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Chairman : Mr. Finn MOE (Norway).

Admission of new Members, including the right of candidate States to present proof of the conditions required under Article 4 of the Charter (A/1887/Rev.1, A/1899, A/1907, A/C.1/702/Rev.2 and A/C.1/703) (continued)

[Item 60]*

CONSIDERATION OF DRAFT RESOLUTIONS (A/C.1/702/REV.2 AND A/C.1/703) AND THE AMENDMENTS THERETO

1. Mr. POLITIS (Greece) on the basis of article 114 of the rules of procedure wished to make a correction.
2. At the preceding meeting the Soviet Union representative had claimed that Greece was to blame for the failure of the General Assembly's efforts at conciliation in the Balkans. The facts were, however, entirely different. It would be remembered that Greece had agreed to all the proposals for conciliation recommended by the General Assembly at its third and fourth sessions. Albania and Bulgaria, by contrast, had made their concurrence conditional on the fulfilment of conditions such as the recognition of the Greek guerillas and the holding of general elections in Greece with participation by the guerillas. That was to say that Albania and Bulgaria made the restoration of normal relations with Greece conditional upon interference in its domestic affairs.
3. Accordingly the USSR representative had, to put it mildly, systematically distorted the facts.
4. Mr. Y. MALIK (Union of Soviet Socialist Republics) pointed out that in Sub-Committee 2 of the United Nations Special Committee on the Balkans, which had been instructed to make proposals for conciliation between the Balkan States, an amnesty in Greece had been discussed, but that there had never been any question of recognizing the partisans. The Greek representative was therefore alluding to things which were not in accordance with the truth.
5. The CHAIRMAN declared the incident closed.
6. Mr. BELAUNDE (Peru) said he would submit a further revision of his draft resolution (A/C.1/702/Rev.3).
7. In the text as it stood (A/C.1/702/Rev.2), the second paragraph had been amended to take account of the Austro-

lian suggestion ; the word "juridical" had been omitted from paragraph 1 of the operative part on the suggestion of several representatives ; paragraph 2 of the operative part, stating that candidates could present appropriate evidence if they considered it necessary to do so, had been modified to take account of the Chilean representative's point of view.

8. In the further revision of the draft resolution a new paragraph would be inserted after the 10th paragraph of the preamble reading : "Recalling General Assembly resolutions 197 B (III) and 296 K (IV) ".

9. The addition would take past action by the General Assembly into account, incorporate an amendment by Chile, Colombia, Guatemala, Honduras and El Salvador (A/C.1/706/Rev.1, point 1), strengthen the operative part of the draft resolution and also show that spirit of compromise which all should display in order to arrive at a satisfactory text. The final text of the new paragraph would have to be drafted in agreement with the delegations sponsoring the amendment who had, however, already agreed in principle with the delegation of Peru.

10. Mr. RIVAS (Venezuela) reserved the right to make further comment upon the Peruvian draft resolution and the amendment submitted by the five Powers (A/C.1/706), after agreement had been reached between the sponsors of the amendment and the sponsor of the draft resolution.

11. In principle he would vote for the revised Peruvian draft resolution, a notable effort which marked a new stage along the road to universality and the limitation of the abuse of the right of veto.

12. It had been believed in some quarters that the Peruvian representative's action had been purely academic ; yet it expressed the wish of the small and medium-sized States.

13. The novelty of the Peruvian draft resolution was that it enabled candidates to present evidence and that as a result the Security Council would be obliged to take account of the objective reality of the evidence presented. Nevertheless, since the United Nations had not as yet achieved that degree of maturity which would enable it to use legal arguments only, the Peruvian representative had very wisely dropped the word "juridical" from paragraph 1 of the operative part of his draft resolution.

14. The Venezuelan delegation would vote against the USSR draft resolution (A/C.1/703) which made the admis-

* Indicates the item number on the General Assembly agenda.

sion of new Members dependent on conditions other than those stipulated in the Charter.

15. It would abstain on the Argentine amendment (A/C.1/704) to the Peruvian draft resolution, since it believed that the urgency of the question did not justify the calling of a special session.

16. Mr. C. MALIK (Lebanon) reserved the right to submit further observations when the new revised text of the Peruvian draft resolution had been circulated.

17. He was in any event grateful to Mr. Belaúnde for his initiative and for having put forward the appropriate juridical and philosophical arguments, since the problem of the admission of the greatest possible number of States was certainly outstanding among those to be solved by the United Nations. Thanks were equally due to all the representatives of the Latin-American republics who, through their juridical genius and a natural feeling for law had made their contribution to solving the problem.

18. Yet, as the representatives of Syria, the United Kingdom and the USSR had pointed out, the question of the admission of new Members was not entirely a legal one. In particular, admission was conditional on a recommendation by the Security Council which was influenced by political considerations. In addition it should be recalled that a number of States—the Ukrainian SSR, the Byelorussian SSR, Syria and Lebanon—had not been present at the beginning of the San Francisco Conference but had been invited almost immediately and had later participated in it as founder Members. Those admissions had been the result of a prior political agreement among the great Powers. It seemed, therefore, that prior agreement among the great Powers on the admission of new Members was a necessary condition not only according to the provisions of the Charter but also according to historical precedents.

19. He was glad that the Peruvian representative had accepted points 1, 3 and 4 of the amendment submitted by his delegation jointly with the Syrian delegation (A/C.1/707). Point 4 of the amendment was particularly important for obviously the real cause of the difficulties lay in disagreement among the five permanent members of the Security Council.

20. The Syrian representative intended later to give an explanation of point 2 of the joint amendment which had not been accepted by the Peruvian delegation.

21. The Lebanese delegation was in a quandary with regard to the USSR draft resolution. First, the USSR representative had not indicated what he meant by the term "consider". Secondly, the list of States mentioned did not contain either Korea or Viet Nam, and thirdly it was strange that Libya should be treated in the same way as the other candidates.

22. He wished to take advantage of the occasion to support three candidate States in particular. In the first place, Jordan which had been refused admission by the USSR's veto. Until that important nation of the Near East became a Member of the United Nations, security in that part of the world would not be ensured. Libya owed its independence to the United Nations; the General Assembly had recognized that, immediately upon gaining independence, Libya would be admitted to the United Nations. Consequently Libya should be admitted at once. As the Egyptian representative had pointed out at the 495th meeting candidates must not be expected to be absolutely perfect, for, if the qualifications of States which were Members were examined, many imperfections might be found. It was therefore to be hoped that whatever the USSR repre-

sentative's views on the meaning of the word "consider" in his draft resolution his interpretation in the specific case of Libya would be "to consider favourably".

23. While each application was of importance, that of Italy deserved particular consideration, not only because the United Nations had conferred on it great responsibility in the matter of trusteeship, but because the civilized world owed more to Italy and the Italian people than to any other of the candidates under consideration. Its admission would constitute an invaluable contribution to the maintenance of peace and security in Europe and in the Mediterranean region.

24. Mr. MUÑOZ (Argentina) said he had suggested at the preceding meeting the establishment of a sub-committee not in order to reconcile the various amendments to the Peruvian draft resolution—which would in any case be embodied in the new revised text of the draft resolution—but in order to put an end to the conflict between the methods proposed. Although the question had arisen again over a period of five years its solution had always been postponed. An effort at conciliation was therefore necessary in order to reach even a partial solution.

25. Nevertheless, since a sub-committee could only achieve results if there was a propitious atmosphere in the Committee, his delegation reserved the right to decide later whether the suggestion should be submitted as a formal proposal.

26. At all events, the appointment of a sub-committee would not be a waste of time for the sub-committee might sit while the Committee continued the consideration of its agenda.

27. Mr. BOYESEN (Norway) said his delegation would participate in the voting in the hope of seeing as many candidates as possible admitted at the earliest possible date.

28. He doubted whether the Peruvian draft resolution would make it possible to find a solution to the problem, for the only basis on which universality of membership could be achieved was agreement among the five permanent members of the Security Council. It was not very likely that candidates' evidence of their admissibility would, in the last analysis, favour their admission. Moreover, even without a resolution on the lines of the Peruvian draft, any candidate State was free, if it wished, to transmit to the Council and the Assembly any evidence which it considered relevant. The Assembly should not impose too severe limitations on the Security Council in its evaluation of the conditions required by the Charter for the admission of new Members. His delegation would therefore vote for the amendment of the five Powers (A/C.1/706).

29. The amendment submitted by Syria and Lebanon (A/C.1/707) improved the text; point 4 of the amendment, in particular, was a valuable one.

30. His delegation would vote for point 1 of the Argentine amendment (A/C.1/705) to the USSR draft resolution (A/C.1/703) in order to stress the general sentiment in favour of universality.

31. The Norwegian delegation would not oppose the USSR draft resolution but it thought the formula advocated by the five-Power amendment to the Peruvian draft resolution was preferable to the incomplete list given in the USSR draft resolution. It therefore took the view that adoption of the USSR draft resolution would not mean that the Council was not to consider applications from States not mentioned in the draft resolution. Korea was undeniably the most conspicuous omission.

32. His delegation would vote against point 2 of the Argentine amendment to the USSR draft resolution and against the Argentine amendment (A/C.1/704) to the Peruvian draft resolution.

33. The Norwegian delegation had opposed and continued to oppose the use of the veto in the case of recommendations for the admission of new Members. Nevertheless, the rule being legally valid, his delegation would oppose any proposal which, while aiming at universality, might endanger the structure of the United Nations.

34. Mr. QUEVEDO (Ecuador) began by saying that he supported the Argentine proposal to establish a sub-committee to reconcile the conflicting opinions.

35. The draft resolution of the USSR appeared to imply that the General Assembly would be prepared forthwith to admit all the States listed in the USSR text. That method would be unobjectionable if Korea and Viet Nam were added to the States mentioned, and if the list only mentioned those States regarding which the Assembly had expressed a favourable opinion before. Furthermore, at the appropriate time the Assembly should consider individually the applications of States regarding which it had not yet expressed a favourable view—Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic—as it might well happen that in the light of fresh circumstances the General Assembly would take a different view.

36. His delegation would abstain from voting on the USSR draft resolution and on the Argentine amendment thereto, even though it agreed with the actual principle of the amendment in question. His delegation, which had always been in favour of universality, reserved the right to state its attitude if the General Assembly were to be asked for a decision concerning applications of States not found acceptable in the past.

37. The draft resolution of Peru had the advantage of presenting objective criteria. The adoption of that draft resolution would surely not introduce a change in the practice followed by the Assembly in its relations with the Security Council as regards the admission of new Members, nor would it bind the Security Council. It would constitute a simple recommendation supplementary to the earlier recommendations contained in resolutions 113 (II) and 197 (III). In keeping with that interpretation, the delegation of Ecuador would vote for the Peruvian draft resolution.

38. If Mr. Belaúnde's view, that his resolution had mandatory force, were accepted, it would then be necessary to agree to change the terms of the Charter. In that case, the delegation of Ecuador would abstain from voting as a change of such moment would call for thorough investigation if a violation of the Charter were to be avoided.

39. The object of the second paragraph of the Peruvian draft resolution was to establish objective facts on which to base a judgment. But that involved difficulties because not only might there be facts which the candidate State would not feel inclined to rely on, but it could also not be denied that any decision was influenced by subjective considerations. For that reason the second paragraph should either be deleted or redrafted. If, however, it were adopted unamended, it ought to be interpreted as meaning that the United Nations should be guided by the realities presented, while also allowing for the particular circumstances and for the past record, even if it should be in contradiction with the apparent realities. On those grounds, the delegation of Ecuador would abstain from voting on that paragraph.

40. Commenting on the fourth paragraph of the draft resolution, he said candidates could not be denied the right

to present evidence. Nevertheless, that should in no way rule out the right of the United Nations organs to rebut such evidence or to produce other evidence.

41. The provisions of paragraph 2 of the operative part should not apply to States recognized as qualifying for admission by the General Assembly, subject to the proviso that those States retained the right to submit such evidence.

42. The delegation of Ecuador would vote in favour of the Peruvian draft resolution as a whole and for the Argentine amendment thereto, although it felt it would have been advisable to give a later date than that mentioned. It would abstain from voting on the five-Power amendments as they had been incorporated in the Peruvian draft resolution.

43. It would reserve the right of explaining its vote again if an entire revision of the draft resolutions were proposed.

44. Mr. ESQUIVEL (Costa Rica) said his delegation would support the Peruvian draft resolution (A/C.1/702/Rev.1) and the amendments agreed to by that delegation.

45. He would vote against the USSR draft resolution (A/C.1/703) for it was not possible to admit the fourteen candidates concerned to the United Nations at the same time. States such as Bulgaria and Hungary could not be considered as sovereign States abiding by the principles of the Charter. Portugal, on the other hand, was a free country which was proud of the ties uniting it with other free countries. Hence selection was necessary, and for that reason the delegation of Costa Rica would vote against the draft resolution submitted by the USSR.

46. Faris EL-KHOURY Bey (Syria) noted that points 1, 3 and 4 of the joint amendment submitted by Lebanon and Syria (A/C.1/707) had been accepted. Point 2 of the amendment which proposed the deletion of paragraph 2 of the operative part of the Peruvian draft resolution had not been accepted by the delegation of Peru.

47. The Syrian delegation would however continue to press for the deletion of that paragraph, first because it was superfluous (since the right to present proofs was already mentioned in the fourth paragraph) and secondly because it was not known what proofs were necessary. If they were proofs meant to convince the representative of the Soviet Union that the candidate States were worthy of admission to membership, they were unnecessary since the USSR had already agreed to the admission of the fourteen applicants. Under those circumstances it might be asked to whom the proofs were to be presented. The problem was not one of proof; the USSR had already stated that it had no objection to the admission of the candidates but that it wanted the fourteen to be admitted simultaneously. In the circumstances it would be pointless to retain paragraph 2 of the operative part which would bring the candidates before the Security Council to argue their cases.

48. The requirement that candidates should prove that they were "peace-loving" was, he thought, a very stringent one and moreover inconsistent with the traditional rule of law that everyone was innocent until he was proved guilty; every State must be considered to be peace-loving until the Security Council had declared it to be an aggressor.

49. Hitherto proofs had not been required with regard to the other condition, namely that the State was able and willing to carry out the obligations of the Charter. It had been the custom of the General Assembly and the Security Council to accept declarations to that effect without verification. That accommodating approach was consistent with the spirit of the Charter which sought to base the universality of the Organization on the fact that the requirements

were not difficult to comply with and the principle that each State must be given the benefit of the doubt.

50. Mention had been made of the verification of the manner in which States candidates were applying the principles of human rights. But the Charter did not make any stipulation in that respect. It was an internal affair in which no one could interfere with a view to deciding on the admission of a new Member. The International Court of Justice had said that no objection to the admission of a State could be based on requirements other than those laid down in Article 4 of the Charter.

51. Mr. BELLEGARDE (Haiti) said that the principle of universality had been an objective of the League of Nations. Unfortunately, many of the Members admitted to the League had entered for destructive purposes only. It was for that reason that the United Nations had laid down requirements for admission in Article 4 of the Charter. At the moment a number of applications were in abeyance as a result of the opposition of one or more Powers.

52. The representative of the USSR had recently expressed his agreement in the broadest possible terms to the admission of fourteen States. That was an important statement which should be duly noted, for he had committed himself absolutely and would be unable to disavow his statement later.

53. However, he laid down one condition, that of simultaneity. That condition was not stipulated in the Charter and it was inadmissible, after the admissibility of certain States had been recognized, that their admission should be subject to an unconstitutional and arbitrary requirement.

54. The opinion of the USSR representative should not bind the other States voting. Each case should be judged separately and on its merits. The simultaneous admission demanded by the USSR had nothing to do with the admissibility of the candidates.

55. Haiti would support the Peruvian draft resolution: Mr. Bellegarde felt that the Republic of Korea and the United Kingdom of Libya should not be omitted from the number of applicant States.

56. The Peruvian proposal was to be regarded as a necessary step towards eliminating what might be called a dictatorship of negation imposed through misuse of the right of veto. The fact that the will of one Power could hold up the entire work of the United Nations was an absurdity which inevitably disturbed public opinion. The question was much broader than that of the admission of new Members. The point at issue was whether the Organization would stagnate in the state of impotence which prevented it from accomplishing the great task it had undertaken.

57. Mr. COSTA DU REIS (Bolivia) said that the Peruvian draft resolution raised a question of competence between the General Assembly and the Security Council—a problem which verged on rivalry. In the case of the admission of new Members, there was an established practice based on the application of Article 4 of the Charter which provided in the plainest terms that the Security Council recommended an application after having considered it and that the Assembly was then required to proceed to the election. The orthodox interpretation could only be that the Security Council received applications and voted on them. The agreement of the five permanent members of the Security Council was essential if a recommendation was to be made and transmitted to the General Assembly. Otherwise the Assembly was deemed to know nothing of the applications. Owing to the deadlock created by the permanent rivalry between certain Council members they had come to consider

the question much more from the political than from the juridical point of view.

58. Article 4 of the Charter contained a phrase—"in the judgment of the Organization"—which elucidated the whole text. The phrase meant that the Security Council first, and then the Assembly, would exercise their right of judgment with regard to each of the applications. The Council recommended and the Assembly elected. Clearly that judgment was dependent on complex factors, some legal, others political. That was the crux of the problem. Several representatives had expressed very different views on the problem. It was clearly political and the Assembly could not at the present stage interpret it in a juridical way. In spite of the anxiety of certain States to provide the Security Council with a means of preventing the great Powers from acting according to their own policies, it was impossible to go beyond the orthodox interpretation he had mentioned—recommendation by the Security Council and election by the Assembly. The day would come when the situation would be calmer and there would no longer be political conflict between the great Powers. The universality of the United Nations would then become a reality.

59. The Bolivian delegation would vote for the Peruvian draft resolution, subject to examination of the final text.

60. The USSR draft resolution provided a basis for negotiations and future agreement which ought surely not to be simply rejected. If it were supplemented it could possibly be taken up again, provided the great Powers could reach agreement.

61. The Bolivian delegation thought that the Argentine proposal to set up a sub-committee was a wise measure which would save the First Committee's time. It would vote for that proposal.

62. Mr. CASTILLO ARRIOLA (Guatemala) believed that the aim of the United Nations should be universality but that that universality should be rational and not mechanical.

63. The Peruvian draft resolution was obscured by a number of superfluous elements. The question of the admission of new Members had ceased to be an exclusively legal question. It had become political in character. It was not lack of evidence that was preventing the admission of certain candidates. Consequently the presentation of proofs, suggested by the Peruvian representative, did not seem to be decisive and might even make the solution of the problem more difficult. In view of certain shortcomings in the Peruvian draft resolution, the delegations of Chile, Colombia, Honduras, El Salvador and Guatemala had submitted a joint amendment (A/C.1/706) proposing the deletion of the second, third and fourth paragraphs of the preamble and paragraphs 1 and 2 of the operative part of the Peruvian draft resolution.

64. In asking that the item should be placed on the General Assembly's agenda, his delegation had hoped to induce the Security Council to reconsider the question and to examine all pending applications without discrimination. The sole purpose of its action had been to produce a solution of a problem which had long been on the agenda of the Security Council.

65. The joint amendment (A/C.1/706) approved the first paragraph of the Peruvian draft resolution (A/C.1/702/Rev.2) and recalled the General Assembly's resolutions on the matter; it then recommended that the Security Council should consider all pending applications. The Peruvian delegation had partially accepted the amendment.

66. The Guatemalan delegation would abstain on the second, third and fourth paragraphs of the preamble and paragraphs 1 and 2 of the operative part of the Peruvian draft because it felt that it was unnecessary to require candidate States to furnish evidence of their qualifications. The political factor had to be taken into account and the members of the Security Council, in particular the permanent members, ought to be given an opportunity to negotiate a solution of the problem without making a distinction between candidate States.

67. Mr. SOHLMAN (Sweden) thought that some of the solutions recommended could not easily be reconciled with the provisions of the Charter of the United Nations and might even offend the national sentiments of countries whose applications had been under consideration for so long.

68. The Swedish delegation would therefore be unable to vote for the Peruvian draft resolution, even with the incorporation of the amendments.

69. It would vote for the amendment (A/C.1/706) submitted by Chile, Colombia, El Salvador, Honduras and Guatemala. It would oppose the Argentine amendment (A/C.1/704) which it regarded as unnecessary and would vote for point 2 of the amendment submitted by Lebanon and Syria (A/C.1/707).

70. The Swedish delegation would vote for the USSR draft resolution (A/C.1/703) and for the Argentine amendment (A/C.1/705), with the exception of point 2. While reserving its opinion with regard to certain of the arguments advanced by its sponsors, Sweden thought that the Soviet draft resolution offered the United Nations a way of breaking the deadlock which had existed for several years over the admission of new Members.

The meeting rose at 1.5 p.m.