen that the big powers were confronted basically with arriving at a definition of "all other matters" as stated in Paragraph 3 of the voting formula. To illustrate, if the United Kingdom-United States view obtained, the phrase then could be interpreted to mean "all other matters other than consideration and discussion of a dispute," and procedural matters as listed in Section D of Chapter VI; again, if the view of the USSR prevailed the meaning could be construed as concerning all decisions except the provisions as mentioned in that chapter. 30


30. Section D of Chapter VI: "This means that the Council will, by a vote of any seven members, adopt, or alter its rules of procedure; determine the method of selecting the President; organize itself in such a way as to be able to function continuously; select the times and places of its regular and special meetings; establish such bodies or agencies as it may deem necessary for the performance of its functions; invite a member of the Organization not represented on the Council to participate in its discussions when that member's interests are specially affected; and invite any State when it is a party to a dispute being considered by the Council to participate in the discussion relating to that dispute." UNCIO, XI, Doc. 852., III/1/37, p. 711.
The details of the discussion of the Big Five in their separate committee were not made public, although it was generally known that they had deadlocked in the formulation of a joint reply to the questionnaire submitted by the other members of Subcommittee III/1/B. Since the general outline of the questions involved has already been drawn here and suffices to give an adequate picture of the opposing tensions, and since the subsequent meetings of the Committee of Five were characterized by the uncompromising position taken by the three disputants, the remaining meetings of the Great Powers can be dispensed with briefly. Little else was actually accomplished on the technical level, and the joint statement itself was not forthcoming until the Soviet Government, as a result of political negotiation on a diplomatic level, conceded the right of discussion and consideration as a separate function of the Council on which the veto could not be exercised. The Soviet delegation on the Committee of Five had felt unable to commit itself to any compromise of its views without referring the matter to its government, and accordingly it was not until June 8 that Soviet acceptance made possible the issuance of the Sponsoring Government's "Statement." Thus the

committee of the five major powers had been only able to point out the real area of disagreement among themselves. As indicated, final decision was made outside the Conference on a political level.

IV

Since the "Statement of the Sponsoring Governments" was the result of the deliberation of the Committee of Five and reflects their views on the questions presented by Subcommittee III/1/B, attention must now be directed to this release. In the "Statement" is found what may be considered the final ultimatum of the Great Powers concerning their position in the proposed organization and the measure of control they were willing to allot to the other small power members. To bear out this contention, a detailed examination thereof is necessary.

It should be kept in mind that two problems confronted the Great Power committee. First, was the necessity of providing an explanation of the unanimity provision for permanent members not a party to a dispute, as provided for in the voting procedure. It has been demonstrated that this was the main source of small power discontent and that the Australian amendment designed to alter this situation had provided a rallying point for those who sought to "liberalize" the Yalta Formula. The other, and more significant question, which fell to the Committee of Five, was the need for determining among themselves whether initial discussion
of a dispute or situation, under the peaceful settlement clauses of the proposals, would be subject to the requirement for the concurring votes of the Big Five. This, in turn, had centered around the actual, more technical area of disagreement, whether such discussion constituted a matter of procedure and therefore called for the vote of any seven members of the Security Council. In brief, the greater part of the effort of the Committee of Five was devoted to a quest for some standard whereby, in the future, matter of procedure could be so designated. To effectively examine the results of the deliberation of the Five, as embodied in the "Statement," the above-mentioned problems must be kept in mind.

The "Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure" did not attempt to reply to the twenty-three questions submitted on an answer-for-question basis. It was largely a general statement of the function of the Great Powers as permanent members of the Security Council which sought to justify their admittedly privileged status. The reasoning whereby specific answers were omitted is set forth in the introduction to Part II of the "Statement":

In the light of the considerations set forth in Part I of this statement, it is clear what the answers to the questions submitted by the sub-committee should be, with the exception of Question 19. 34

34. UNCIO, XI, Doc., 852, III/1/37, p. 711.
The Committee of Five, when faced with providing answers to the questionnaire, had evidently realized the impossibility of giving a specific answer to every possibility that could arise wherein the veto could come into operation. The general wording of the joint release to the Conference thus took the form of an expression of the general attitude of the Great Powers. The discussions in the Committee of Five indicate further that it came into its final form as a result of a compromise of the opposing views of the three powers who had formulated the system at Yalta.

From an analysis of the "Statement" it is evident that there was no substantial change in the attitude of the Big Five with regard to the unanimity requirement. The fears entertained by the lesser members for the most part had been summed up in the Australian amendment and as a retort to this the "Reply" was no consolation. It contained no indication that under any circumstances would a permanent member, not a party to a dispute, be deprived of the veto on decisions concerning that dispute. This was the same position as had been manifested by the Sponsoring Governments in the Ninth and Tenth Meetings of Committee II/1. There is, furthermore, no indication in the records of the separate meetings of the large states that a revision of this attitude was favored by any of the permanent members. On this point they were united, and, it will be recalled from the previous discussion, very little time was given by the

Committee of Five to consideration of this matter; and then only to reaffirm the mutual opinion that such amendment could not be permitted.

In dealing with this question the "Statement," while conceding the procedural nature of matters under Section D, Chapter VI, and a similar character to the discussion disputes, put forth what eventually came to be known as the "chain of events" theory:

Beyond this point /D, VI, and discussion/ decisions and actions by the Security Council may well have major political consequences and may even initiate a chain of events which might, in the end, require the Council under its responsibilities to invoke measures of enforcement under Section B, Chapter VIII. This chain of events begins when the Council decides to make an investigation, or determines that the time has come to call upon states to settle their differences, or makes recommendations to the parties. It is to such decisions and actions that unanimity of the permanent members applies with the important proviso, referred to above, for abstention from voting by parties to a dispute.36

This contention served to remove any hope that alteration of the voting procedure would be possible. Witness the effect of the phrase, "beyond this point;" that is, beyond the point of procedural matters as already designated and beyond discussion without decision. In other words, small power participation in political matters was largely excluded at the moment when the Council reached the stage where action might become necessary. In effect, Paragraph 4 (above) of the "Statement" served merely to reiterate the

stand that had been taken by its authors in Committee III/1.

A full appreciation of the implications of the "chain of events" thesis cannot be gained without a detailed examination of the relevant section. In the view of the Sponsoring Governments, the first link in the "chain" is formed when the Council decides to discuss a dispute—a procedural matter as finally agreed upon in the Committee of Five. 37

If, in this stage, the discussion of the Council shows that the matter at hand merits investigation, action thereon at once assumes a substantive character. 38 It is now that the situation described in Paragraph 4 of the "Statement" becomes a matter of fact and goes beyond the "point" of mere procedure; it is here, too, that action involving "major

37. This is in reference to the triangular situation created by the stand of the UK, the US, and the USSR, respectively. It is of prime importance to remember that in the Committee of Five no disagreement was expressed concerning the "chain of events" theory. The problem stemmed from a difference in opinion as to what stage in the event a matter became substantive.

38. The concession contained in the "Statement" is evident at this point. The first stage was accorded a procedural status—a proposition which was strongly opposed in the Committee of Five by the USSR. It represents a distinction between the concept of "investigation" as discussion and "investigation" as action involving further commitment of the Council. In the Charter of the Organization this distinction is safeguarded by the provisions of Articles 34 and 35 which provide for free discussion; i.e., "investigation" as discussion of the nature of a dispute as contrasted with the same process with intent to make recommendation or take action. (See Charter of the United Nations.)
political consequences commences, thus precluding a small power participation in the ultimate decisions. To proceed, once the investigation has been launched and the existence of a threat to peace established, obviously a course of action must be decided upon—a matter that undoubtedly requires the full support of the permanent members of the organization if such a decision is to be effective. Explanatory Paragraph 5 (of the "Statement") in part read:

Similarly, the decision to make recommendations, even when all parties request it to do so, or call upon parties to a dispute to fulfill their obligations under the Charter, might be the first step on a course of action from which the Security Council could withdraw only at the risk of failing to discharge its responsibilities. 39

Evidently this was the answer to the assertion of the small states, and more particularly to the Australian amendment, that a permanent member not concerned in a dispute should not be entitled to vote thereon. 40 The inclusion of this statement in the "reply" makes it quite clear that, so far as the Great Powers were concerned, unanimity of the permanent members even in matters in the realm of pacific handling of disputes was as highly important with respect to their special position as was unanimity in matters calling for enforcement. Here again, the step-by-


40. This refers to VIII, A, which the Australian proposal sought to amend. In the proposals no exclusion from voting was provided for when a permanent member was not a party to a dispute.
step involvement of the Security Council was a spectre that overshadowed all other considerations. For the sake of clarity, let it be supposed that a situation exists where-in the Council finds it necessary to make recommendations to the parties involved in a dispute; further, assuming the inability of one of the permanent members to veto such recommendation by virtue of not being a party to a dispute, what, then, is the result if the permanent member feels that its interests are in danger of compromise? It is simply this: any subsequent Council action, in view of such opposition, would have to be carried out without the support of the dissenting member—a dangerous proposition if that power were to decide to defend its interest.

Thus the main hope of the smaller members at the Conference can be seen to have been doomed from the start—a contention, as stated earlier, that is borne out by the mere fact that only the briefest consideration was accorded to questions of this nature in the Committee of Five. Modification of Section A of Chapter VIII in this respect provided no grounds for difference among the Sponsoring Governments; it is evident from the preceding discussion that the disagreement arose from another problem.

Part II of the "Statement of the Sponsoring Governments" was devoted in its entirety to Question 19 of the questionnaire submitted to the Big Five by the Subcommittee
The reason is apparent. Question 19 had hit directly upon the problem that had provided the larger share of work for the Committee of Five. It read as follows:

(19). In case a decision has to be taken as to whether a certain point is a procedural matter, is that preliminary question to be considered in itself a procedural matter or is the veto applicable to such preliminary question?42

Since the importance of this query is not immediately apparent, it is necessary to keep in mind the points of disagreement that threatened to split the big power discussions. To review: the United Kingdom had insisted upon the classification of the preliminary discussion of a dispute as a procedural matter and had pressed for the inclusion of a specific guarantee in the Charter. Essentially, the United States had embraced this opinion but wanted a specific, detailed list of decisions and the type of vote by which they would be governed. The USSR had held out for a substantive classification for all phases of a dispute— that is, including even discussion. Therefore, if in reply to question 19 it was decided that a substantive vote (i.e., requiring unanimity of the permanent members) would determine the nature of a decision, it became all-important that the preliminary discussion be designated specifically as a procedural matter if the United Kingdom—United States view was not to be

41. UNCIO, XI, Doc. 852, III/1/37, pp. 713-714.
42. UNCIO, XI, Doc. 855, III/1/3/2, p. 707.
prejudiced. Accordingly, if the "concurring votes" clause of Paragraph 3 of the proposals (on voting procedure) were applied in the determination of the status of a question, then the absence of provisions to the contrary would automatically subject the right of discussion to the veto of a permanent member.

Actually, Part II of the joint reply did require a substantive handling if such a matter arose as depicted in question 19.43 Circumvention of this requirement, however, was achieved by providing especially in Paragraph 3, Part I, of the "Statement," for a procedural vote with regard to "consideration and discussion" under Section A, Chapter VIII.44

43. The last sentence of Paragraph 2, Part II states: Should, however, such a matter arise, the decision regarding the preliminary question as to whether or not such a matter is procedural must be taken by a vote of seven members of the Security Council, including the concurring votes of the permanent members." UNCIO, XI, Doc. 852, III/1/37, p. 714.

44. The relevant portion of Paragraph 3, Part I reads: "Further, no individual member of the Council can alone prevent consideration and discussion by the Council of a dispute or situation brought to its attention under paragraph 2, Section A, Chapter VIII. Nor can parties to such disputes be prevented by these means from being heard by the Council." Ibid., p. 714.

A note of caution should be injected at this point. Only those decisions which are listed as procedural are exempt from the unanimity requirement which governs substantive matters. Thus, the only decisions, dealing with what might be termed a political "flavor" that are listed as procedural are incorporated in Articles 34 and 35 of the Charter of the UN. Essentially, these articles embody the same concept as Paragraph 3 of the first half
The permanent members, after extended discussion and debate, had arrived at a mutual agreement which, while seeking to justify their "special position" in the organization to the other members, served also to confront the Conference with a degree of unity formerly unattained. Theoretically, individual differences among the sponsoring Governments concerning the interpretation of the proposals virtually had been erased. It now remained to present to the small powers, as represented on Committee III/1, the results of their deliberations. The impact of the "Statement", and the attitude with which it was received now becomes the focal point for the study at hand.

IV

On June 9, Committee III/1 received the reply of the Sponsoring Governments. At this meeting, the sixteenth, it immediately became apparent that the "Statement" was to be regarded with skepticism because of its failure to give

of the Sponsoring Government's "Statement." Again, Chapter VIII, A, of the proposals contained the core of these matters.

It is interesting that, while the veto of a permanent member is precluded on discussion, the same effect could be achieved by a failure of the Council in such a situation to get the required seven votes of any of the Council members as is necessary in matters of procedure. This point was not touched upon in the discussions at San Francisco but it is doubtful if the voting proviso was designed to allow for such limitation of discussion.

explicit answers to the questions posed by the subcommittee. The sharpest criticism at this point was launched by the Australian delegate, Dr. Evatt, who in a prepared statement commented that, "The joint statement answers directly only one of the 22 questions..." and "In a few instances the correctness of the answer implied is open to grave question." From further examination of this complaint, it is seen that, as far as Australia and a great number of the small states were concerned, the main issue still involved the permanent member veto power on conciliatory measures.

It is unfortunate that the small states persisted in their concept of a basic difference in the functions of the Security Council concerning pacific settlement as opposed to its functions concerning action on a dispute; that this cleavage was not envisaged by the Great Powers is an unmistakable overtone of their reply. Further, that document demonstrated quite emphatically the type of organization to which the large states would be willing to subscribe; it represented, actually, an ultimatum to which the other members at the Conference would conform or else dismiss the

46. Statement of the Delegate of Australia Circulated at the Sixteenth Meeting of Committee III/1, Annex A, June 9, 1945, (UNCIO, XII), p. 439. The relevant portions of Annex A stated: "The net effect of the joint statement is that 'consideration and discussion' by the Council of a dispute or situation is the only matter under Chapter VIII, Section A, that cannot be blocked by a permanent member." And again commented: "...the Council can only discuss whether a dispute can be discussed, and can only investigate whether it should be investigated."
hope of Great Power cooperation in preserving the peace. The overtones of the next four committee meetings on June 11, 12, and 13 served to demonstrate fully that the "statement" constituted the "final limit" to which the Sponsoring Governments would commit themselves. As the meetings progressed, this fact became quite obvious to even the most disapproving, and consequently it was recognized that if the amendment proposed by Australia failed to gain the support of the Conference then there was only a very dim outlook for any others of the proposed amendments.

The seventeenth meeting on June 11 showed that the battle was not over. Two of the most active supporters of the Australian view, Belgium and the Netherlands, again asserted their dissatisfaction with the voting provisions. Their objection, essentially similar to their previous condemnation of the voting procedure outlined in Paragraph 3, Chapter VI, now however, grasped the real significance that had been apparent to the permanent members in the Committee.

47. "...history showed," stated the UK delegate partially, that it was impossible, by the vote of small powers, to require great powers to take action for the maintenance of the peace." Summary Report of the Sixteenth Meeting of Committee III/1, Doc. 807, June 9, 1945, UNGIO, XI, p. 435.

Again at the eighteenth meeting the same delegate stated more emphatically: "If the Committee desired to see a world Organization established, it would approve the voting provisions as they now stand. They could not now be further modified." (Italics mine). Summary Report of the Eighteenth Meeting of Committee III/1, Doc. 936, III/1/45, June 12, 1945, UNGIO, XI, p. 475.
of Five. Lulled, possibly by the assurances of the British delegate at the ninth meeting, the smaller powers had sought chiefly to limit the Big Five power when not actually involved in a dispute. With the release of the "Statement" it became clear where the most vital consideration lay—the extent of the procedural area.48

The emphasis of the small state attack now shifted to a matter which seemed to have been taken for granted. The Australian amendment still remained the central rallying point, since its provisions would eliminate the newly-important flaw.

The first observation on the new problem had been made by Dr. Evatt at the sixteenth meeting,49 and Sir Peter Frazer of New Zealand later remarked that: "The 'Statement' had extended the 'veto' right of the permanent members to situations in which certain delegates had thought it would not be operative."50 The chief effect of such a comment by

48. Said Belgian Delegate Spaak: "...it could be used to prevent an investigation which might be useful in clarifying the nature of a dispute." Delegate Van Kleffens of the Netherlands: "...it was most important to make clear whether or not a decision was a procedural matter and was thus governed by paragraph 2, section C, chapter VI." Summary Report of the Seventeenth Meeting of Committee III/1, Doc. 922, June 12, 1945, (UN/CIO, XI), p. 455.

49. See footnote 46.

the leading dissenters was to obscure the debate and prolong an inevitable outcome. Equally verbose, in an effort to impress the necessity for the position taken in the joint interpretation, were the representatives of the Great powers. More especially, the delegates of the United Kingdom, the United States, and the USSR called for an acceptance of the interpretation offered, for the necessity of cooperation among all the powers, and for mutual trust.\textsuperscript{51} Thus, when the nineteenth meeting convened, the stage was set when the Australian delegate requested that his amendment be put to a vote "without formal action on the report of Sub-Committee III/1/3."\textsuperscript{52}

Only a brief discussion preceded the roll-call vote, but it is worthy of note. Rather keenly, Dr. Evatt observed that since his proposal required the vote of any seven members on matters under Section A, VIII, it did not constitute

\textsuperscript{51} Said Molotov for the USSR: "The Security Council and the other organs of the Organization would be able to solve successfully the questions which would be raised in the future if the Organization possessed the chief condition for its success, unity within itself and, primarily, unity among the great powers." \textit{Ibid.}, p. 474. (See also the statements of the delegates of France and China at the seventeenth meeting). (UNGO, XI), pp. 456 and 458. For the United Kingdom the delegate declared: "...there was some danger of placing too great an emphasis upon the actual voting procedure which would be followed," and asked the members for "...faith in their work and in one another." \textit{Summary Report of the Eighteenth Meeting of Committee III/1}, Doc. 936, June 12, 1945, (UNGO, XI), pp. 475-476.

a threat to the permanent members since, by united action, they could defeat any decision of which they did not approve. The observation was not only accurate, but painful. The fact that the Great Powers had insisted so doggedly on unanimity seemed to bear out Dr. Evatt's point that it could be as easily obtained under any voting procedure. That such was not the case, speaking realistically in view of power blocs, will be demonstrated later. The remark however, indicated that inter-state distrust was not peculiar to the small powers.

In reply, the United States delegate, Stettinius, stated somewhat abruptly, "...that the sponsoring governments and France had gone as far as they could go with respect to the voting procedure in the Security Council." He then inquired, "...if the delegates could face public opinion at home if they reported that they had killed the veto but had also killed the Charter."54

The nineteenth meeting closed with the rejection of the Australian amendment by the members of Committee III/1.55

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53. Ibid., p. 493.

54. France, although one of the states contributing to the questionnaire requesting interpretation of the proposals, had taken part in the Committee of Five discussions and had formally attached herself to the "Statement" at the seventeenth meeting. See UNCIO, XI, p. 457. See also Ibid., 493.

55. The vote on the Australian amendment was as follows: 10 affirmative votes; 20 negative; 15 abstentions. Affirmative: Australia, Brazil, Chile, Colombia, Cuba, Iran, Mexico, Netherlands, New Zealand, Panama. Negative: Byelorussia, China, Costa Rica, Czechoslovakia,
Quite plainly, the Sponsoring Governments had won out, and it remained only as a formality for the next meeting to accept Paragraph 3 of Chapter VI of the proposals. This was accomplished with a minimum of discussion, and permanent member unanimity, with the specified exception, was now fact.

Before concluding the discussion of the role of Committee III/1 in its handling of the voting procedure of the Security Council, two other issues which assumed a vital character to the members (and which will figure in the final discussion) should be considered.

It was made clear by a number of the small powers during the meetings of the Committee that if an amendment procedure were provided for the Charter they would then be inclined to accept the voting formula as it stood. In effect, this was the equivalent of requesting a revision of that portion of the Charter if, after a trial period, the

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Denmark, Dominican Republic, France, Honduras, Lebanon, Liberia, Nicaragua, Norway, Philippine Commonwealth, Ukrainian S.S.R., Union of South Africa, U.S.S.R., United Kingdom, United States, Uruguay, Yugoslavia. Abstaining: Argentina, Belgium, Bolivia, Canada, Ethiopia, Greece, Guatemala, India, Iraq, Luxembourg, Peru, Saudi Arabia, Syria, Turkey, Venezuela. Absent were five states: Ecuador, Egypt, El Salvador, Haiti, Paraguay. For the most part abstention was previously announced as a means not to prejudice the adoption of the Charter. Note the abstention of Belgium and Canada, two of the foremost advocates of the Australian amendment. For the official voting record see UNcio, XI, p. 459, and for statements concerning abstention see, Ibid., Summary Record, pp. 496-494.
practice of the Council showed that the voting techniques were inadequate or ineffective. At the seventeenth meeting, the hope was expressed by the Canadian delegate, Mackenzie King, that a suitable amendment process would be found if necessary in order to ensure that the small states would not be asked to accept an impractical procedure "in perpetuity." This was seconded by the Cuban delegate, Ramirez, at the same meeting and by several small powers at the nineteenth meeting.

Since this matter was handled by Committee I/2, a brief treatment will suffice for the purposes here. Only a very slight change from the original proposals for amendment can be found in the Charter. According to the original Sponsoring Government proposals, amendment was to be


57. Stated the Brazilian delegate: "...the best means of making the Yalta voting procedure acceptable would be to provide for free, frank, and full review of the Charter." Summary Report of the Eighteenth Meeting of Committee III/1, Doc. 936, June 12, 1945, (UNC10, XI), p. 473. See also the statement of the Argentinian and Turkish delegates at this meeting. Ibid., pp. 473-474.

Later the delegate of Uruguay said: "...he hoped that the veto would not apply to amendments." Summary Report of the Nineteenth Meeting of Committee III/1, Doc. 956, June 13, 1945, (UNC10, XI), p. 488. See also, Ibid., pp. 488-489 for statements to this effect by Chile, India, Greece, and Venezuela.

effected through the concurring votes of the permanent members, and a majority of the other powers of the organization. Articles 108 and 109 of the Charter in its final form as amended, show that only a two-thirds vote of the members is required, including the concurring votes of the Great Powers.

Obviously, the concession made by the permanent members was slight. It can be gathered from the wording of the Sponsoring Government's "Statement" and from the general discussions and debate in Committee III/1 that the large states would not allow such an important phase of activity

59. _Ibid._, p. 537.

60. See Articles 108 and 109, Charter of the United Nations.

61. Exactly where the concession lies in this case is a confusing issue. Actually, Articles 108 and 109 of the Charter are more rigid than the original proposals unless the assumption is made that it was the Great Powers who sought amendment of the Charter. To illustrate: under the proposals, amendment could be effected, according to the wording, by a simple majority plus the concurring votes of the permanent members. Under Articles 108 and 109 amendment requires the concurring votes of the permanent members and the consent of a two-thirds majority—obviously a system that demands the agreement of a greater number of states than the prior arrangement. Thus if the Great Powers sought amendment, it would be more difficult for them to gather the support of the necessary two-thirds than it would be under simple majority provisions. But such was not the case at San Francisco where it was noted that it was the small powers who strongly favored such amendment. The new provisions, then, of Articles 108 and 109 apparently make amendment more difficult for the small states.
to be exempt from their close supervision. The reasons involved require little explanation, for it is quite apparent that amendments effected without the consent of the major powers might easily be directed at removing the unanimity clause in the hotly contested area of conciliation. Thus, the concession made with regard to the amendment process represented not only a concession to a slightly more democratic principle, but served also to reaffirm the opinions already expressed by the permanent members in the course of the meetings of Committee III/1.

The other issue which arose toward the end of the discussion on the voting procedure for the Security Council concerned the effect on decisions of abstention from voting by a permanent member. This question had been originally posed as Question 20 of the questionnaire submitted to the Sponsoring Governments by Subcommittee III/1/5. But since the reply of the Great Powers contained no direct answer to this query, and since the statements of the delegates of these states indicated that, with the exception of Question 19, all the other problems presented by the questionnaire were sufficiently answered in the text of the "Statement," it can be safely assumed that there was no

62. The delegates of the permanent-member states preserved a tactful silence on this issue as can be noted in the absence of a specific reference by them to this point. See the Summary Reports, (UNCIO, AI), pp. 471-476, 486-493, and 512-519.

63. Question 20 asked essentially: "...would the abstention from voting of any one of the permanent members..."
intention to violate strict unanimity. Paragraph 3, VI, it will be remembered, called for the "concurring votes of the permanent members." No mention was made of any qualification thereon such as "present and voting." Abstention, however, by a party to a dispute under the provisions of that section could not be classified as a negative vote—a point clearly made at the twentieth meeting by the United States delegate. 64 No further assurance was given at the conference that abstention or absence under any other conditions would not constitute, in effect, a veto. Thus the only guide to the matter became the practice of the Council. 65 It must be observed that, unfortunately,

have the same effect as a negative vote...? Questionnaire on Exercise of Veto in Security Council, Doc. 855, June 8, 1945, (UNCIO, XI), p. 707.

64. Summary Report of the Twentieth Meeting of Committee III/1, Doc. 967, June 13, 1945, (UNCIO, XI), p. 513. This was in reply to the delegate of El Salvador who had originally broached this question at the sixteenth meeting with emphasis on voluntary abstention—a point not clarified in the subsequent discussion. See UNICO, XI, p. 436.

65. It would appear, as stated above, that from the wording of the provisions of Paragraph 3, VI, the "statement," and the debate in Committee III/1 that the "concurring votes of the permanent members" means that all the Great Powers must agree in order for decisions to be made, except as indicated. In practice, however, substantive decisions have been taken despite abstention by a permanent member. For example, the UN action in Korea was undertaken without the concurring vote of the USSR. Quite plainly this was a substantive matter since it involved enforcement action. See Department of State, Press Release, No. 702, June 30, 1950, p. 17.
the voting provisions failed to provide a specific provision on the effect of such action by a member—an omission that submits the wording of Paragraph 3 to an extremely technical interpretation.66

V

The main problem at this point in the discussion has been the analysis of the voting procedure as presented in the proposals of the Great Powers to the United Nations Conference on International Organization. More explicitly, it has been a question of examining the political realism of both the proposals and the attitude of the small-state members. It was demonstrated at San Francisco that the approach of a great majority of the members of the organization was highly practical with respect to the special position of the large powers. Permanent member unenimity was, by and large, uncontested; evidently, the experience of the League of

Prior to this, in the Spanish case, the USSR had abstained from voting against an Australian draft resolution to appoint a subcommittee to investigate the Franco government; this action the USSR delegate maintained at the time could in no way be construed as precedent—a statement supported by the United States at that time. See Report of the Security Council to the General Assembly, United Nations, Doc. A/93, Oct. 1946, pp. 94-95.

66. If it is decided that a particular situation is not a dispute then a permanent member can effectively veto—even though it may be a party to what would then be termed a "situation." Thus, in the Syrian and Lebanese case, the problem arose whether a dispute or situation existed—a problem that had to be clarified before action could commence. See United Nations, Security Council, Official Records, First Year, First Series, No. 1, pp. 272-281.
Nations had proved a valuable teacher. The sovereign equality of states, in a political sense, was no longer a first principle of international organization—an indication of the presence of no small degree of willingness to face political facts.

Up to this point the outlook was encouraging, but it soon became increasingly apparent that complete harmony would not be the keynote of the conference. With the commencement of the discussion on the voting procedure in Committee III/1, the question of when and how the veto would be used produced a state of tension among the lesser members. It was seen that the Australian amendment (which sought to remove the Great Power veto from matters of pacific settlement) became for the small states the issue to which they gave their greatest support. Further, it will be recalled, the Sponsoring Governments themselves were confronted with the problem of providing an interpretation of the voting procedure, not only for the general conference, but for their own clarification. The greatest share of their time was devoted to this end. It was this latter problem which dwarfed all other considerations and, in the final analysis, provided the final form of the voting procedure accepted by a majority of the states. It must be stressed that it was the role of the Committee of Five not only to produce a common agreement among the permanent members concerning interpretation of the voting provisions, but to present a unified stand on the proposals to the other members of
Committee III/1. Thus, the Great Powers were seen to be less concerned with consideration of revision of their plans than with the problem of obtaining acceptance thereof through a firm, mutual refusal to give ground.

From the viewpoint of the permanent members, the "liberalization" attempt of the lesser states lacked depth. Quite plainly, the Big Five found no basis for a distinction of the functions of the Council between matters which could be settled peacefully and those which would require enforcement. Beyond the point of discussion, the "Statement" declared, might lie political consequences from which the unanimity requirement could not be removed. Again, the amendment procedure of the Charter was also considered as a matter in which the "concurring votes of the permanent members" were required as essential; obviously because an unqualified amendment process could achieve ambitions detrimental to the interests of the large powers. Further, the problem of abstention, though but briefly treated, failed to draw a concession from the sponsoring Governments. Only when abstention by a permanent member was in accordance with the provisions of Paragraph 3, VI, would it not constitute a negative vote. Thus, the proposals on voting as put forth by the Great Powers were accepted by the Conference, due largely to their combined efforts and to the air of finality which accompanied the defense of their position.

Realistically, it would be difficult to justify the small power campaign at the Conference. Quite understandably,
it was directed at removing the most restrictive clauses of the voting process. Less logical, however, was the failure on their part to comprehend completely the special position and duties of the permanent members. Such matters as the "conciliatory veto" and the substantive nature of investigation (actual inquiry) were, on the surface, hard to accept; but, if probed, they disclose their true nature. As stated in the previous discussion, the right of an "interested" Great Power to prevent decisions, even in peaceful settlement, can hardly be contested. Any effort of the Security Council to enforce such decisions, if actively opposed by a major state, would be foolhardy. Likewise, as the "chain of events" theory of the "Statement" asserted, the unanimity clause must obtain beyond the point of discussion. This becomes evident when the role of the Council in this event is examined. If an investigation were launched and a dispute found to exist, it would be impossible to avoid a decision—a decision that must necessarily be agreed to by all the permanent members if it were to contain the full support of the organization.

On the whole, then, the Great Powers appear to have been possessed of a superior degree of political wisdom concerning the effectiveness of decision-taking. While it may be pointed out that this awareness could be attributed to the fact that disunity among the permanent members would have the most serious results for them, it still remains that under any other method the purposes of such an organiza-
tion could not be realized. Despite the handicaps of the permanent member unanimity requirement, it is an inescapable component of a system attempting to regulate the relations of the Great Powers with each other. It is a prerequisite of compromise—a condition which has as an alternative only chaos.
CHAPTER IV

THE VETO AS A POLITICAL REALITY IN OPERATION

I

The evolution of the veto problem in a modern international political organization has been traced to a point where, theoretically, it represented a recognition of past experience and an elimination of previous error. More correctly for the purposes here, a study of political adjustments on a single issue among states on an international scale has been involved. The results have not been comforting, for it has been seen that the previous political conferences and organization, sooner or later, disintegrated before the individual national policies of their member states. Thus, the Concert of Europe fell victim to the alliance system and the League of Nations to the conflicting ambitions and apathy of its component states. Again, by an examination of the genesis of the veto in the world's most recent attempt to "preserve the peace and security" through regulation by the strongest, the attempt was made to determine the degree of practicality therein. To reiterate, the result was a system that in theory appeared to be workable. Conclusions of this nature, however, must be reserved until the new
organization has been put to a working test, and since it would be unfair to judge progress in strictly legal and utopian terms, it must be measured by the degree of efficiency it has achieved.

The United Nations Security Council, which was designated to handle the political and security functions of the United Nations, must be investigated in its assigned role. Only by observing the efficiency of its actions in a number of cases can this be accomplished; an undertaking in which the political considerations involved must be kept foremost.

The overall picture presented by the functioning of the unanimity requirement in the Security Council in its first five years is not impressive. From January, 1946, when the Council was launched as a security agency, to January, 1951, twenty-one vetoes were cast on decisions concerning disputes, twenty-two on the admission of new members, three on armaments questions, and one each on atomic energy control and the nomination of the secretary-general.¹

The matter to be studied thus is clear. For the purposes of this discussion, it is necessary to establish the reason why the permanent members failed to achieve unanimity. That is to say, for what stated reason, since the exact political considerations remain obscure. Further

it must be stressed, there are many cases in this period when decisions failed to pass the Council because of the negative vote or abstention of two or more permanent members—that is, cases in which the required majority of seven was not obtained. Voting situations of this kind must not be confused with the principal issue which involves an examination of the veto as such—in short, the negative vote of one permanent member.

The first encounter of the United Nations with the dissenting vote of one permanent member came in February, 1946, when Syria and Lebanon protested to the Security Council against the presence of British and French troops in their territories. The Franco-British agreement of December, 1945, the two former governments contended, had made the removal of the troops "subject to conditions which are inconsistent with the spirit and letter of the United Nations Charter," and therefore a matter for the Security Council. In the ensuing discussion, several resolutions were put forth, the most notable being that of the Soviet government calling for a Council "recommendation" that the troops be withdrawn and, for this purpose, that negotiations be started without delay. The United States

2. Admittedly, the existence of Power blocs is presupposed. The supposition is based, however, on a view of past developments in the field of international organization; the League, for example. Such pressures were existent before the concept of the modern "cold war," and it is in view of these that the examination will be conducted.
proposal also that the Council "express confidence" that a convenient withdrawal would be effected was considered at length. The negative vote (the veto) of the USSR on this latter resolution caused its rejection; in this case, however, the United Kingdom and France complied with the majority vote by recalling their troops from Syria and Lebanon.

In this instance, the Soviet veto was of little value. Evidently, the United States resolution was insufficiently firm in dealing with the matter for, in the words of the Soviet delegation, it provided too many opportunities for the French and British to circumvent Council decisions. The sincerity of the British and French was attested by their action, and the USSR veto was only in part understandable. The opposing ideologies and ambitions of the Eastern and Western worlds in the post-war period had served definitely to preclude any great degree of cooperation in international problems. Thus, Soviet policy in the Syria and Lebanon case may have been designed to discredit two members of an admittedly opposing system. The extent to which this is true cannot be fully determined, but if the Anglo-French governments had chosen to abide by the rule of Great Power unanimity in the Council


4. Ibid., p. 343.
the effect of the Soviet veto would have been telling in world opinion. In this instance the veto right, whatever the motive, was used as an offensive political weapon rather than to safeguard a "special interest" of the USSR.

On the Spanish question, which was drawn to the attention of the Council by Poland in April, 1946, the Soviet Union cast four vetoes. According to the Polish complaint, "the existence and activities of the Franco regime in Spain have led to international friction...," thus making some type of action towards severing diplomatic relations with Spain imperative. Consequently, a sub-committee was appointed to investigate the facts and to decide whether Franco Spain actually constituted a threat to the peace. As a result the sub-committee determined that the Spanish government was a "potential" rather than an actual menace and recommended that the Council refer the question to the General Assembly for a resolution calling for the severance of relations with Spain. At this point, the first of the four Russian vetoes was used. There was no doubt, claimed the Soviet delegate, Vishinsky, that a threat to peace existed. Further, he expressed doubt as to the wisdom of giving the Assembly an equal importance in handling matters concerned with peace and security.5

Essentially, Vishinsky's second statement gives the reason for two of the other three negative votes cast by

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the USSR. A resolution to keep the Spanish question before
the Council, "without prejudice to the right of the General
Assembly," was objected to because it implied too powerful
a role for the General Assembly on questions under discus-
sion by the Council. An Australian attempt to effect this
resolution at a later date met with the same results.6

A different problem was found in the course of the
deliberations on Spain which brought the fourth Soviet veto.
As a result of the vote on a resolution to keep the matter
under consideration the president of the Council, Najera
of Mexico, announced that the measure had been adopted.
This decision was challenged by Gromyko of the Soviet
Union, who maintained that because of its substantive
nature it required the concurring votes of the permanent
members. In order to determine the nature of the resolu-
tion, a vote was taken with the expected result that the
USSR refused to consider it as a procedural matter.7

Overall, the view taken by the Soviet government on
the Spanish case appears warranted when the relations of
that government with the Axis powers during the war are
considered. A matter of precedent, however, was also in-
volved. The negative Soviet stand made it quite clear
that the General Assembly would be "kept in its place."

6. Ibid., pp. 345-51.

7. Ibid., pp. 345-51. France also voted that this was
a substantive matter—thereby making two dissenting
votes.
Gromyko stated at one point that referring the matter to that body would foster a "very bad" idea concerning the General Assembly's role, fearing evidently that at some later date a political matter of much greater consequence to the Soviet Union might be so dispatched. Actually, from the standpoint of any of the permanent members this attitude is not shortsighted but represents a jealous guarding of an assigned prerogative from an unfavorable majority vote.

Again, it must be noted that the Soviet veto on the determination of whether or not the matter before the Council was procedural was strictly in accord with Part II of the Sponsoring Governments' joint interpretation at San Francisco. This portion of the "Statement" specified such a voting process in direct answer to Question 19 of the questionnaire. The Soviet position thereon was unassailable.

The importance of the Spanish question to the problem under discussion is found in the attitude of the various permanent members toward the Franco government. To the Soviet government the Franco regime was completely intolerable, but because of the less severe outlook of the other Great Powers it was impossible to put into effect any measure that would have insured the installation of a form of government ideologically less opposed to the

Soviet Union. Gromyko made the position of the USSR quite plain when he objected both to the failure of the Council to take a stern decision and to what he referred to as the "protective attitude" adopted toward the Spanish government by some of the members of the Security Council. Quite possibly, the Western powers may have governed their actions with a regard to the strategic position of the Spanish peninsula in the event of an East-West break, and with respect to weakening the efficiency of the Security Council this stand is no more commendable than that of the Soviet faction. But the efficiency of the Security Council was not the issue, and the fact sharply outlined is that the political weight of the Council's decisions is the determining factor in its effectiveness. The potentiality of Franco Spain as an enemy appears to have guided Soviet action; and its value as an ally was evidently the chief influence on the other permanent members.

Thus, unanimity was not attained and no action could be taken. Nevertheless, the fact remains that no effective measures would have been enforceable under any voting procedure in view of the political "interests" of one power group. This reality again will be encountered in the subsequent discussion.

A widening of the gap between the Soviet Union and the other permanent members became even more apparent in the Council's discussion of the incidents in Greece and the Corfu Channel. The first case came before the Council in January, 1946, when the Soviet government described the presence of British troops in Greece as "interference" in the internal affairs of that country, an assertion subsequently denied by the Greek representative. Later, in August of 1946, a Ukrainian charge that the Greek government threatened the peace in the Balkans failed to be acted upon when four separate resolutions were rejected. Finally, as a result of a request by the Greek government asking the Council to take note of the situation caused by the aid given to guerrillas operating in Greece by Albania, Bulgaria, and Yugoslavia, the matter was acted on by the Council.

It is not necessary to describe the whys and wherefores of the four vetoes used in a one-year period by the Soviet Union in the Greek case. An objection to the appointment of a commission to investigate the matter was based on a Soviet claim that the fault lay with Greece and that it

11. See also the proposals of the Netherlands, USSR, and the United States. Ibid., Second Series, p. 420.
was assumed by the Council that Bulgaria and Yugoslavia were aggressors in the matter. In July of 1947 (some seven months after the USSR had finally assented to the appointment of a commission to study the problem) the commission's report that guerrillas active in Greece were aided by bordering states was not accepted by the Soviet representative. Thus, a resolution calling on the four states involved to take measures to end the conflict failed to obtain the required vote. Finally, an Australian resolution which termed the situation a "threat to the peace," and a strong United States proposal which placed the guilt directly on Greece's neighbors and called for enforcement action if the Security Council directive went unheeded, were once more negated by the Soviet vote.

There was little if any subtle maneuvering by the permanent members with regard to the Greek question. Without diplomatic flourish, the opposing parties struggled to maintain or extend their sphere of political activity. The Soviet Union, in stubborn support of its "satellites," served notice that a western foothold in the Balkans was unwelcome. Similarly, an extension of Communism was violently opposed by what might be termed an Anglo-American power faction. Again, it is seen, the primary consideration in the Council's inability to provide a solution was

the divergence of Great Power interest. The point also must be made that the unanimity provision cannot be condemned on this basis, for, realistically, any action on which the great states were divided would also fail to preserve the peace and harmony of international life.

The Corfu Channel incident of January, 1947, demonstrated further the Soviet refusal to permit Security Council blame to be placed upon a state friendly to the Soviet Union. A British attempt to make Albania fully responsible for the mining of her coastal waters and thereby gain Council support for reparation demands against Albania was effectively negated by Russian dissent. It must be assumed in this instance that the action of the USSR stemmed from a desire to discredit the British in the Mediterranean. The power factor, rather than any interest in correct judicial procedure, once more play its part.

The remaining decisions of the Security Council in the period 1946-1950, on which action or resolutions were precluded by the dissenting vote of one permanent member, follow essentially the same pattern as the cases discussed above. By the third year of Council operation the lines of Great Power policy had been drawn so conclusively that it became a foregone conclusion that action on political matters would be stalemated by a permanent member veto. Thus,

in situations that arose in connection with the Indonesian, Czechoslovakian, Berlin, and Korean question, the seven vetoes used can be traced directly to the influence of power politics.

The French veto case in the Indonesian case was designed to prevent Council investigation of the situation which, according to the statements of Australia and India, constituted "a threat to the peace and security." The appointment of a commission to examine what was necessary to reach a "cease-fire" agreement had been put forth in the form of a resolution by the Soviet Union after the Netherlands government had reacted favorably to the suggestion that career consuls in the Indonesian area be allowed to submit reports on the crisis. The Belgian and French representatives evidently feared the propaganda value of such an investigation in which the USSR would participate and which might use as a condemnation of the colonial empires of the various European states. Such a precedent would indeed be damaging to the prestige of any power which had extensive colonial interests. Thus, the French veto sought to protect France's position, probably with an eye on the "domestic" problem created by restless groups in French Indo-China. The French action in this instance repeated the Soviet action in the Greek question; that is, opposition to investigation which might have unfavorable repercussions. The ruling factor in the French action appears to have been a mistrust of

the Soviet intentions in calling for the appointment of the commission. Quite plausibly, the chief interest of the USSR may have been a desire to embarrass colonial enterprise in an area possibly ripe for a Soviet political system.

The Soviet stand on both the Greek situation and the Corfu Channel incident is encountered again in this period when the Council was asked to investigate the change of government that had occurred in Czechoslovakia. In March, 1948, Dr. Jan Papanek charged that his government had been supplanted by a Communist coup and under threat of force by the Soviet Union. By April 6, the date set for the hearing of Papanek, the new government of Czechoslovakia had placed Dr. Vladimir Houdek in the United Nations, a representative who protested that any Council action would constitute "interference in the internal affairs" of his government. Two resolutions, one sponsored by Chile, the other by Argentina, calling for an investigation of the new Czech government and the role of the Soviet Union in its establishment, failed to achieve permanent member unanimity.17

Once again the Soviet government demonstrated its determination to support its "satellites." The Soviet action in this instance recognized the need for allies in the power conflict and welcomed the new Czechoslovak state into its sphere without regard to its method of gaining control. The contention that Russian aid may have been involved in

17. Ibid., pp. 454-455.
the change is given weight by the opposition put forth by that government to any investigation of the situation. Hence, it might again be contended that the requirement of unanimity blocked the functioning of the Council in its primary role. But to return to the central contention of this discussion, if the USSR had seen fit to oppose a majority decision to investigate or act it could only have been carried out at the risk of the breakdown of the entire security system.

The question which was brought before the Council concerning the Soviet restriction on communications and transport between Berlin and the Western Occupation Zone marked the first direct breakdown of the relations among the Great Powers. Protest was made on September 20, 1948, by the governments of France, the United Kingdom, and the United States on the ground that such Soviet action violated Article 2 of the Charter.18 The USSR maintained, however, that its regulation was justified because of a threatened economic collapse caused by a revaluation of the mark in the Western Zones and further, that under Article 107 the question did not come within the province of the Security Council. A Soviet suggestion that the problem be referred to the Council of Foreign Ministers was rejected by the other Occupying Powers until such time as the restric-

18. Article 2 states the general principles on which the organization is based—e. g., equality, cooperation, etc.

19. Article 107 states that the Charter does not preclude action concerning wartime enemy states. (See Charter of UN).
tions were lifted.

In the meantime a commission appointed by the Council studied the situation and proposed that all restraint be removed by the parties concerned, and further that the military governors meet to fix the value of German currency in accord with the mark of the Soviet Zone. These proposals were embodied in a resolution rejected by the USSR on the ground that it would lift the blockade at once but provide for only discussion of a more favorable valuation of the mark. Further efforts by the Council proved futile, and it was only as the result of informal conversations among the four governments that an understanding was reached. The Council was informed on May 4, 1949 that the Western Zone authorities and the Soviet government had worked out a settlement and had further plans to eliminate the source of trouble in Berlin. 20

Perhaps the most striking fact presented in an examination of the Berlin crisis is found in the ability of the Great Powers, operating independently of the Council, to come to terms. The formality of Council procedure and the technical loopholes available in its discussion seemed to produce an atmosphere of mistrust and frustration. On the other hand, the old-fashioned diplomatic process of informal bargaining appears to have produced

workable solution. Without doubt, the concurring votes of the big states could not be counted on since it was among them that the differences lay. Since decisions of the Council, once undertaken, leave little room for diplomatic subtleties, it was quite plain why the Soviet Union could not agree. Separate negotiation, which removed the influence of the United Nations as a whole, was thus able to achieve what the Council could not.

That it was not the voting provisions as approved at San Francisco that contributed to the stalemate, must again be emphasized. The stalemate condition was the result of the economic and political difficulties of the Great Powers. Economically, the Soviet government was threatened in its Zone of Occupation by the worthlessness of its currency. Politically, the western Zones were isolated from the German capital, a fact which made Soviet occupation of the entire city a real possibility. The solution of the problem lay in the hands of the Great Powers. Their inability to reach a final answer within the United Nations was not a consequence of the voting system in the Security Council—rather a product of pressures outside the organization.

In the period of the operation of the Council as a security body between 1946-1950, it has been seen that in no instance was a final solution obtained on any of the questions placed on the agenda—that is, solution within the security agency. In the issues described above, the
solution, if any, was reached outside the Council. 21

In June of 1950, however, a surprising development in the handling of disputes became evident in the Council action on Korea. A North Korean military action against the Republic of (South) Korea, an action which the United Nations Commission in Korea termed "an all-out offensive," was called to the attention of the Council on June 25, 1950. Despite the absence of Soviet Russia from the Council meetings, 22 a United States resolution was passed calling the action of the North Korean government "a breach of the peace" and asking for the support of all United Nations members to implement the resolution. On June 30 the United States delegate informed the Council that air and sea support would be given to South Korea by his country. Shortly thereafter, on July 7, a resolution requesting military action was approved by the Council without counting the absence of the USSR as a negative vote. Subsequently, this action was denounced as illegal by Byelorussia, Czechoslovakia, the Ukraine, and the Soviet government on the basis

21. Disputes or questions handled by the Council in this period other than those discussed were: the Iranian question; the problem of Trieste; the Egyptian question, Palestine, Hyderabad, and the complaint concerning the invasion of Taiwan (Communist China complaint on US fleet operations). These have been omitted since they do not concern the question of the dissenting vote of one permanent member.

22. The USSR was at this time boycotting the meetings of the Council because of a refusal to seat Communist China as the legal representative of the Chinese people. See Leonard, op. cit., p. 367.
that the resolution had failed to achieve the prescribed unanimity of the permanent members. They also objected to counting of the vote of the Nationalist Chinese delegate, since the protesting states considered the Chinese Communist government the only legal ruling body in China. Further, these governments claimed that United Nations "intervention" was part of an American plan of aggression and an interference in the domestic affairs of Korea.23 Needless to point out, the United Nations command in the field had by this time embarked on a course of action from which it neither could nor would retreat.

A sufficiently wide picture of the situation has been made for the purposes of studying the operation of the Council under severe pressure from two sides. Primarily, the enforcement action undertaken by the United Nations was a United States effort to contain elements of an opposing power bloc. Herein is encountered conclusive proof that Great Power interest cannot be violated without dangerous results.24


This contention must be further illustrated. Unmistakably, the voting provisions of the Security Council call for "the concurring votes" of the Great Powers on all substantive decisions, a provision definitely not followed by the Council in Soviet Russia's absence. Nevertheless, the Council chose to act without the necessary consent, largely at the insistence of the Western Powers. While the fault of aggression may have resided with the North Korean forces, the fact cannot be avoided that the legal voting requirements were not met. The action then was illegal. But was it unreal?

The United States in its role as the leader of the

25. The most authoritative handling of this matter from a legal standpoint has been done by Kelsen. He maintains that since no quorum is specified either in the Charter or in the Council Rules of Procedure it is possible to claim, quite validly, that "all members of the body must be present in order to enable it to adopt a valid decision." But, he states further, the wording of Article 27 (voting) of the Charter does not exclude the possibility of interpreting that provision as not requiring the presence of all the members. Consequently, he declares, it could be construed to mean that valid decisions could be taken by the vote of seven members in the affirmative. Further, he indicated that this was not the intention of the framers of the proposal. Consequently, either interpretation is possible.

It must be stressed that the non-English texts of Article 27 give a different impression of the provision than does the English version. According to the latter, "the concurring votes of the permanent members" is specified. The French texts read, however: "les voix de tous les membres permanents." This is true of the other foreign texts. The Soviet position would thus seem even more unassailable. See Hans Kelsen, The Law of the United Nations, A Critical Analysis of Its Fundamental Problems, (Stevens and Sons, London, 1951), pp. 240 ff. Supplement, pp. 940-941.
Western bloc could not afford to decline a challenge so vitally affecting its interests in the Orient. South Korea represented a sphere of United States interest both in a strategic sense and as a propaganda outpost on the Asian mainland. These interests could not be surrendered in view of the almost complete Communist domination of the mainland. It appears quite certain that if the Council, by virtue of a Soviet veto, had failed to intervene in the Korean peninsula that independent United States action would have resulted. Technically, since the Soviet Union was absent, it might be held that a "veto" was cast and that the "police action" led by the United States was outside the Council. But it was backed by a majority of the members of the United Nations as a whole and thereby gave a support to the United States that enabled her to escape the censure of the world. Soviet Russia, though standing on a firm legal position with regard to voting had the misfortune of being considered outside the Council in its position of abstention.26

The most important effect of the United States action was to demonstrate that, with or without the consent of the United Nations, "special interest" of a Great Power cannot be ignored. The strength of this fact was tested and proven beyond doubt. In view of the record of the Council in past

26. See footnote 64 of Chapter III in reference to the Soviet abstention in the Spanish case wherein the United States agreed with the USSR that such abstention should not be considered as precedent.
instances, the United States decision to act was realistically sound if her political position were to be maintained. Since the Council would have undoubtedly been reduced to indefinite contemplation of the problem by the Soviet veto, and since North Korean forces would apparently be well established before any investigation would be consented to, the United States could not afford to wait. The power struggle was a fact. Unanimity, though desirable, could not be attained and had to be dispensed with for the sake of keeping pace with events.

III

The questions thus far have been concerned with disputes before the Council. Some twenty-seven other negative votes were used by a permanent member in the first five years of Security Council existence, twenty-two of which prevented the admission of new members to the United Nations. The reasons given for the refusals to admit the applicants were varied, but the fact cannot be disguised that the political connections of the applicants pre-determined their fate. Witness the states denied membership by the veto of the Soviet Union in the period to January, 1951: Transjordan, Portugal, Ireland, Italy, Austria, Finland, Ceylon, Korea, and Nepal. All were actual or probable opponents of the Soviet bloc. Likewise, Albania, the Mongolian People's

27. Leonard, op. cit., p. 204.
Republic, Hungary, Romania, Bulgaria, and the Democratic People's Republic of Korea were prevented from entering the United Nations by the failure of their application to receive the necessary seven affirmative votes.\textsuperscript{28}

The permanent members evidently desired to increase the United Nations membership in order to implement the voting and moral strength of their particular factions. Compromise proposals such as "bloc" admissions were tried, notably by the Soviet Union, but failed because of United States-United Kingdom insistence on a separate vote for each member.\textsuperscript{29} Hence, for the most part, states objectionable politically to a Great Power were kept from becoming a menace inside the United Nations.

The other three instances on record in which the veto was used by a single permanent member to prevent Council decision indicates still further the role of political mistrust as a determinant with that group. For example, the Soviet rejection of the re-election of Trygve Lie as secretary-general\textsuperscript{30} expressed plainly a dissatisfaction with his past record. In this case the U.S.S.R. veto, though legal, proved ineffective since the General Assembly extended Lie's term for a period of three years because of the Council's inst-

\begin{itemize}
\item \textsuperscript{28} United Nations, Background Paper No. 55, Department of Public Information, Research Section, A/55, pp. 51-55.
\item \textsuperscript{29} Ibid., p. 53.
\item \textsuperscript{30} Leonard, \textit{op. cit.}, p. 250.
\end{itemize}
ability to reach an agreement. The importance of this post to the Great Powers made them all desire to see it occupied by an impartial, if not favorable, candidate.  

The proportions of the feeling of mistrust can be appreciated even more when the failure of the Great Powers to agree on armaments reduction and atomic energy control is reviewed. In the latter instance, the Soviet Union argued that the problem was basically political. It objected to the plan of France, the United Kingdom, and the United States to require a technical investigation in the various countries by the proposed Control Commission. This, said the Soviet delegate, was only a pretext to interfere in the internal affairs of other states. Accordingly, no solution was found.  

Again, on the matter of armaments reduction, suspicion among the permanent members precluded any hope of agreement. Neither the Soviet Union nor the other states on the Council proved willing to allow a "census" to be taken of their military installations. The Soviet government claimed

31. The Soviet Union objected to Lie on the grounds that he had violated the Charter in supporting action against the North Koreans; also, it was maintained, he was partial to an "American peace program." In retaliation the US threatened to veto any other candidate. See Leonard, op. cit., p. 259. It should be noted at this point that under the provisions of the Charter (Chapter X, Paragraph 3) the secretary-general may bring threats to the peace to the attention of the Council.  

that unless a prior understanding prohibiting atomic weapons and reducing armaments were reached such information would be used for military intelligence. A French resolution calling for a prior inspection thus was vetoed by the USSR. In turn, a Soviet plan requiring the members to submit information on conventional and atomic weapons was rejected by the other permanent members.33

IV

By examining the record of the Security Council over a period of time, an attempt has been made to determine the circumstances attending the instances in which the dissenting vote of one permanent member was able to bring the Council to a stalemate. It is true that the same result was achieved in a number of other cases under consideration, but always because a majority of the Great Powers dissented to a solution preferred by a minority. These latter issues have been omitted from this discussion since the main purpose was to venture an appraisal of the effectiveness of the United Nations in view of the voting provisions which permitted any one Great Power to block action.

At the San Francisco Conference it was the application

33. Ibid., pp. 368-369.

At the San Francisco Conference it was the application of the Great Power veto to the problem of investigation, peaceful settlement, and the determination of the nature of a decision that most heatedly were objected to by a majority of the small states. It must be noted at this point that it was precisely in these areas that the veto was used in practically every instance. Vetoes, designed to protect satellites, were used to prevent investigation; others were used in such cases as furthering prestige or seeking the expansion of a particular system.

If the "majority" as represented on the Council is examined at close range, it is seen to consist of France, China, the United Kingdom, and the United States in practically every instance; the minority, the Soviet Union. Voting in opposition to each other on nearly every decision, the majority and minority were seen to represent two separate power blocs with divergent interests and conflicting political and economic ideologies. In order for the minority in the permanent member group (the Soviet Union) to protect what it considered to be its interests, a frequent use of the veto followed. It must be stressed that the "minority" represents a power faction with a possible power potential about equal to that of the "majority," and this fact should not be distorted by describing the Security Council voting system only in terms of a four-to-one vote. Similarly, the dissenting votes of the majority are regarded as four dissenting votes by four Great Powers rather than one
vote of a single power faction.

With this in mind, the struggle in the Security Council becomes a struggle between rival worlds or power pressures, thus accounting for the failure to achieve unanimity among the five permanent members. The effect of the single dissenting vote indeed has proved to be devastating, but viewed as a product of power politics it is still, in Cadogan's words, "a product of realities." For obviously, if the Soviet veto represented only a single negative vote instead of a force almost the equal of the other permanent members, would not the majority be tempted to overrule such negation to attain their ends?

Power is the major consideration of the system. The voting procedure will either attempt to ignore it by enforcing a majority decision or will cling to the unanimity process in the hope that the Great Power interests will meet at some point. From the record of the Council, however, there is little to encourage the members in this letter prospect, since the gap apparently widens with time. Granting this, it still must be insisted that political interests must be provided for. They cannot be ignored and the United Nations preserved intact.
APPENDIX

Article 27 of the United Nations Charter

VOTING

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under Paragraph 3, of Article 52, a party to a dispute shall refrain from voting.
QUESTIONNAIRE ON EXERCISE OF VETO IN SECURITY COUNCIL

(1) If the parties to a dispute request the Security Council to make recommendations with a view to its settlement, would the veto be applicable to a decision of the Security Council to exercise its power to investigate the dispute for that purpose?

(2) If the Security Council has investigated a dispute under this paragraph, would the veto be applicable to a decision of the Security Council to recommend to the Parties certain terms, with a view to the settlement of the dispute?

(3) If the attention of the Security Council is called to the existence of a dispute, or a situation which may give rise to a dispute, would the veto be applicable to a decision of the Security Council to exercise its power to investigate the dispute or situation?

(4) If the Security Council has investigated the dispute, would the veto be applicable to a decision by the Security Council that the continuance of the dispute is likely to endanger the maintenance of international peace and security?

(5) If the Security Council has decided that the continuance of a dispute is likely to endanger the maintenance of international peace and security, would the veto be applicable to a decision of the Security Council to call upon the parties to settle their dispute by the means indicated in paragraph 3?

(6) If a dispute is referred to the Security Council by the parties under this paragraph, would the veto be applicable to a decision by the Security Council under the second sentence of this paragraph that it deems the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security?

(7) If the Security Council deems that the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, would the veto be applicable to a decision of the Security Council under the second sentence of this paragraph to take action under paragraph 5?

(8) If the Security Council deems that the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, would the veto be applicable to a decision of the Security Council under the second sentence of this paragraph to recommend to the parties such terms of settlement as it considers appropriate?
(9) Would the veto be applicable to a decision of the Security Council, at any stage of a dispute, to recommend to the parties appropriate procedures or methods of adjustment?

(10) Would the veto be applicable to a decision of the Security Council under the first sentence of this paragraph (Chapter VIII, paragraph 6, /A/) that a dispute is of a justiciable character?

(11) Would the veto be applicable to a decision of the Security Council under the first sentence of this paragraph to refer a justiciable dispute to the International Court of Justice?

(12) Would the veto be applicable to a decision of the Security Council to deal with a justiciable dispute by some other means of adjustment?

(13) Would the veto be applicable to a decision of the Security Council to refer to the International Court of Justice a legal question connected with a non-justiciable dispute?

Under paragraph 1 of Chapter VIII (B)

(14) Would the veto be applicable to a decision of the Security Council that it deemed a failure would constitute a threat to the maintenance of peace and security?

(15) Would the veto be applicable to a decision of the Security Council that it should take any measures necessary for the maintenance of international peace and security?

Under paragraph 2 of Chapter VIII (B)

(16) Would the veto be applicable to a decision of the Security Council that it determined the existence of any threat to the peace, etc?

Under new paragraph proposed by sponsoring govs., to be inserted between paragraphs 2 and 3 of Chapter VIII (B)

(17) Would the veto be applicable to a decision of the Security Council that it may call upon the parties "concerned to comply with such provisional measures as it may deem necessary or desirable in order to prevent an aggravation of the situation"?

(18) Would the veto be applicable to a decision of the Security Council that failure to comply should be duly taken account of, etc.

Under 2nd paragraph of Chapter VI (C)

(19) In case a decision has to be taken as to whether a certain point is a procedural matter, is that preliminary question to be considered in itself as a procedural matter or is the veto applicable to such preliminary question?
Under paragraph 3 of Chapter VI (C)

(20) If a motion is moved in the Security Council on a matter, other than a matter of procedure, under the general words in paragraph 3, would the abstention from voting of any one of the permanent members of the Security Council have the same effect as a negative vote by that member in preventing the Security Council from reaching a decision on the matter?

(21) If one of the permanent members of the Security Council is a party to a dispute, and in conformity with the proviso to paragraph 3 has abstained from voting on a motion on a matter, other than a matter of procedure, would its mere abstention prevent the Security Council from reaching a decision on the matter?

(22) In case a decision has to be made under Chapter VIII, Section A, or under the second sentence of Chapter VIII, Section C, paragraph 1, will a permanent member of the Council be entitled to participate in a vote on the question whether that permanent member is itself a party to the dispute or not?

(23) . . . . . . whether, under Chapter 10, paragraph 1, of the Dumbarton Oaks proposals as amended by the Four Governments, the recommendation of the Security Council to the Assembly in respect of the election of the Secretary General and his deputies is subject to veto.
STATEMENT BY THE DELEGATIONS OF THE FOUR SPONSORING GOVERNMENTS ON VOTING PROCEDURE IN THE SECURITY COUNCIL

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

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

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

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

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

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

6. In appraising the significance of the vote required to take such decisions or actions, it is useful to make comparison with the requirements of the League Covenant with reference to decisions of the League Council. Substantive decisions of the League of Nations Council could be taken only by the unanimous vote of all its members, whether permanent or not, with the exception of parties to a dispute under Article XV of the League Covenant. Under Article XI, under which most of the disputes brought before the League were dealt with and decisions to make investigations taken, the unanimity rule was invariably interpreted to include even the votes of the parties to a dispute.
7. The Yalta voting formula substitutes for the rule of complete unanimity of the League Council a system of qualified majority voting in the Security Council. Under this system non-permanent members of the Security Council individually would have no "veto." As regards the permanent members, there is no question under the Yalta formula of investing them with a new right, namely, the right to veto, a right which the permanent members of the League Council always had. The formula proposed for the taking of action in the Security Council by a majority of seven would make the operation of the Council less subject to obstruction than was the case under the League of Nations rule of complete unanimity.

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

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

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

II

In the light of the considerations set forth in Part I of this statement, it is clear what the answers to the questions submitted by the Subcommittee should be, with the exception of question 19. The answer to that question is as follows:
1. In the opinion of the Delegations of the Sponsoring Governments, the Draft Charter itself contains an indication of the application of the voting procedures to the various functions of the Council.

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


Bodin, Jean. (1530-96) Social and political philosopher of the Renaissance. Born at Angers, France; educated at Toulouse.


Hull, Cordell. Born, Overton County, Tennessee, Education: National Normal University, Lebanon, Ohio, 1893-1899; Cumberland University Law School, Lebanon, Tennessee, 1891. U. S. Secretary of State.


Molotov, Vyacheslav Mikhailovich. Born, Vyatka, Kirov District, USSR, March 9, 1890. Education: Polytechnic Institute, St. Petersburg, 1911. Deputy prime minister, USSR.


Victoria, Francisco de. (c. 1480-1546) Spanish theologian and jurist; Dominican Order; classical and theological study at Burgos and Paris; won great fame at University of Salamanca from 1526 until his death.

Vishinsky, Andrei Y (anuarievich). Born, Odessa, USSR, February 10, 1883. Education: Kiev University College of Law. Vice-Commissar of Foreign Affairs; second only to Molotov as diplomatic representative of USSR.
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Official Publications


Postwar Foreign Policy Preparation, 1939-1945, Department of State Publication 3580, General Foreign Policy Series 15, Washington, 1949.


Yearbook of the United Nations, Department of Public Information, New York, (serially).

The Documents of the United Nations Conference on International Organization furnishes the Summary Reports of the rapporteur of Committee III/1 which, since the verbatim records of that committee are not available, provides a valuable account of the discussion on voting procedure at the San Francisco Conference. More generally, this work handles the work of Commission III which had as its province the examination of the proposals for the Security Council. The Department of State Publications listed give excellent background material for the examination of general international organization and procedure—specifically Publication 3580 on planning and the Dumbarton Oaks Conversations. The proceedings of the League of Nations are well handled for the period 1921-1940 in the Monthly Summary. For the United Nations the Official Records of
the Security Council contain the verbatim minutes of the meetings of the Security Council. Less detailed accounts are available in the Yearbook of the United Nations, thus providing a short-cut for the more general student. It should be pointed out that the nature of this work made necessary the extensive use of primary source material, a fact especially true with regard to the documents of the San Francisco Conference.

Books


Dunn, Frederick S. The Practice and Procedure of International Conferences, Johns Hopkins, Baltimore, 1929.


In handling the League of Nations from a technical point, Ritchie's Majority Rule in International Organization, and Dunn's The Practice and Procedure of International Conferences, proved extremely valuable. These works also contain analyses of the procedure of non-political organizations. For background material on the League functioning the works of Knudson and Walters are useful from an historical viewpoint. Bappard's Uniting Europe is a criticism of the effectiveness of the League as a body to keep the peace. Plans for World Peace Through Six Centuries by Healeben is an indispensable aid in tracing the history of world organization. Pastuhov's Guide to the Practice of International Conferences, is devoted chiefly to an examination of non-political systems.
The works of Morgenthau, Politics Among Nations, and Streusel-Hupe's International Relations, are learned discussions of the role of power in inter-state relations and provide an excellent basis for understanding the background problems of international organization. In the field of the United Nations students will find Goodrich and Hambro's Charter of the United Nations a useful commentary which also supplies the Charter documents. Arechaga is concerned mainly with the technical and legal implications of the functioning of the Security Council. Extremely valuable in the study of the origins of the voting procedure and in the discussions at San Francisco thereon, is the Voting Procedures in International Political Organizations by Koo. Since this book contains material on the discussions that was not generally released it is, of necessity, a prime requirement for a thorough understanding of the Security Council voting system and the forces behind its inception. Since the Yalta documents are unavailable the Stettinius work adds some additional light on that phase of the planning for post-war organization. A good general picture of the situation can be gained from any of the above mentioned sources on international organization and government.

Periodicals


International Organization, (quarterly by the World Peace Foundation).


"Summary Statement by the Secretary-General of Matters of Which the Security Council is Seized and of the Stage Reached in Their Consideration," (U.S.) Department of State, Bulletin.


(U.S.) Department of State, Bulletin.


The publications, International Conciliation and International Organization, are devoted to contemporary analysis and contain the most important documents of significance to world organization. They must be consulted for any full investigation of the field of international relations. Highly competent summaries of the
The voting problem of the Security Council can be found in the work of Lee in his "Genesis of the Veto," and in Padelford's "The Use of the Veto." The "Summary Statement" of the Secretary-General is useful for those seeking a condensed account of the work of the Council. The Bulletins of both the United Nations and the Department of State contain the most recent developments within the United Nations. Any number of articles can be found that suffice to give the general student a background of Council voting procedure.

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