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CONTENTS

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.1 and A/C.1/703) (*continued*)

[Item 60]*

GENERAL DEBATE (*concluded*)

1. Mr. BELAUNDE (Peru) thanked the members of the First Committee for their appreciative comments on the Peruvian draft resolution (A/C.1/702/Rev.1). The discussion had reached a very high level and had been free of emotion. All the speeches had helped to explain and elucidate the delicate problem of the admission of new Members. In the light of suggestions concerning the Peruvian draft he had altered several points. Criticisms, which had come from two different quarters—the Soviet Union on the one hand, and Chile, Colombia, Guatemala, Honduras and El Salvador on the other—had helped to emphasize the timeliness of the Peruvian proposal.

2. Mr. Belaunde, according to the attitude which his delegation had maintained during the conference at San Francisco, thought that the rule of unanimity should not be applied to the admission of new Members. Even if it were possible to apply the unanimity rule, the question of the illegal use of the veto should be studied, for it ought not to be capable of paralysing the General Assembly. In view of defects in the text of the Charter, the spirit of its provisions must be translated into fact.

3. When the question of the veto had been discussed at San Francisco in plenary session, the Peruvian delegation had observed that the veto was not a privilege which could be exercised *a priori*. The right to use the veto was an obligation in each particular case to seeking a solution satisfactory to all. The task of seeking such a solution was to fall on the Security Council. Should disagreement persist, the veto would then serve to record, *a posteriori*, the lack of unanimity.

4. Consequently, it was inadmissible to use the right of veto before all the causes of disagreement had been explored. Any other interpretation would be illogical, illegal and immoral.

5. He said the exceptional case of the applications of Italy and Libya deserved special mention even at that stage. The only requirement of Article 4 of the Charter was that the candidate should be recognized as a peace-loving State, willing to carry out its international obligations. In recognizing that Italy fulfilled those conditions, the USSR delegation had applied Article 4 of the Charter, and any subsequent veto by the Soviet Union would obviously be a violation of that text. The same would be true in the case of Libya, the United Nations " adopted child ".

6. The Soviet Union claimed that, since the vote in the Security Council preceded that in the General Assembly, the Council had consequently the power to exclude a candidate forever. The representative of the USSR had based his contention on opinions of the International Court of Justice. A study by the representative of Ecuador, however, had disproved that contention, and shown that the Court had expressed no opinion concerning the procedure to be followed by the Security Council in voting. Actually, the Soviet Union was guided purely by reasons of State—and the will of the Soviet State must predominate.

7. A necessary reaction against such an attitude was to support the contention that the submission of proof was legitimate and legal. The proof proposed was in no way exhaustive. The representative of Greece had already observed that, since the factors involved were often negative, it was not always easy to establish their existence. A certain amount of latitude was possible without surrendering the position to arbitrary judgments. It was enough to remain within the limits of rules of law and to proceed in accordance with the principles of ethics and equity. Equity, incidentally, was merely the legal counterpart of ethics. Those considerations were sufficient to destroy the Soviet contention, which, owing to the Byzantine mentality of its authors, took only absolute effectiveness into account.

8. Favourable consideration, on the other hand, must be given to the suggestion made by Australia, the United Kingdom, the Netherlands and also by Lebanon. In face of the Soviet contention, which interpreted Article 4 of the Charter in its own peculiar way, it was indeed necessary to defend the principle that in voting the Security Council and the General Assembly should be guided above all by the Charter. That principle was implicit in the advisory Opinion of the International Court of Justice. A declaration by the General Assembly should be regarded as the authentic

* Indicates the item number on the General Assembly agenda.

interpretation of the Charter, and it was by such a declaration that the Soviet Union's contention could be countered.

9. In reality, however, the stipulated conditions were not vague in the least. A legal rule implied the existence of some kind of reality. A peaceful country was a country which loved peace, did not disturb its neighbours and carried out its obligations. Those were demonstrable facts. As always, the legal test was linked to the test of the evidence. The verifiable basis existed, and it was that same basis which had induced the Soviet Union itself, without thinking of the consequences of its admission, to recognize that a particular country had followed a peaceful policy and was therefore a peace-loving country.

10. The USSR representative was wrong in thinking that the Peruvian delegation regarded the universality rule as nothing but a *quid pro quo*. The fact that the Peruvian delegation required proofs placed no restriction on that rule. A condition was only restrictive and only infringed universality if it gave an advantage to certain parties. Peace was the product of justice and law. Whoever evaded the law evaded peace, and hence, international order. The Peruvian draft resolution reaffirmed the principles of the Charter and drew the conclusions from them. Contrary to the USSR argument, which proposed an arbitrary system of criteria, it stated that voting must be based on facts. The proofs that were asked for were not exhaustive. Moreover, the Peruvian draft resolution was based on the advisory opinion of the International Court of Justice of 28 May 1948, from which it logically deduced that it should be possible for Member States to make their vote dependent on conditions not expressly provided by Article 4 of the Charter.

11. The presentation of proofs was not obligatory for a State candidate for membership in the United Nations, but it did not seem possible to deny it the right to offer evidence, in support of facts such as those enumerated in the second paragraph of the Peruvian draft resolution, to substantiate the right which it claimed to become a Member of the United Nations.

12. Mr. Belaúnde pointed out that paragraph 2 of the operative part of the draft resolution would be modified as follows :

> " Invites all States ... to present to the Security Council and the General Assembly *if they consider it necessary to do so*, ... all evidence *which they consider appropriate* relating to their qualifications under Article 4 of the Charter ".

The examples given at the end of the original text of that paragraph would be dropped and incorporated in the preamble.

13. The new wording would probably suit all delegations and the absence of an enumeration would enable the Lebanese representative to support the new text.

14. The Peruvian draft resolution was marked by three essential features : the consequences of the interpretation of the Charter, the submission of proof, and the discretion enjoyed by the applicant State with regard to the submission of proof.

15. He was surprised that the Chilean representative had not found it possible to support the Peruvian draft resolution. The amendment submitted by Chile jointly with Colombia, El Salvador, Guatemala and Honduras (A/C.1/706/Rev.1) constituted a new draft resolution which left nothing of the original Peruvian text. In effect, the Chilean representative in his statement at the 495th meeting, had replied to the Peruvian proposals by dismissing the case and had expressed the idea that nothing new should be attempted. To apply the measures proposed by Chile would be to invite further setbacks. The submission of evidence was optional, a legal right. It was, indeed, a legal necessity recognized by the Charter which, particularly in Article 4, was concerned with facts. The Article must not be emasculated, which would be the case if the Peruvian proposal were rejected.

16. The Salvadorean representative declared at the 497th meeting that he considered it inconsistent with a State's dignity to submit evidence—but surely the submission of evidence in fact constituted proof of the dignity of the State concerned. The fourth paragraph of the Peruvian draft resolution in no way assailed the dignity of States candidates for membership in the United Nations.

17. Mr. Belaúnde said that his delegation had carefully studied all the suggestions and critical comments relating to his proposal. He wished to assure the Belgian delegation, in answer to the objection it had raised at the 495th meeting that the examples of evidence were not meant to be exhaustive. Recommendations were to be made, and it was not the Security Council which was required to take action : the members of the Council were called upon to do so. To avoid any ambiguity, the draft resolution would be amended to conform with the Belgian delegation's suggestions.

18. His delegation also agreed to amend the text of the second paragraph of the draft resolution according to the suggestion made by the representative of Australia at the 497th meeting to suppress the words " ought to be based on objective reality decided upon ascertained facts ". The beginning of the second paragraph would read :

> " *Taking into consideration* that the judgment of the Organization that they are willing and able to carry out these obligations and are otherwise qualified for membership ought to be based on facts such as... "

19. As requested by several delegations, the word " juridical " would be deleted from paragraph 1 of the operative part.

20. The amendment submitted by Lebanon and Syria (A/C.1/707) called for the deletion of paragraph 2 of the operative part. In view of existing jurisprudence and the fact that proof submitted by a State was voluntary and not exhaustive, Mr. Belaúnde thought that the altered text of paragraph 2 which he had read out would satisfy the authors of the amendment.

21. The changes proposed in points 3 and 4 of the amendment submitted by Lebanon and Syria (A/C.1/707) would be incorporated in the text of the draft resolution.

22. The representative of the Dominican Republic had suggested at the preceding meeting that in paragraph 1 of the operative part, the word " declares " be replaced by the word " notes " ; but Mr. Belaúnde felt it would be preferable to retain the word " declares ", for the USSR delegation's interpretation of the Charter differed from that of other delegations.

23. The Peruvian delegation had taken into account the various suggestions made, as far as it could. In its view it had proved its case and it thanked those delegations which had supported it for their goodwill.

24. The CHAIRMAN declared the general discussion closed. The USSR representative, however, had requested permission to reply to a number of observations made in the course of the discussion. His request would be granted in accordance with rule 114 of the rules of procedure.

25. Mr. Y. MALIK (Union of Soviet Socialist Republics) said that those representatives who opposed the idea of

simultaneously admitting several applicants for membership had not offered sufficient reasons to support their case.

26. The United States representative had gone so far as to claim that that was a Soviet proposal, whereas, in point of fact, it was a United States proposal. On 28 August 1946 the United States representative, Mr. Johnson, had proposed to the Security Council[1] that it should recommend the General Assembly to admit all those States which had applied for membership up to then, namely Afghanistan, Albania, Iceland, Ireland, the People's Republic of Mongolia, Portugal, Sweden and Transjordan, and had added that if any of those countries had not been a true State in the international sense of the word, or if any of them had not possessed the governmental authority or the material resources necessary to discharge the obligations imposed by the Charter, the United States delegation would not have submitted that proposal. It should be noted that those States included Albania and the Mongolian People's Republic.

27. It was clear that United States representatives were endeavouring to rally as many States and peoples as possible to their side with a view to preparing a new war ; their view was that the United Nations should only admit States which would bow to their instructions, States whose main qualification was that they would add another cog to the " voting-machine " controlled by the United States of America. There was no basis for such a qualification in the Charter, which contemplated the admission of all peace-loving States.

28. For that reason the USSR delegation opposed the policy of the United States and its followers, whose intention it was to close the doors of the United Nations to a number of peace-loving States. At the preceding meeting the United States representative had asked how a Member State which respected the Charter could support a list of candidates which included the Mongolian People's Republic. It was enough to recall the proposal made by the United States in 1946 and the fact that during the Second World War the Mongolian People's Republic had fought against Japanese troops in Mongolia and Manchuria.

29. The United States attitude to the Mongolian People's Republic was typified by the activities of the United States consul in Urumtchi in 1946 and 1947. It had been stated in a local newspaper in 1950 that he had made use of the criminal activities of a bandit chief and that with his connivance fighting had broken out on the Chinese frontier in 1947. In June 1948 he had given orders concerning operations to be carried out in certain parts of the Mongolian People's Republic.

30. The salient fact remained that the United States and the United Kingdom were pursuing a policy of favouring some applicants for membership and rejecting others. In insisting that all the applicants listed in its draft resolution should be admitted simultaneously, the USSR delegation was acting in complete accordance with the Charter and was defending the principle that the provisions of Article 4 should be applied to all candidates.

31. In arguing against admitting Bulgaria, Hungary and Romania, the United States representatives had laid a share of the responsibility for events in Korea on those countries, although there were no Bulgarian, Hungarian or Romanian troops in Korea. The aggression in Korea had been committed by United States troops and supported by the western and colonial Powers. The United States attitude was tantamount to saying that those who did not support United States aggression in Korea could not be admitted to the United Nations. Moreover, the United States had opposed the admission of the three countries even before the outbreak of hostilities in Korea.

32. The three countries were also accused of hostility to the United States of America. That was a slander. It was sufficient to recall the recent debates on the Mutual Security Act adopted by the United States Congress on 10 October 1951, the object of which was to form armed bands composed of people who were on the territory of the peoples' democracies or had fled from those countries.

33. The three countries in question had also been accused of hostile actions towards " independent Yugoslavia ". But Yugoslavia had lost its independence and become an instrument in the hands of those responsible for current United States policy, as had been proved during the consideration of the Yugoslav complaint in the *Ad Hoc* Political Committee.

34. In 1946, the Greek representative had made claims relating to Northern Epirus, which was part of Albanian territory. It was for that reason that the United States had refused to support Albania's application. In the circumstances, Albania, Bulgaria, Hungary and Romania could hardly be reproached for their refusal to establish diplomatic relations with Greece.

35. The most recent event in connexion with those countries was that of the American aviators who had supposedly lost their bearings. Those American aviators had been unmasked, with full supporting evidence, as information agents in the pay of a foreign country, and had been sentenced to pay a fine. By paying that fine, the United States had implicitly recognized the validity of the court's sentence. Now the United States representative was trying to bring up the case as an argument against the admission of a people's democracy. But such arguments were not justified by any provision of the Charter.

36. According to another argument, Bulgaria, Hungary and Romania were members of the Cominform ; but, Mr. Malik pointed out, the Cominform was not an intergovernmental organization, but an organization composed of representatives of certain political parties.

37. The statement that the United States would never oppose the admission of a candidate who was supported by the majority was not convincing, for the majority was controlled by the United States delegation.

38. The statement that none of the candidates whose admission the United States opposed had received a majority of the votes in any United Nations organ contradicted the facts. In August 1946, six of the eleven members of the Security Council had voted for the admission of the People's Republic of Hungary. Only three, the Netherlands, the United Kingdom and the United States of America had voted against it. It was true that no veto had been involved, but the fact remained that it had been the United States and the United Kingdom who had opposed the admission of that country, in spite of the simple majority in its favour.

39. The USSR delegation urged the admission of all the candidates and would use its right of veto to defend the States which were victims of a policy of discrimination. It favoured the admission of Italy as of Bulgaria, Finland, Hungary and Romania.

40. It was incorrect to claim that the Soviet veto had barred Italy's admission. In an article in the *Washington Post* of 9 January 1952 it was suggested that the obstinacy of the western Powers, in particular of the United States, should

[1] See *Official Records of the Security Council, First Year, Second Series*, No. 4, 54th meeting, p. 42.

be blamed for the failure to admit Italy. The argument that admission to the Organization could not be the subject of bargaining had lost its force, the newspaper had said, and the West had lost more than the Soviet Union by opposing the pending applications. The article had added that because of the recent arrest of American aviators the State Department feared the repercussions which the admission of Hungary would not fail to produce in Congress. The *Stampa* of 22 December 1951 thought the best policy was to take account of the interests of all. In a cable from Paris, the representative of the *New York Times* had revealed that the United States insistence with regard to the admission of Italy was due in the first place to the fact that Italy was a member of the aggressive " Atlantic bloc ".

41. The formula adopted by the United States representative was sheer blackmail. His arguments were totally irrelevant to the question of the admission of new Members. He had accused the peoples' democracies of not respecting human rights while he represented a country where racial segregation legislation was still in force, where progressive organizations were subject to the McCarran Act and where workers were subject to the Taft-Hartley Act. He also claimed that those countries made difficulties for United States diplomats. The fact was that they made difficulties and trouble not for diplomats but for American information agents and subversive agents. The representatives of the United States blackmailed candidate States by saying : " Change your policy and we shall vote for you ", as Mr. Austin had clearly stated in the Security Council.

42. The Peruvian draft resolution deviated from the Charter ; the Peruvian representative was interpreting the principle of the universality of the United Nations in such a way as to make it operate only in favour of the States which had the support of the United States of America. Mr. Belaúnde's legal *exposé* did not stand up to criticism, for the Charter provided, in unequivocal terms, that in the absence of a Security Council recommendation, the decision to admit a new Member could not be taken by the General Assembly. The International Court of Justice, similarly, had clearly expressed the opinion that no decision concerning admissions could be taken in the absence of a recommendation by the Council.

43. Mr. NINCIC (Yugoslavia) said the USSR representative's sharp reaction to the mere mention of the existence of an independent Yugoslavia threw a special light on the attitude of the USSR and the countries of the " Soviet bloc " towards his country.

44. The CHAIRMAN requested speakers to limit explanations of their vote to seven minutes, adding that that limit would not apply to sponsors of amendments or of draft resolutions.

45. Mr. MUÑOZ (Argentina) reserved the right to propose before the Committee proceeded to the vote the establishment of a sub-committee.

46. Mr. BELLEGARDE (Haiti) was opposed to the establishment of a sub-committee.

47. The CHAIRMAN stated that any proposals for the establishment of a sub-committee should be submitted at the latest during the morning meeting of Thursday, 24 January 1952.

48. Mr. BELAUNDE (Peru) said he did not believe it necessary to set up a sub-committee, since all the amendments and all the suggestions referring to his delegation's draft resolution had been incorporated in the second revised text (A/C.1/702/Rev.2), which he had just introduced.

49. Mr. MAZA (Chile) said that under rule 114 of the rules of procedure he wished to reply to certain observations made during the discussion.

50. He pointed out that, in the revised text of the amendment submitted by his delegation jointly with the delegations of Colombia, Guatemala, Honduras and El Salvador (A/C.1/706/Rev.1), it was proposed to replace the word " reconsider " in point 2 of the original text by the word " consider ", in order to avoid any ambiguity.

51. The second revised text of the Peruvian draft resolution (A/C.1/702/Rev.2) omitted the word " juridical " in paragraph 1 of the operative part and no longer required the candidate State to present evidence. The two features underlying the amendment (A/C.1/706) had thus been taken into account by the Peruvian representative. Actually, the Chilean and the Peruvian delegations now only differed on the wording of the revised draft resolution.

52. The Chilean delegation was wholly in favour of the first paragraph, which was essential since it enumerated the four conditions, stated in Article 4 of the Charter, which a candidate for membership in the United Nations had to fulfil. On the other hand, his delegation proposed to amalgamate the three other paragraphs of the preamble and paragraphs 1 and 2 of the operative part of the draft resolution into a single paragraph, because the paragraphs in question reproduced the texts of decisions by United Nations bodies. A reference to the advisory opinions of the International Court of Justice and to previous decisions of the General Assembly would be sufficient and would simplify the text. The joint amendment (A/C.1/706) did not therefore constitute a separate draft resolution as the Peruvian representative appeared to believe.

53. In view of the numerous changes which had been made in the original text of the Peruvian draft resolution, the Chilean delegation reserved the right to present its views on the revised text later.

The meeting rose at 1.15 p.m.

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