

SIXTH COMMITTEE: ORGANIZATION

SUMMARY RECORD OF THE SEVENTH MEETING

Held at the Capitol, Havana, Cuba
Monday, 8 December 1947 at 10.30 a.m.

Chairman: Mr. Erik COLBAN (Norway)

CONSIDERATION OF THE PROJECT FOR A JOINT SUB-COMMITTEE OF THE SECOND AND SIXTH COMMITTEES (DOCUMENT E/CONF.2/C.6/28)

The CHAIRMAN informed the Committee that after consultation with the Chairman of the Second Committee, Mr. Beteta, it had been agreed that the composition of the Joint Sub-Committee, would be identical to that proposed by the Sixth Committee, with the addition of the representative of Iraq.

He had received certain complaints concerning the press releases of Committee meetings. As the matter now under discussion was of a detailed and technical nature, he would request the Secretary to inform the Press Section of the need for greater accuracy.

Mr. OLDINI (Chile) referred to the Rules of Procedure which provide that no proposal should be discussed or put to the vote at any meeting unless copies of it have been circulated not later than twelve hours before the commencement of the meeting. He considered that twelve hours was not always a long enough period of time in which to examine thoroughly a specific document. He received the document E/CONF.2/C.6/28 only that morning and he did feel that it could not be adopted without further consideration.

The document made reference to the fact that the Chairmen of the two Committees had agreed on the terms of reference of the Sub-Committee. That was an abnormal procedure, for it was for the Committees themselves to take such a decision.

He requested the Chairman to postpone consideration of the document till a later meeting so that the different delegations would be able to express their views concerning its contents.

The CHAIRMAN pointed out that the Committee already had approved the terms of reference of the Sub-Committee and that his duty had consisted only in seeing that its decision was faithfully reproduced in the document in question.

/Mr. OLDINI

Mr. OLDINI (Chile) had not understood that the Chairman had been given "carte blanche" concerning the terms of reference of the Sub-Committee. For his part, he had certain amendments to put forward to it. The Chairman obviously had done his best to ensure that the document had been drafted in conformity with the decision of the Committee, but it was for the Committee itself to give the final approval.

The CHAIRMAN agreed with the Chilean representative that if there were any question of the document not representing the views which had been expressed in the Committee, any representative could introduce an amendment to the text. He hoped that the document faithfully interpreted the desire of the Committee, but would postpone consideration of it till a later meeting and would again consult with the Chairman of the Second Committee.

CONSIDERATION OF ARTICLE 72

Mr. ZORLU (Turkey) recalled the convincing reasons of a legal character which had been put forward by various representatives concerning the desirability of each Member state possessing one vote. He shared those views and drew attention to the technical difficulties of a system of weighted voting. Such a system would have to be based on an arbitrary selection of statistics and would be contrary to the principles of Article 55 of the United Nations Charter.

The system of weighted voting was dependent on statistical data which either did not exist or which was not comparable. No common method of estimating the national income of states had as yet been adopted throughout the world.

There had been a time when the system of weighted voting had been the last refuge of the nobility; the economic order which the Organization aimed at establishing should not be based on prosperity, but on equality.

Mr. MONDELLO (Italy) favoured Alternative A, despite the fact that a system of weighted voting might be advantageous to his country, because, under the present circumstances, it was a question of justice and simplicity. Taking into consideration the complete economic disequilibrium which existed, it would be impossible to establish sufficiently efficient criteria on which equitable judgment could be made concerning differences in foreign trade.

As a Member of the United Nations which operated on the basis of each country possessing one vote, Mr. RAUF (Afghanistan) supported its application to the Organization.

Mr. KANG (China) felt that much could be said for both Alternatives A and B. One of the strong reasons for the adoption of the system of weighted voting, was that while at first sight it seemed undemocratic, in both essence and effect, it was a democratic system for the purposes of this Charter. No convincing reply had been given to that argument.

/As his delegation

As his delegation had always pointed out, there would be a great many technical difficulties as regards the elaboration of a system of weighted voting which would give satisfaction to all the countries concerned. Opinions differed concerning the importance of statistics, and the statistical data already available had given rise to endless controversy.

If a system of weighted voting was to be adopted, it should take into account the population, nationalistic, and functional factors mentioned by the representative of Canada. The democratic factor of population would have to be given its due weight. It had been argued that the population of a country already was reflected in the figures for its national income; if such was the case, it surely equally well could be said that the national income also reflected a country's share in international trade.

Mr. King supported the adoption of Alternative C in preference to either of the other two alternatives, though fully realizing the difficulties of choosing to which provisions of the Charter, the system of voting outlined in Alternative C, should apply. He felt that a solution could be found if, in the beginning, the combined system of voting was not used too frequently. It would not apply to provisions for which a two-thirds majority vote had been provided, nor to certain articles for which a special procedure had been outlined. It would not be necessary, either, to apply it to decisions concerning non-Member states, for the texts of the relevant articles had not yet been finalized. There perhaps would be about a dozen articles concerning which decisions could be taken by the system of combined voting. As a very tentative suggestion, he wondered if it could not be applied with reference to the provisions of paragraphs 3 (a) and (c) of Article 23.

Mr. STINEBOWER (United States) fully understood and appreciated the arguments which had been put forward in favour of Alternative A, for that was the formula which his Government had included in its original proposals concerning a trade and employment organization. This was not the only part of the original draft, however, which had been changed substantially, and he could assure the Committee that a return to the entire original text would give complete satisfaction to the United States delegation.

He had not been impressed by the arguments which had been put forward concerning equality and democracy, for those were abstract concepts from which a number of alternative conclusions could be drawn. That the weighted system of voting was entirely equitable had been ably shown by the representatives of the United Kingdom and Canada. The participation of a country in the Organization should reflect in some degree the importance of its contribution to it.

Countries with federal systems of government had realized the difficulty of having as a basis the equality of their various constitutional units. The advocates of Alternative A, also, showed no tendency to use

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their democratic arguments in connection with other provisions of the Charter, as for example, Article 76 (4). They had referred frequently to the heavy responsibility which rested with the major powers to see that the objectives of the Charter were attained. The United States recognized that responsibility but was surprised to find delegates who talked of it denying that the United States had, therefore, greater interests in the Organization.

The United States acknowledged the importance of the contribution of each country to the organization and no disrespect was implied in the recognition of the fact that the contribution and the responsibility of the larger powers was quantitatively larger than those of smaller countries.

The question under discussion could not be separated from other provisions of the Charter concerning disequilibrium in the balance of payments, the functions of the Tariff Committee, the voting procedure and composition of the Executive Board and so on.

Therefore he considered that no decision should be taken concerning the voting procedure at the present time. His Government was not committed to any one formula though, in general, it had spoken in favour of Alternative B. Alternative C was unnecessarily complicated and suffered from political as well as practical disadvantages, while the formula put forward by the United Kingdom representative, offered all the disadvantages of the system of weighted voting without any of its advantages.

The Australian representative had said that it would be impossible to arrive at any reasonable basis for a system of weighted voting. He could not believe that this contention was seriously advanced or entertained. Even the most heavily weighted system would fall so short of reflecting truly the importance of some states position in the Organization, that it was obvious some satisfactory formula could be found. If the contention of the Australian representative were carried to its logical conclusion and it was accordingly impossible to assess the relative positions of Members, the budget of the Organization would need to be divided equally among all Members.

Mr. NASH (New Zealand) expressed the view that the future of the Organization would depend almost entirely on international co-operation and equity and that if Members were to work in a spirit of co-operation, equity would result regardless of the voting procedure.

The final decision on Article 72 could not be separated from the decision concerning the composition of the Executive Board. He had been impressed by Alternative A and particularly by the need to avoid having a large number of countries feel that they had been made the object of discrimination. There was a profound difference between the Bretton Woods Agreement and

Agreement and the Organization, for the former required not only a contribution for the upkeep of the Organization but also a monetary subscription.

Mr. Nash was interested in all of the alternative formulae but felt that Alternative C by giving a controlling position to the five great powers, reproduced the system so unfortunately found in the United Nations itself.

The question of voting procedure was of little importance to New Zealand, for her position would be about equal under either of the alternatives. It had to be remembered, however, that while a small country could leave the Organization without causing any great harm, the Organization would be ruined by the departure of one of the major powers. Should Alternative A be adopted, it would be desirable to provide for permanent seats on the Executive Board; that should not be the case, if the system of weighted voting were to be accepted.

There could be no question of equality of contribution between New Zealand, or other small new countries of Latin America or Southern Asia, and a large, rich country like the United States. It must be kept in mind, however, that the great powers had to exercise the maximum amount of justice for the small countries could not live without it.

Mr. SHAMMA (Lebanon) urged the adoption of Alternative A, for whatever its methods, a system of weighted voting was so complicated that no country in the world at present adhered to it. The argument on which such a system was based was that the wealthy contributed more than the poor and therefore should be given a greater voice in decisions which had to be made. That idea had become unworkable and undemocratic and as it was no longer applicable in the national sphere, it should not apply to the family of nations. (The Organization was seeking a common basis for the divergent interests of its Members and it had to be remembered that the interests of each Member were as important to its owner as those of any other were to it)

Small countries had to take into account the need for safeguards on the part of the major industrial powers because their participation was essential to the Organization. Such safeguards did not derive from a system of weighted voting, but from the provisions of Article 1, and on the full realization by the underdeveloped countries that without the participation of the major powers the Organization could not be established, and that in the absence of the Organization the small countries would lose more than would the large.

Mr. DJEBARA (Syria) emphasized the importance of democratic equality in connection with the decision on Article 72. Even if the various representatives were not in agreement as to the concept of democracy, the very fact of treating Member states as equals would have the result of bringing the Organization nearer to it.

/He agreed that

He agreed that the major powers would have to make a large sacrifice but the provisions of the Charter indicated that all countries would be expected to sacrifice themselves to a certain extent. The General Agreement on Tariffs and Trade had not resulted in giving either more or less benefits to either large or small powers.

The Syrian delegation would vote in favour of Alternative A.

Mr. PACHAGHI (Iraq) stated that his delegation would support Alternative A as the most equitable and soundest voting procedure. Weighted voting presented practical difficulties, since lack of adequate statistical machinery in some countries and extraordinary economic conditions in other countries would make the determination of an equitable scheme difficult.

Mr. ROWE (Southern Rhodesia) was not convinced by the arguments presented in favour of Alternative A. Seeing matters from a commercial point of view, he felt that it was impossible to create equality where there was inequality. The Charter could be compared to a "partnership agreement" based on mutual trust and confidence and where junior partners, who at present had to rely on their senior partners, would grow with time into a full-senior partnership. Countries with greater contributions to international trade should have more weight in the Organization.

Mr. LIMA (El Salvador), referring to the remarks by the Mexican representative, pointed out that the question was so important that its settlement, together with the settlement of the question of the Executive Board's composition, would have a bearing on the determination of the Organization's competence. His delegation supported the formula: "one vote for each member" because it was based on principles of international public law, equity and justice. A parallel could be drawn between the status of persons in a state and that of states in an international organization. El Salvador could not accept on an international plane something against which it struggled domestically, namely feudal and semi-colonial conditions.

With regard to the remarks by the United Kingdom representative, Mr. Lima declared that the possibility of losing four out of five votes through a federation of all the Central American countries did not deter El Salvador, since his country did not strive for more votes than it was entitled to. In reply to the representative of the United States, he said that constitutional principles differed from fiscal ones, nationally as well as internationally.

Mr. LORETO (Venezuela) firmly expressed preference for Alternative A because it met all the requirements of international agreement and co-operation, while weighted voting represented an old system, superseded in the present state of international politics. Before the San Francisco Conference laid

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down the principles of friendly relations among nations on the basis of equality and free determination, the nations of the Western Hemisphere had defined pan-americanism - the principle of American International Law - as the moral union of all American Republics founded on equality, independence and the right to self-determination. The Charter of the United Nations universalized that principle of "most perfect equality" which had been unanimously recognized at the International Conference for the Consolidation of Peace, held in Buenos Aires in 1936.

Weighted voting based on quantitative criteria such as population indexes, external trade, etc. was illogical, unfair and misleading. The Preparatory Committee had accepted Alternative A for Article 72 because it must have considered that the principle of one vote per Member was the only true and just criterion of equality among nations. Consequently it would be against all principles of international justice, and show structural discrepancy, if, in application of Article 90, a decision by the Executive Board (taken in conformity with Alternative A) were brought before the Conference which might review that decision by a voting system based on Alternatives B or C.

Mr. de GAIFFIER (Belgium) said that Belgium did not wish to approach the question from a doctrinaire point of view. While giving due consideration to the merits of Alternative A, Belgium understood the actual needs of international co-operation and was prepared to accept the obligations arising from the latter. Belgium also understood the necessities in the economic field and would be prepared to yield part of its sovereignty to superior interests. In view of the uncertainty of attaining the aims of the Charter, it was better to be guided by technical, rather than philosophical, considerations. It was important to achieve a strong organization which would be able to facilitate commerce between countries. Mr. de Gaiffier would, therefore, study all proposals open-mindedly, but was also ready to accept, at the first reading, the Netherlands proposal.

Mr. POLIHS (Greece) said that the future Organization could not function by means of mechanical majority only. He supported Alternative A.

Mr. KYIN (Burma), without supporting or refuting the arguments presented by the representative of Southern Rhodesia, noted that the United Nations had not suffered from the absence of weighted voting in its General Assembly. Referring to the statements by the representatives of New Zealand and Lebanon concerning the implications of Alternative A, B, and C for large and small nations, Mr. Kyin repeated a statement made by him at the Plenary Meeting, namely that nations with a smaller share of international trade had an equal, if not greater interest in the Organization than the larger countries. Burma, in spite of its small share of external trade, had shipped one and a half
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million tons of rice to the hungry world; other small countries had made similar contributions. Consequently, they should be entitled to equal votes.

Provisions in the Charter calling for decisions by a two-thirds majority could be blocked by a minority of large countries, if weighted voting were adopted.

Mr. AMADOR (Mexico) noted that he had previously explained why he favoured Alternative A. Some points, however, needed further clarification. The representatives of Colombia and El Salvador had made an excellent analysis of the matter. As regards democratic voting procedure, it should be noted that in democratic countries, votes were not weighted in spite of varying contributions of individuals to the prosperity of the state. The same held true in international public law; where states, as "legal persons" had equal obligations before the international community. Furthermore, as the representative of Turkey had mentioned, it would be difficult to find a formula by which factors for Alternative B or C could be established. A mathematical relationship would have to be found between the various economic and geographical factors. He agreed with the representatives of Cuba and Costa Rica regarding the absurdities to which an examination of the principal factors - volume of external trade and population - would lead. It was difficult to establish an over-all economic statistical picture of a country since conditions sometimes varied considerably according to regions. One inevitably came to the conclusion that with weighted voting, a few states would have disproportionate responsibilities before the collective responsibilities of the majority of the states. The mistakes of a few would weigh fatally on the majority; composed of small countries, the errors of large countries were more important than those of the small ones. Mr. Amador agreed with the representative of El Salvador concerning the remarks by the United States representative about Article 74, paragraph 6. Under that article, Mexico would have the same obligations as in the United Nations. In conclusion, the representative of Mexico reserved the right to return to that question for further clarification.

Mr. KOJEVE (France) said that the question of the vote was a matter of principle. He did not think that the approach of the Chinese representative was justified. The difficult question as to what part should be played by populations, had to be decided irrespective of the various articles. He noted that if weighted voting were accepted for one part of the Charter, it would be difficult not to accept it for other parts. On what basis could articles be chosen to which weighted voting would apply?

In reply to the statement by the representative of the United States of America, Mr. Kojève observed that he did not think that the changes in the 1945 text justified changes in Article 72. He did not think that the argument

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of equal obligations for equal vote, put forward by Mr. Stinebower, was applicable in the present case. He was more optimistic than the representative of Southern Rhodesia and thought that the advice of senior partners would carry enough weight without extra votes.

Mr. OLDINI (Chile) wished to reply to some arguments put forward in favour of weighted voting. With respect to the observations by Mr. Stinebower, he noted that the Charter laid down equal obligations for all Members. The "escape clauses" were applicable to all Members; under-developed countries had escape clauses enabling them to develop economically, while highly industrialized countries had "free trade clauses" enabling them to find markets for their goods. Small countries were prepared to accept the latter clause, provided it did not ruin them. The United Kingdom and Canada had presented their views with great ability. The United Kingdom had many interests which it might not like to see affected by a majority of small countries. The question of confidence had been added to the question of interests. Small countries, however, also had their interests. If the United Kingdom found it difficult to abandon its interests in favour of the interest of the small countries the same could apply to small countries. Yet, if a majority decision should affect the interests of any one of the large powers, that power, by its disagreement, could fatally weaken the Organization. For the large powers, by their presence alone, defended their interests. Such was not the case with small countries.

Speaking of representation in relation to number of population as cited by the United Kingdom and Canada, Mr. Oldini declared that systems of representation adequate and applicable within a state where all interests are essentially convergent could not be applied to international communities composed of countries having sometimes conflicting interests.

Consequently, the only possible choice was Alternative A which provided equality to countries as equal creations of the fundamental forces of nature.

The CHAIRMAN announced that after his list of speakers, consisting of the representatives of Sweden, Ceylon, Egypt, Denmark, Switzerland, Peru and Australia had been exhausted, he would present to the Committee a summary of the views expressed during the general discussion. Since the question of voting procedure was connected with the question of composition of the Executive Board, he thought that a summary would be enough to reflect the sense of the Committee at the first reading, and that a formal decision could be taken after a discussion of the composition of the Executive Board.

Dr. AUGENTHALER (Czechoslovakia) thought that in view of the overwhelming support of Alternative A, a decision could be taken at the first reading.

/Mr. OLDINI

Mr. OLDINI (Chile) felt that in accordance with a previous decision,
no formal decision should be taken at the first reading.
