PROBLEM OF MEMBERSHIP OF THE MICRO-STATES IN THE UNITED NATIONS

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The process of International Organization to maintain peace and human betterment is very old. After each war mankind has sought to establish a better world order which could ensure peace, security, welfare, and justice etc. After the Napoleonic war, there came into being the Concert of Europe which represented a type of international affairs in which the militarily weak states had no role to play except that of being subjugated by the militarily strong ones. The Concert lasted until the World War I. Thereafter, came into existence the League of Nations which was expected to provide a system of international cooperation and collective security to have a true community of power. The League of Nations provided a forum where nations could meet and discuss their disputes. Discussion and negotiation, it was expected will lead to satisfactory settlement. In fact it was established to prevent accidental war. But the League of Nations miserably failed in its task and the World War II broke out. The United Nations a revised version of the League of Nations came into being. The creation of the United Nations was a standard response of peace-loving nations for the purpose of maintaining international peace and security; to develop friendly relations among nations and to cooperate in solving international problems or an economic, social,
cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms.

The existence and stability of the United Nations which involves the participation of the generality of states, has provided an opportunity for the newly independent and militarily weak states to play an important role in international politics. The U.N. Charter is based on the sovereign equality of all its members. The goal of the organization is to achieve universal membership and the principle of admission into the United Nations has been the "universality and not selectivity". Article 4 (1) clearly states that "membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgement of the organization, are able and willing to carry out these obligations."

An attempt has been made in the dissertation to explain and analyse the bases, trends, problems and issues of the United Nations membership.

The realization of the above design has been made into five Chapters. Chapter I deals with the qualifications for membership as contained in the U.N. Charter, the operational difficulties associated with it, the legal and political problems associated with it and the solution of these problems.
Chapter II analyses the case studies of the problems of the membership of Mongolia, Korea, Vietnam, Kuwait and China. In Chapter III, withdrawal, suspension and expulsion from the membership of the United Nations has been explained and analysed. The chapter focuses on their constitutional provisions, emergence of the problems and the manner in which it was resolved. Chapter IV is devoted to a discussion of the problems of membership of micro-states in the United Nations. It analyses the basic criteria of membership, summarizes the discussions for and against the membership of micro-states and evaluates the various proposals put forth by various states before the United Nations. The last Chapter draws the conclusion of the dissertation.

I owe a deep sense of gratitude to Dr. Ishtiaq Ahmed who has very sincerely supervised the work and made many valuable suggestions. I am also indebted to Prof. A.F. Usmani, Chairman Department of Political Science, A.M.U. Aligarh for his help and encouragement. I must record my gratitude to all the staff members of the Department of Political Science, A.M.U. Aligarh for the inspirations to the study. I am grateful to Dr. Asim Ahmed and Miss Kashma who have given me the benefits of their discussions on the subject. My thanks are due to the staff of Maulana Azad Library, A.M.U. Aligarh, I.C.W.A.
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Some of the most important principles of the Charter of the United Nations regarding membership had been enunciated in the public statements prior to the San Francisco Conference. The Moscow Conference in 1943 produced a Declaration of Four Nations, (the United States, the Soviet Union, Great Britain, China), on General Security, commonly referred to as the Moscow Declaration of 1943, which stated that the signatories 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, and open to membership by all such states, large and small, for the maintenance of international peace and security.\(^1\) This resolution was approved by the United States Senate on November 5, 1943, five days after the Moscow Declaration, repeated these principles word for word.\(^2\)

On August 21, 1944 the Dumbarton Oaks Conversations began in Washington. Representatives of the United States, the Soviet Union, and the United Kingdom participated in the first and

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most important phase of these talks, while China joined American and British delegations in the second phase.3 Chapter III (on Membership) of the Damberton Oaks Proposals contained only one Article, which stated that "Membership of the Organization should be open to all peace-loving States."4

Churchill, Stalin and Roosevelt summoned a general conference of the anti-Axis coalition at San Francisco on April 25, 1945. Here the representatives of fifty nations which were more or less closely identified with the still unfinished struggle to defeat the Axis Powers as embarked in two months of onerous negotiation and debate, they created the Charter of the United Nations.5 The task of drafting the provisions for membership was assigned to Committee I/2.6 Membership in the United Nations is open to "all" peace-loving states that accept the obligations contained in the present Charter and, "in the judgment of the organization, are able and willing to carry out these obligations", and that admission to membership "will be effected by a decision of the General Assembly upon the

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recommendation of the Security Council. 

The corresponding provision in Chapter III of the Dumbarton Oaks Proposals ran as follows: "Membership of the Organization should be open to all peace-loving states." By the time the text reached Committee 2 of Commission 1 at San Francisco, which was responsible for membership, Amendment and Secretariat, the draft had undergone a change. It read: "Membership of the Organization is open to all peace-loving states which in the judgment of the organization are able and ready to accept and carry out the obligations contained in the Charter." The text in the course of discussion in Committee 1/2 was further modified and the final formula was threshed out as it exists today. The transformation of the draft of the Dumbarton Oaks to the present one was necessitated in view of the delegates' dissatisfaction at the elusive phrase "peace-loving". The term was generally deemed to be insufficient to declare oneself, thought the delegates, "peace-loving" should not suffice to acquire membership in the organization. As the Rapporteur of Committee 1/2 asked, which "nation has ever expressed any other sentiment"? It was also necessary to prove two things: "that a nation is ready to accept the obligations of the Charter and that it is able and willing to carry

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out such obligations." The term peace-loving states was retained to provide the organization with an omnibus power to accept or reject a state's application. 10

In the deliberations of Committee I/2, 11 initially to the principle of universality, the delegation of Uruguay proposed - corresponding to the Argentina proposal in the relation to the League of Nations 12 - that all states should be Members of the United Nations and that their participation was obligatory. That is to say, it could not be left to the choice of any nation whether to become a Member of the United Nations or to withdraw from it. Other delegations believed that universality in this sense was an ideal toward which it was proper to aim but which it was not practicable to realize at once; but there was unanimous belief that adherence to the principles of the Charter and complete acceptance of the obligations arising therefrom were essential conditions to participation by States in the organization. Nevertheless, two principal tendencies were manifested in the discussions. On the one hand, there were some who declared themselves in favour of inserting in the Charter specific conditions which new members should be required to fulfill, especially in matters concerning the character of policies of governments.

on the other hand, others maintained that the Charter should not limit the organization in its decisions.13

The drafting Committee for membership made a distinction between the original Members and future Members.14 The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.15

Indeed original membership list of the United Nations was a compilation of the actual participants in the anti-Axis coalition in the World War II, states which were willing to adhere nominally to that grouping, and other entities which were admitted to that company as a result of political bargaining among the leading powers. The adjectival qualification, "peace-loving", was not taken seriously except as a basis for excluding the defeated Axis states and Franco-Spain, their largely nonbelligerent supporter and protege.16

Thus, fifty-one states were original members, including Poland, which did not attend the Charter Conference (because of disagreement among the big three - Great Britain, the Soviet Union, and the United States) over the Polish Provisional

Government) but signed and ratified the Charter before October 24, 1945.

According to the report of the Rapporteur of Committee 1/2, it was understood that:

This distinction did not imply any discrimination against future Members but that it was normal course of events required it. Before new Members could be admitted the organization must exist, which in turn implies the existence of original Members. On the other hand the definition adopted would serve to calm, the fear of certain nations participating in the deliberations "which, properly speaking, are not States and which for this reason might be denied the right of membership in the organization." 16

Finally Article 4 was adopted to regulate the admission of new Members to the United Nations. It runs as follows:

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgement of the organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations...

Nations will be affected by a decision of the General Assembly upon the recommendation of the Security Council.

The Article 4 has, however, given rise to problems of interpreting both qualifications and procedures. In regard to qualifications for membership, it was agreed at the San Francisco Conference that the Article not only requires an applicant to declare itself a "peace-loving" state, but also require to prove that "a nation is ready to accept and fulfill the obligations of the Charter and that it is able to accept and fulfill them." In regard to procedures for admission, one problem concern the interpretation of the provision that the "decision of the General Assembly", on the matter of membership is to be "upon the recommendation of the Security Council."

From a mere reading of the Charter, it is not clear whether the Assembly can act only when the Council makes an affirmative recommendation, or whether the Assembly can act on the basis of a negative recommendation by the Council. It is also not clear whether the negative vote of one of the five permanent members of the Council is sufficient to prevent the Council from submitting a recommendation on membership to the Assembly.

The procedure of the admission to the U.N. became embroiled in the cold war manoeuvrings of the two power blocs.

The criteria of peace-loving nature of applicant and willingness and capacity to abide by the Charter obligations, were thrown overboard. The qualification of States came to be judged on the basis of bloc affiliations.²¹

In short, bloc affiliations became the primary criteria for admission into the U.N. If the Soviet Union blocked the admission of countries within the Western bloc, the West saw it that no Soviet bloc nation got admitted in the U.N. So much so that such countries became pawns (insular as admission to the U.N. was concerned) in Big Power cold war diplomacy. The result, in an evenly-matched bi-polar world, was that there was a deadlock in U.N. admission.²²

Over a nine-year period (1946-55) thirty applications for membership were received. Of those only nine were approved. Five applications, those of Albania, Bulgaria, Hungary, Romania, and the Mongolian People's Republic, failed to receive even the majority of seven votes required for approval by the Security Council. The Council refused to give serious consideration to applications for membership submitted by the Viet Minh and North Korea. The rest, fourteen in all, had been rejected by a series of Soviet vetoes. The roll call of vetoed states were impressive: Austria, Ceylon, Cambodia, Finland, Ireland, Italy, India.

Japan, Jordan, Laos, Libya, Portugal, Republic of Korea, Nepal, and Viet-Nam. The significant thing was that these applications had been judged qualified for membership by the great majority of the Members of the U.N. only the Soviet veto stood in the way of their admission. 23

The General Assembly at its 45th plenary meeting on October 31, 1946, referred to the First Committee (Political and Security) the Special Report by the Security Council to the General Assembly on the Admission of New Members. At its twelfth meeting on November 2, 1946, the First Committee unanimously agreed to recommend to the General Assembly the admission to the United Nations of Afghanistan, Iceland and Sweden.

At the 47th plenary meeting on November 9, 1946, the General Assembly accepted a Danish drafting change designed to meet the objections of certain delegations to the resolution submitted by the First Committee. The Assembly then unanimously adopted the resolution as follows:

"The General Assembly has taken note of the applications for membership submitted to the Organization of the United Nations, in accordance with the provisions of Article 4 of the Charter and rules 113 and 114 of the rules of procedure, by Afghanistan, the Republic of Iceland and Sweden."

of the recommendations, of the Security Council on the admission of Afghanistan, the Republic of Iceland and Sweden to membership in the United Nations;

And of the report submitted by the First Committee which unanimously approved the recommendations of the Security Council.

Therefore,
The General Assembly Decides:

"The Afghanistan, the Republic of Iceland and Sweden be admitted to membership in the United Nations."

While recommending to the General Assembly that Afghanistan, Iceland and Sweden be admitted to membership in the United Nations, the Security Council did not make recommendation concerning the applications for membership which were submitted by the People's Republic of Albania, the Mongolian People's Republic, the Hashemite Kingdom of Transjordan, Ireland and Portugal.

During the First Committee's consideration of the Security Council's report a number of representatives expressed the view that not only had the General Assembly the right to act on Security Council's recommendation for the admission of Afghanistan, Iceland and Sweden, but that it was within the General Assembly's competence to review the Security Council's

entire proceedings regarding membership applications. In rejecting five of the eight applications submitted, the Security Council, these representatives considered, had based its decisions on criteria not contained in the Charter. The aim of the United Nations was universality. The Security Council had exceeded its authority in setting up requirements for admission to membership other than those contained in Article 4 of the Charter: the peace-loving character of a state and its willingness and ability to fulfill the obligations of the Charter. 25

Finding the existing rules for the admission of new members to the United Nations unsatisfactory, the representative of Australia on November 2, 1946 submitted the draft resolution to the first committee that:

"The General Assembly, recognising that the admission of new members to the United Nations is a corporate act of the whole organization, request the Security Council to appoint a committee on procedures of the General Assembly with a view to preparing rules governing the admission of new Members which will be acceptable both to the General Assembly and to the Security Council. In the preparation of such rules regard should be paid to the following principles:

a) the admission of new members as a corporate act;
b) The General Assembly has primary and final responsibility in the process of admission;"

25. ibid., p. 125.
c) the Security Council, not having been given any general power covering all matters within the scope of the Charter, its recommendations for the admission of an applicant to membership should be based solely on the judgment of the council that the applicant state is able and willing to carry out its obligations under those sections of the Charter which come within the competence of the Security Council. 26

At the seventeenth meeting of the First Committee on November 11, 1946, the Australian representative explained that applications for admission to membership should be submitted first to the General Assembly, because the Assembly could take into account all factors and act on behalf of the organization as a whole. The Security Council was to decide concerning the abilities of the applicant to fulfill the conditions of the Charter with regard to security. After receiving the Security Council's report the General Assembly could decide to accept or reject the Security Council's recommendations. 27

Many representatives were willing to accept the proposal to establish a committee to study the procedure for the admission of new Members, but most of them disagreed with the principles expressed in the Australian Resolution. Other regarded the Australian proposals an effort to undermine the position of the Security Council. In the view of these representatives no new

26. Ibid., p. 125.
27. Ibid., p. 125.
rules were necessary and the establishment of a committee to
decide on the procedure for the admission of new members was
contrary to the Charter, which provided that the General Assembly
and the Security Council were each to work out their own rules
of procedure.28

On November 29, 1946, the Security Council appointed Brazil,
China (Chairman) and Poland to serve on its Committee on procedure
for the admission of New Members. Simultaneously, the General
Assembly's Committee on procedure, composed of representatives
of Australia, Cuba, India (Chairman) Norway and the USSR was
also set up and held its first meeting on May 25, 1947.

The General Assembly's and Security Council's Committee29
held a series of four conferences between May 28 and June 11,
1947. Discussion at these conferences was based on draft rules
submitted by the representatives of Australia. The majority of
the Committee was unable to accept the Australian, proposals,
the Committee considered that it would not suggest any rules of
procedure which would in effect define or limit the powers and
jurisdiction of the Security Council in relation to the admission
of new Members. Specifically, the Committee considered that the
Security Council was entitled to consider applications first.
To give the right to examine applications in the first instance
would be contrary to Article 4, paragraph 2, of the Charter, as

this might indirectly deprive the Council of the opportunity to examine these applications later. 30

The substantive change in the existing rules on the admission of new Members proposed by the General Assembly Committee consisted of the addition of a new rule 116 to the rules of procedure of the General Assembly and the addition of two paragraphs to rule 60 of the Security Council's rules of procedure. The addition of two paragraphs to rule 60 provided that the Security Council should forward to the General Assembly a complete record of its discussions when it recommended an applicant state for membership and submit, in addition, a special report to the General Assembly if it did not recommend admission or if it postponed the consideration of an application. The proposed new rule 116 of the rules of procedure of the General Assembly gave the Assembly the right to send back to the Security Council, for further consideration and recommendation or report, applications which had not been the object of a recommendation by the Security Council. 31

The General Assembly during its second session referred the report of the Committee on procedure to the First Committee, which considered it at 116 meeting on November 19, 1947. The problems which had arisen, the chairman considered, stemmed from certain basic provisions of the Charter, and it would be foolish

31. Ibid, p. 46.
to consider that they could be solved by amendments to the rules of procedure. However, after a brief discussion, the First Committee adopted the rules of procedure recommended by the Committee on procedure. The proposed rules 113, 114, 116, and 117 were adopted. The new rule 113 lays down: "Any state which desire to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall contain a declaration, made in the formal instrument that it accepts the obligations contained in the Charter." Rule 114 runs as follows: "The Secretary-General shall send for information a copy of the application to the General Assembly, or to the Members of the United Nations if the General Assembly is not in session." Rule 116 resolved that "If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, the General Assembly may, after the full consideration of the special report of the Security Council, send back the application to the Security Council, together with a full record of the discussion in the General Assembly, for further consideration and recommendation or report." Rule 117 lays down that "the Secretary-General shall inform the applicant State of the decision of the General Assembly. If the application is approved, membership will become effective on the date on which the General Assembly takes its decision on the application." 32

32. Ibid., p. 47.

33. Ibid., p. 47.
The Security Council also revised its rules of procedure by a resolution adopted at its 222nd meeting on December 9, 1947. Rule 58 lays down that "any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall contain a declaration made in a formal instrument that it accept the obligations contained in the Charter." Rule 60 enunciates that "the Security Council shall decide whether in its judgment the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and accordingly whether to recommend the applicant State for membership. If the Security Council recommends the applicant State for membership, it shall forward to the General Assembly the recommendation with a complete record of the discussion and if the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, it shall submit a special report to the General Assembly with a complete record of the discussion."

In order to assure the consideration of its recommendations at the next session of the General Assembly following the receipt of the application, the Security Council shall make its recommendations not less than twenty five days in advance of a regular session of the General Assembly, not less than four days in advance of a special session. In special circumstances,

34. Ibid, p. 47.
the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth twenty-five days in advance of a regular session of the General Assembly, not less than four days in advance of a special session.\(^36\)

After the careful study of the revised rules of procedure of the General Assembly and the revised rules of procedure of the Security Council it may be concluded that the major changes were introduced in rule 116 of procedure of the General Assembly and revised rule (60) of procedure of the Security Council. The revised rule 116 of procedure of General Assembly gave it a right, if the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, the General Assembly, after full consideration of the special report of the Security Council, send back the application to the Security Council, together with a full record of the discussion in the Assembly, for further consideration and recommendation or report. By the revised rule 60 of procedure of the Security Council, it undertook to forward to the General Assembly the recommendations with a complete record of the discussion. In case, the Security does not recommend the applicant State for membership or postpones the consideration of the application it shall submit a special report to the General Assembly with a complete record of the discussion.

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The revised rules of the procedure of the General Assembly and the revised rules of procedure of the Security Council could not solve the problem of membership of new states to the United Nations. In order to resolve the problem, the United States put forward the first "package deal proposal" in 1946, only to have it rejected by the Soviet Union; since 1947, the USSR had sponsored a series of such proposals, which had been ignominiously rejected by the United States. 37

In an effort to resolve the conflict the matter was referred by the General Assembly to the International Court of Justice by a resolution proposed by Belgium and adopted on November 17, 1947. 36 The question posed was:

"Is a member of the United Nations which is called upon, in virtue of Article 4, of the Charter, to pronounce itself by its vote, either in the Security Council or in the General Assembly, on the admission of a state of membership in the United Nations, juridically entitled to make its consent to the admission dependent on conditions not expressly provided by Paragraph 1 of the said Article? In particular, can such a member, while it recognizes the conditions set forth in that provision to be fulfilled by the state concerned, subject its affirmative vote to the additional condition that other states

36. Resolution 113(II) on Admission of New Members, General Assembly, Records, 2nd Session.
be admitted to membership in the United Nations together with that state. 39

After a close scrutiny of the scope and content of the question posed to it, the International Court of Justice felt that the question was in effect confined to the following point only: Are the conditions, stated in paragraph 1 of Article 4, exhaustive in character in the sense that an affirmative reply would lead to the conclusion that a member is not legally entitled to make admission dependent on conditions not expressly provided for in that Article, while a negative reply would, on the contrary, authorize a member to make admission dependent also on other conditions. 40 Reciting paragraph 1 of Article 4 the Court found that the "prerequisite conditions are five in number to be admitted to membership in the United Nations, an applicant must (1) be a state; (2) be peace-loving; (3) accept the obligations of the Charter; (4) be able to carry out these obligations; and (5) be willing to do so." 41

After laying down that all these conditions were subject to the judgment of the Organization, the Court proceeded to answer whether these conditions were exhaustive or otherwise. The text

41. Ibid, p. 62.
of this paragraph, said the Court, "by the enumeration which it contains and the choice of its terms, clearly demonstrates the intentions of its authors to establish a legal rule which, while it fixes the conditions of admission, determines also the reasons for which admission may be refused, for the text does not differentiate between these two cases and any attempt to restrict it to one of them would be purely arbitrary." The natural meaning of the words used, the Court argued, led to the conclusion that these conditions constituted an exhaustive enumeration and were not merely stated by way of guidance or example. The provision would lose its significance and weight if other conditions, unconnected with those laid down, could be demanded. The conditions, said the Court, stated in paragraph 1 of Article 4 must therefore be regarded not merely as the necessary conditions, but also as the conditions which sufficed.

In another campaign, led by Argentina, had aimed at establishing the position that the General Assembly alone is competent to decide on requests for admission, without necessary regard for the recommendation of the Security Council. 43

So the General Assembly, in resolution 296 J(IV), adopted on 22nd November, 1949, requested the International Court of Justice to give an advisory opinion on the following question:

42. Ibid, p. 52.
"Can the admission of a State to membership of the United Nations, pursuant to Article 4, paragraph 2, of the Charter, be effected by a decision of the General Assembly when the Security Council had made no recommendation for admission by reason of the candidate failing to obtain the requisite majority or the negative vote of a permanent member upon a resolution so to recommend?"  

In its opinion, given on 3 March, 1950, the Court declared that it had been called upon to interpret Article 4, paragraph 2, of the Charter.  

There was no doubt for the Court that two things are required to effect admission: a "recommendation" of the Security Council and a "decision" of the General Assembly, the recommendation having to precede the decision.  

The Court went on to state that if the General Assembly had power to admit a State to membership in the absence of a recommendation of the Security Council, the latter would have merely to study the case, present a report, give advice and express an opinion. This, the Court explained, is not what Article 4, paragraph 2, says.  

The Court set aside the suggestion that the absence of recommendation would be equivalent to an "unfavourable recommendation" on which the General Assembly could base a decision to admit a State of membership. This theory, put forward in one  

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46. Ibid., p. 410.  
47. Ibid., p. 410.
of the written statements, referred to a document of the United Nations Conference on International Organization at San Francisco, but the Court, observing that, in practice, no such recommendation was ever made, considered that Article 4, paragraph 2, had in view only a favourable recommendation of the Council. 48

For these reasons, the Court, by 12 votes to 2, stated the opinion that the admission of a State to membership in the United Nations, pursuant to paragraph 2 of Article 4 of the Charter, "cannot be affected by a decision of the General Assembly when the Security Council has made no recommendation for admission, by reason of the candidate failing to obtain the requisite majority or of the negative vote of a permanent Member upon a resolution so to recommend." 49

The Soviet Union continued its offer of "package deal". The representative of the USSR in the Security Council submitted the following item as item 3 of the provisional agenda: "adoption of a recommendation to the General Assembly concerning the simultaneous admission to membership in the United Nations of all fourteen States which had applied for such admission", on June 18, 1952. These states were: Mongolian People's Republic, Albania, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya. At the 590th meeting

48 ibid., p. 410-411.
49 ibid., p. 411.
of the Security Council on July 9, 1952, the representatives of the USSR reiterated his delegation's view that the simultaneous admission of all fourteen States which had submitted applications would be fair and objective decision on the question, without discrimination against certain countries and favourism towards others. 50

However, the representatives of Brazil, China, France, Greece, Netherlands, Turkey, the United Kingdom and the United States opposed the USSR proposal, maintaining that it was contrary to Article 4 of the Charter according to which the application of each candidate should be considered separately. 51

Efforts to solve the problem of new Membership to the United Nations continued. General Assembly was not ready to give up its hopes of a fair and just solution of membership problem to the United Nations. In December, 1952, the Assembly established a Special Committee to make a detail study of the question of the admission of States to membership in the United Nations, examining the proposals and suggestions which had been made in the Assembly and its Committees or which might be submitted to the Special Committee by any members of the United Nations. 52 A resolution proposed by Peru during the seventh session (1952) of the General Assembly provided that the Assembly should consider in connection with other proposals relative to

51. Ibid., p. 334.
admission, that "in the matter of admission to new Members the final decision lay with the Assembly, and accordingly the Council's recommendations though necessary, was a previous step or a procedural stage which did not require the application of the unanimity rule." As regards the contention that the veto should not be applicable with respect to recommendation of the Security Council on applications for membership, it was suggested by a group of Latin American Member States that the application of the unanimity rule to the admission of new Members was not contemplated at the San Francisco Conference. They had contended that the U.N. is based on the principle of universality and that a more liberal interpretation of Article 27 is needed.

The two political solutions that represented modified version of the package proposal were offered to the Special Committee. Argentina suggested that the Security Council should re-examine each application for admission and make a specific recommendation on each of them to the General Assembly, either favourable or unfavourable. It would then be up to two thirds of the Assembly to decide which of the applicants should be admitted. Egypt and the Philippines suggested that the Council should consider the fourteen applicants simultaneously and recommend their en bloc admission to the United Nations. This recommendation of the Council would then be considered by the Assembly, which would have power 'to reject the Council's joint

53. Frances C. Kellogg and Carl M. Marey, op. cit., p. 95.
recommendation as a whole or adopt certain parts of it and to reject other."

In conclusion to its report, the Special Committee observed that the proposals and suggestions envisaged a solution to the problem along the line of interpretation of the Charter based on the view that the voting procedure of Article 27, paragraph 3, of the Charter did not apply to the admission of new Members and that under Article 4, paragraph 2, it was for the Council to make recommendations but for the General Assembly to decide. Discussion of the proposals and suggestions had made it apparent that such an approach was not acceptable, principally on the grounds that unanimity rule in the Security Council applies to the admission of new Members and that provision of Article 4 did not allow the Assembly to admit new Members in the absence of a favourable recommendation by the Council. 56

The proposals and suggestions aimed mainly at a political solution of the question, starting from the view that the largest possible number of applicants qualifying under Article 4 should be admitted. However, although the importance of the political aspects of the problem had been recognized, the specific methods suggested had not secured general acceptance. It had been felt that the courses proposed either would not be in the strict accordance with Article 4, or, if they were, were not more likely

55. Francis J. Wilson, op.cit., p. 99
56. Ibid., p. 280.
to lead to practical results than earlier recommendations for reconsideration by the Security Council. Thus Special Committee failed to make any specific recommendation in this regard.

General Assembly on October 23, 1953 established a Committee of Good Offices consisting of representatives of Egypt, the Netherlands and Peru to consult with members of the Security Council to see if it was possible to reach an understanding which would facilitate the admission of new Members to the United Nations in accordance with Article 4 of the Charter. The committee's report was submitted on September 3, 1954. It was stated that consultations carried out with members of the Security Council showed that there was no fundamental change such as would make it possible at that juncture to reach an understanding that would help to solve the problem.

In November 1954, the representative of the United States in a statement before the Ad hoc Political Committee suggested that states that have not been admitted to the United Nations might be given observer role or an associate membership with permission being granted to them to sit on all Committees of the United Nations and with the right to indicate how they would vote on given issues, had they right to vote. The possibility was envisaged of arrangements whereby qualified applicants might participate in the work of the General Assembly to the maximum

57. Ibid, p. 280.
extent possible even though they had not formally been admitted to membership. A further possibility was also seen to provide for membership on a provisional basis.

Thus, a potential new member would be invited on a trial membership basis for a determined period of years and it demonstrated that it was qualified for permanent membership by demonstrating that it was a 'peace-loving state' it could then be so accepted, by majority - or perhaps three-fourth vote of the General Assembly, as a permanent member at the end of the trial period. This system might encourage potential new members who do not currently demonstrated characteristics of peace-loving states to mend their ways, in order to be admitted to the international forum.

On September 30, 1955, the General Assembly returned the item on the admission of new members to the Ad Hoc Political Committee. During discussion the representative of Peru said that the Committee felt that its task should be "to find a political solution of the problem, without prejudice to judicial positions, and to secure a reappraisal between the Soviet Union and the Western Powers", and stated that it had done its work without discrimination against any applicant for membership. The representative of Canada introduced a draft resolution jointly

60. Francis O. Wilcox and Carl M. Marey, op.cit., p. 102.
sponsored by 27 other states emphasised the need of broader representation in the membership of the United Nations would enable the organization to play a more effective role in the current international situation and requested the Security Council to consider, in the light of the general opinion in favour of the widest possible membership of the United Nations, the pending applications about which no problem of unification arose.61

During the discussion representative of Canada stated that the problem of admission of new Members was primarily a political one, that the only possibility of solution lay in a compromise and that support for his proposal had been both broad and representative.62 The representative of the USSR supported the draft resolution. China and Cuba opposed the joint draft resolution on the grounds that it constituted a "package deal", and even its advocates conceded that it was contrary to the Charter and to the advisory opinion of the International Court of Justice that agreement should be reached on a procedure that would exclude the possibility of any accidents or surprises in the voting both in the Security Council and subsequently in the Assembly. After the Council had recommended the admission of a particular state, the Assembly should forthwith consider that recommendation and take a decision on it. Only the latter should the Council proceed to consider the applicant state next on its list. This procedure was to be repeated until the Council had completed

62. Ibid., p. 23.
consideration of all 18 applicants mentioned in the joint draft resolution.63

The representative of China opposed that if the Security Council accepted the interpretation placed by the USSR on the joint draft resolution, this would be tantamount to a legalization of a "package deal" since the Security Council would bind the General Assembly to accept its own recommendation as a package. He moved an amendment to the joint draft resolution to add the names of the Republic of Korea and the Republic of Viet-Nam to the list of applicant States enumerated in that draft. At its (704th) meeting on December 13, 1955 Security Council could not solve the problem of new members to the United Nations due to negative vote casted by China and the USSR.64

At the request of the USSR, the Security Council met again on December 14, 1955, to consider the admission of new Members. The USSR representative stated that he wished to withdraw the negative votes he had cast previously with respect to a number of States and that he would vote in favour of 16 of the applicants listed in the draft resolution sponsored by Brazil and New Zealand. The question of admission of Japan and of the Mongolian People's Republic would have to be deferred to the next session of the General Assembly. He submitted a draft resolution similar to the one sponsored by Brazil and New Zealand.

The USSR draft resolution was voted upon paragraph by paragraph, with each applicant being voted upon separately. The inclusion of Albania was approved by 8 votes to none with 3 abstentions (Belgium, China, the United States). The inclusion of Jordan, Ireland, Portugal, Italy, Austria, Finland, Ceylon, Nepal, Libya, Cambodia and Laos was in each case unanimously approved. The inclusion of Hungary, Romania and Bulgaria was in each case approved by 9 votes to none, with 2 abstentions (China and the United States). The inclusion of Spain was approved by 10 votes to none, with 1 abstention (Belgium). The USSR draft resolution was as a whole approved by 8 votes to none with 3 abstentions (Belgium, China, the United States). 65

At its 555th plenary meeting held in the evening of December 14, 1955 the General Assembly decided to admit the 16 applicant States whose admission had been recommended earlier on the same day by the Security Council. 66

Thus, from 1945 to 1955, the admission of members to the United Nations was a Cold War issue and that it was basically a political rather than procedural. Compromise was the only solution and was found through "package deal" or admission en bloc in December 1955. In the period since 1955 admission procedures have proved no impediment to a burgeoning membership approaching universality.

65. Ibid, p. 27.
66. Ibid, p. 27.
CHAPTER II

PROBLEMS AND SOLUTIONS OF ADMISSION: CASE STUDIES

In a letter to the Secretary-General of the United Nations on June 24, 1946, the Prime Minister and Foreign Minister of the Mongolian People's Republic requested the admission of the Mongolian People's Republic as a Member of the United Nations. The letter further stated that the people of the Mongolian People's Republic have taken part on the side of the United Nations in the struggle against the fascist States. They had declared war against Japan on August 10, 1945, and had taken part in military operations against that country. In the name of the Mongolian People's Republic, the Prime Minister and the Foreign Minister declared that this country was prepared to undertake all the obligations arising out of the United Nations Charter and to observe all provisions of the United Nations Charter.¹

The representative of the USSR, in supporting the application of the Mongolian People's Republic for membership in the United Nations in the Committee on the admission of New Members, stressed the contribution of the Mongolian Republic "in the common struggle of the democracies against fascist aggressors and the Axis powers". The representative of China,

¹ Yearbook of the United Nations, op-cit., 1946-47, p. 416
however, opposed the application for admission of the Mongolian People’s Republic to the United Nations and proposed to the Committee on the admission of New Members that consideration of the application of the Mongolian People’s Republic be postponed for a year, as the Mongolian People’s Republic had exchanged diplomatic representatives with the USSR only. And the representatives of Australia, Egypt, the Netherlands, the United Kingdom and the United States found the available information not sufficient to show whether the Mongolian People’s Republic was capable of fulfilling the obligations of the United Nations Charter. 2

The Secretary-General of the United Nations in a telegram to the Government of the Mongolian People’s Republic on July 31, 1946 asked to appoint a representative available in New York to whom a request for information could be addressed. 3 As no reply to this telegram was received, the Committee on the admission of New Members, on August 12, 1946, telegraphed a list of questions to the Government of the Mongolian People’s Republic to obtain additional information as requested by several delegates. 4 A reply to the questionnaire was received on August 28, 1946. The representative of China found the replies of the Mongolian People’s Republic satisfactory and

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was then prepared to support the application of the Mongolian People's Republic for membership in the United Nations. But other representatives, however, maintained their original objections that the available information was not sufficient to show whether the Mongolian People's Republic was capable of fulfilling the obligations of the United Nations Charter.  

While recommending to the General Assembly that Afghanistan, Iceland and Sweden be admitted to membership in the United Nations, the Security Council did not make any recommendation concerning the application for membership which were submitted by the Mongolian People's Republic and many other States.  

General Assembly by a resolution 35 (1) of November 19, 1946, recommended that the Security Council re-examine the applications of five countries including Mongolian People's Republic on their respective merits in accordance with the terms of the United Nations Charter. In August 1947 the Security Council again considered the application for membership of the Mongolian People's Republic in the United Nations. The President of the Security Council speaking as Syrian representative supported the admission of Mongolia to the United Nations. The representative of the USSR also supported the admission of Mongolia to the

5. The Times of India, Bombay, August 29, 1946.  
China once again opposed the admission of Mongolia but this time on the ground that Mongolia was guilty of armed incursions into Chinese territory. In the end of the discussions the Security Council could not make a positive recommendation due to the negative votes of three permanent members of the Council (China, the United Kingdom, the United States). It is to be remembered that after finding the replies of Mongolia satisfactory China agreed in 1946 to support the admission of the Mongolian People's Republic to the United Nations.7

From 1952 to 1955 the USSR continued her efforts to get Mongolian People's Republic admitted to the United Nations simultaneously with other 13 States. But the USSR could not succeed due to the strong opposition to the "package deal" by Brazil, China, France, Greece, Netherlands, Turkey, the United Kingdom and the United States. Although on December 14, 1955, sixteen States were admitted to the United Nations. It became possible only when the USSR excluded Mongolian People's Republic and Japan from her draft resolution for membership in the United Nations. So the question of admission of the Mongolian People's Republic remained unresolved.8

On December 12, 1956, at the same Security Council meeting at which membership for Japan was recommended, the representative of the U.S.S.R. submitted a draft resolution whereby by the Security Council would recommend the General Assembly admit the Mongolian People's Republic to the United Nations. But the draft resolution was rejected. Again on December 3, 1960, when the application of Mauritania for membership in the United Nations was being discussed in the Security Council, the USSR asked the Security Council that the question of admission of the Mongolian People's Republic to the United Nations be placed on the agenda of the Council. However, the question of Mongolia's admission was not included on the agenda. And the Security Council failed to make a positive recommendation to the General Assembly for membership of Mauritania in the United Nations on account of a negative vote by the U.S.S.R. on the ground that Mauritania was a part of territory of Morocco.

On December 16, 1960, the Security Council submitted a special report to the General Assembly on its consideration of Mauritania's application. The report was considered by the General Assembly on December 18, 1960, when it had before it a draft resolution sponsored by the following 11 Members: Cameroun, Central African Republic, Chad, Congo (Brazzaville),

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Dahomey, Gabon, Ivory Coast, Madagascar, Niger, Senegal and Upper Volta.

By this text, the General Assembly would note that although eight Security Council members had voted in favour of a draft resolution recommending Mauritania’s admission, no recommendation had been made because of the opposition of a permanent Council member. Considering it important for the future of the United Nations that all applicants States which fulfilled the conditions for membership laid down in Article 4 of the United Nations Charter be admitted to membership, the General Assembly would declare that in its view of Mauritania was a peace-loving State within the meaning of Article 4, that it was able and willing to carry out the obligations of the U.N. Charter, and that it should, in consequence, be admitted to membership. Further, the Assembly would ask the Security Council to take note of the General Assembly’s decision on Mauritania’s candidature. 11

The USSR submitted three amendments for additions to the 11-power text. By these, the Assembly would, in effect:

(1) note that the Mongolian People’s Republic had been awaiting a decision on its application for admission since 1946, and that a favourable decision on

was being impeded by these Security Council members which, on December 4, 1960, had voted against placing its application on the Council's agenda; (2) declare that, in its view, the Mongolian People's Republic was a peace-loving State, within the meaning of Article 4 of the Charter, that it was able and willing to carry out the obligations of the Charter and that it should therefore be admitted to the U.N. membership; and (3) ask the Council to note that General Assembly's decision on the candidature of the Mongolian People's Republic - as well as that of Mauritania.12

On April 19, 1961, the General Assembly adopted a resolution (1602 XVI) expressing the view that, as the Mongolian People's Republic and the Islamic Republic of Mauritania were peace-loving States within the meaning of Article 4 of the U.N. Charter, they should be admitted to membership in the United Nations.13

On October 25, 1961, the President of the Security Council, following the prior consultation its members, proposed that the applications of the Mongolian People's Republic and Mauritania be considered in chronological order of their submission. He suggested further, that, while discussing the application of Mongolian People's Republic, members of the Security Council

should also indicate briefly their position on Mauritania's application. During discussions the representative of the USSR commended Mongolia's social, economic and cultural progress and its peace-loving foreign policy, proposed a draft resolution whereby the Council would recommend that the General Assembly admit the Mongolian People's Republic to membership. The representatives of Ceylon, Chile, Ecuador, France, Liberia, Turkey, the United Arab Republic and the United Kingdom expressed support for this proposal.\(^{14}\)

The United States representative stated that, for well-known reasons, the United States would not obstruct Mongolia's admission. Accordingly, he would abstain in the vote, out of respect for the view expressed by the General Assembly on April 19, 1961 that Mongolia was qualified for membership. The representative of China announced that he would not participate in the vote on the Mongolia's application, so that no pretext might be used to delay Mauritania's admission still further, despite his delegation's conviction that Mongolia was still a USSR colony.\(^{15}\)

In the end the Security Council recommended Mongolia People's Republic to the United Nations membership by 9 votes to 0, with 1 abstentions (USA); China did not participate in


the voting. And by acclamation on October 27, 1961, the General Assembly admitted the Mongolian People's Republic to membership in the United Nations. 16

Thus, the admission of the Mongolian People's Republic might be described as a "package deal" contrary both to the spirit of the U.N. Charter and to an advisory opinion given by International Court of Justice in 1948 that granting membership to one applicant should not be made subject to granting membership to another because China decided not to participate in the vote on Mongolia's application and the United States abstained from voting on Mongolia's application so that no pretext might be used by the USSR to delay Mauritania's admission.

At the close of the World War II the allied powers agreed that after the Japanese surrender Soviet Union troops would take care of areas north of the 38th parallel and U.N. forces would take care of areas south of the line. The two occupying powers established a joint commission with a view to establish "provisional Korean Democratic Government." However, the failure of the United States and the Soviet Union to agree on steps to implement the war time promise of independence for Korea "in due course" led the United States, on September 17, 1947, to submit the Korean question to the General Assembly. The General Assembly, over the protests of the Soviet bloc, voted to establish

a U.N. Temporary Commission on Korea, with authority to observe elections for a national Assembly, which, in turn, would establish a national government for Korea. The Commission was welcomed in the American zone, but was denied all access to North Korea, which was under Soviet Control. It observed the elections of May 10, 1948, in South Korea and reported that they were "a valid expression of the free will of the electorate in those parts of Korea which were accessible to Commission." On August 15, 1948, the "National Government of Korea" was proclaimed, with Syngman Rhee as President, and the United States military government was declared to be terminated.17

On December 12, 1948, the General Assembly adopted a resolution providing for a new commission of Seven members to continue to function in Korea. On the same day it recognized the Republic of Korea as the only legal government in the entire country. The United States extended recognition on January 1, 1949 and thirty-one other States followed the suit.18 Republic of Korea applied for United Nations membership on January 19, 1949.19 The Soviet Union withheld recognition of Republic of Korea and employed the veto to prevent the new republic from becoming a member of the United Nations. Instead, she sponsored the "Democratic People's Republic of Korea" in North Korea.

reclaimed in September 1948. This government also claimed to be the only legal one in Korea. Thus two separate governments established in Korea claimed the U.N. membership.

As far as Vietnam is concerned, during the World War II when Japanese occupied the Indo-China (Vietnam, Kampuchea, Laos) which was under French control from the latter half of the nineteenth century, the Vietnam was established on September 2, 1945 under the leadership of Ho Chi Minh. The state came to be known as the Democratic Republic of Vietnam (DRV). Following the Japanese withdrawal, French on their return to Indo-China accorded provisional recognition to the DRV. However, further negotiations broke off and in Vietminh (a national resistance movement headed by Ho Chi Minh) launched military actions against French forces in December 1946. The French, while continuing fight against the Vietminh, in 1949 recognized Bao-Dai, ex-emperor of Annam, a territorial part of the DRV, as head of the State of an independent Vietnam within a French Union. However, treaties according full independence to Vietnam in association with France, were signed at Paris on June 4, 1954. The jurisdiction of the Bao-Dai Government was confined to South Vietnam following the triumph of Vietminh in the North Vietnam in May, 1954. In July 1954 armistice and other agreements were


concluded in Geneva which envisaged for the temporary division of the Vietnam near the 17th Parallel into two separate zones, North Vietnam governed by the Vietminth Communists and South Vietnam administered by the non-communists pending an internationally supervised election to unify the country which was to be held in 1956. However, in 1955 the South Vietnam Government did not accept these arrangements.

With the establishment of two Governments, Republic of Korea and Democratic People's Republic of Korea in Korea and Republic of Vietnam and Democratic Republic of Vietnam in Vietnam, each country tried to become member of the United Nations. In the beginning the United States, on the one hand, favoured the admission of Republic of Korea and Republic of Vietnam to the United Nations but opposed the admission of the Democratic People's Republic of Korea and Democratic Republic of Vietnam on the other hand. The USSR wanted that all four countries should be admitted to the United Nations simultaneously. On September 30, 1955, the Ad Hoc Political Committee considered the question of admission of new members and Canada introduced a draft resolution jointly sponsored by 27 other States whereby this Committee would request the Security Council to re-consider the pending applications about which no problem of unification arose. But China moved an amendment to this joint draft resolution, introduced by Canada, to add the name of Republic of

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In 1956 at the eleventh regular session of the General Assembly application for the U.N. membership were submitted by the Republic of Korea, the Democratic People's Republic of Korea, Republic of Vietnam and the Democratic Republic of Vietnam for membership in the United Nations and two draft resolutions were introduced by the United States and 12 other members whereby the General Assembly would reaffirm its determination that the Republic of Korea and the Republic of Vietnam were fully qualified for admission to membership in the U.N. and would request the Security Council to reconsider the applications of those two States in the light of that determination. The draft resolution would also have the Assembly note that these applicants have been excluded from membership because of opposition by one of the Security Council's permanent members. On November 15, 1956, the General Assembly referred the question of admission of new members to the Special Political Committee.

Special Political Committee considered the question of admission of new Members to the United Nations between 11 and 30

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24. Francis O. Wilcox and Carl M. Marcy, *op.cite*, p. 82.
January 1957. Two draft resolutions were also submitted to the Special Political Committee. By a draft resolution submitted by the USSR, the General Assembly would ask the Security Council to reconsider the application of the Democratic People's Republic of Korea, the Republic of Korea, the Democratic Republic of Vietnam, and South Vietnam with a view of recommending their simultaneous admission to the U.N. membership. 27

During the discussion in the Special Political Committee most of the representatives favoured the admission of the Republic of Korea and the Republic of Vietnam. In support of their position they argued that the USSR’s abuse of veto was the only reason why the Republic of Korea and the Republic of Vietnam, both of which as the General Assembly had already determined, possessed the qualifications for membership, had been kept out of the United Nations. They further argued that the Government of the Republic of Korea, recognised by the General Assembly resolution 195 (111) as the only lawful government in Korea, had been recognized by more than 30 governments. The Republic of Vietnam, also a victim of aggression like the Republic of Korea was developing in an orderly fashion, and had been recognized by 47 governments. Both governments were active in international affairs. 28

In addition to the above arguments they further maintained that though the events had left both Vietnam and Korea divided countries, the fact that part of their territories were governed by de facto authorities could not affect their right to membership. Indeed, the admission of these two applicants, the Republic of Korea and the Republic of Vietnam might create conditions which could ultimately facilitate unification. Further, the General Assembly resolution adopted in 1955 — resolution 918 (X) — which advocated the admission of 18 States, Albania, Jordan, Ireland, Portugal, Italy, Austria, Finland, Ceylon, Nepal, Libya, Cambodia, Laos, Hungary, Romania, Bulgaria, Spain, Japan, and Mongolia about which no problem of unification arose could not be held to apply now to the consideration of the admission of the Republic of Korea and of the Republic of Vietnam. Although division of a country was a factor to be taken into account, the General Assembly had not, by that resolution of 1955, established the permanent principle that divided countries should not be admitted to the United Nations. The only conditions for admission were those laid down in the Charter. 29

They opposed the admission of the Democratic People's Republic of Korea on the grounds that it was in effect an occupied area, that its regime had been found guilty of aggression and that its Government had violated the provisions of the

29. Ibid, p 111.
Armistic Agreement it had concluded with the U.N. Command. And
the Democratic Republic of Vietnam could neither be regarded as
a peace-loving State nor was its Government independent. They
also opposed the USSR's draft resolution because that proposed
a form of admission which might be described as a "package deal"
contrary both to the spirit of the U.N. Charter and to an advisory
opinion given by the International Court of Justice in 1948 that
granting membership of one applicant should not be made subject
to granting membership to another. The Soviet draft resolution
would simply sanction the division of two territorial and political
entities as permanent. 30

While the representatives of the USSR, Albania, the
Byelorussian SSR, Bulgaria, Czechoslovakia, Poland, Romania and
the Ukrainian SSR contended that Korea and Vietnam should be
admitted to the U.N. membership after their unification. They
contended that the General Assembly had in effect decided in
1953 to defer consideration of membership applications from
divided States. If, however, the General Assembly Member
insisted on discussing the matter then it should be considered
in the form of the simultaneous admission of all four applicants,
the Republic of Korea, the Republic of Vietnam, Democratic
People's Republic of Korea and Democratic Republic of Vietnam.
They further contended that to admit South Korea and South
Vietnam would create false impression that the whole Vietnam

and Korea were fully represented in the United Nations. Two separate States existed in Korea as well as in Vietnam, differing in political and economic structure. To admit one without admitting the other would amount to discrimination against the State left out and would tend to aggravate and perpetuate the division of both countries. 31

Although the question of admission of the Republic of Korea and the Republic of Vietnam came before the Security Council in 1957 and 1958 but the Security Council could not make a positive recommendation due to the USSR veto. During these two years, the USSR insisted on simultaneous admission of the Republic of Korea and the Democratic People's Republic of Korea and pleaded that consideration of Vietnamese States be postponed until after the general elections stipulated in the Geneva agreements had been held. 32

At a meeting on August 6, 1975, the Security Council had before it applications for membership in the United Nations from the Republic of South Vietnam and the Democratic Republic of Vietnam, as well as a request by the Republic of Korea on July 30, 1975 for the Security Council to give further consideration, at the earliest appropriate occasion to its application, which had been transmitted by a letter of January 19, 1949 from the acting Foreign Minister of the Republic of

31. Ibid., p. 111.
Korea to the Secretary-General. The applications of the Republic of South Vietnam and the Democratic Republic of Vietnam were included in the agenda of the Security Council. However, the request from the Republic of Korea failed to obtain the required majority to be included in the agenda. At the end of the meeting the President of the Security Council referred the applications of the Republic of Vietnam and the Democratic Republic of Vietnam to the Security Council's Committee on the admission of new Members. But the Committee could not make a positive recommendation due to a negative vote of a permanent member (USA). 33

Speaking after the vote, the representatives of China and the USSR expressed great regret at the negative vote of the United States. Both expressed support for the admission of both States, the Republic of Vietnam and the Democratic Republic of Vietnam to the U.N. membership. The representatives of the USSR pointed out that the admission of the Vietnamese States had no relation to the Korean problem. 34 In a letter of August 11, 1975, to President of the Security Council, the permanent observers of the Republic of South Vietnam and the permanent observer of the Democratic Republic of Vietnam also protested against the United States veto of the applications

for admission to the U.N. of both republics as contrary to the U.N. Charter. 35

The representative of the United States explained the position taken by his country that the Security Council's decision of August 6, 1975, not to include the consideration of the South Korean application in its agenda had been the determining factor in the United States position. He further stated that the United States had been forced for the first time to veto the admission of a new Member to the U.N. The United States had been prepared to vote for the admission of each and all the three applicants before the Security Council. Moreover, it would have been equally willing to vote for the admission of North Korea besides South Korea, South Vietnam and North Vietnam, merely in plain pursuit of the principle of Universality. But the United States would have nothing to do with selective Universality. The representative of Costa Rica expressed the similar views. 36

On September 19, 1975, the General Assembly, after having examined the Special report of the Security Council, adopted resolution 3366 (XXX), by the preamble part of which it inter alia reaffirmed the legitimate right of the Democratic Republic

of Vietnam and the Republic of South Vietnam to be Members of the United Nations and requested the Security Council to reconsider immediately and favourably their applications in strict conformity with Article 4 of the U.N. Charter. On September 29, 1975, two draft resolutions were introduced, both sponsored by the Byelorussian SSR, China, Guyana, Iraq, Mauritania, Sweden, the USSR, the United Republic of Cameroon and the United Republic of Tanzania. The draft texts stated, separately in respect of each State that the Security Council had re-examined the applications of the Republic of South Vietnam and the Democratic Republic of Vietnam and that it recommended that they be admitted to membership in the United Nations. However, both draft resolution failed to be adopted on account of the United States veto. The representative of the United States stated that the principle of Universality was not divisible and it was not prepared to see that principle flouted in the case of the Republic of Korea only to be hailed in the case of the Vietnam. He further maintained that it was not the United States wish to prevent in any way the admission of the two Vietnamese States, but it would continue to support in every feasible way the Republic of Korea's wish to participate as a U.N. Member.

38. Ibid., p. 314.
On July 2, 1976 both the Vietnamese States were unified and named as the Socialist Republic of Vietnam. Even after the unification the United States continued to block the admission of Vietnam. On November 15, 1976, the United States blocked the admission of Vietnam to the United Nations. This time the United States advanced the reason for casting its negative vote that the Vietnam had failed to account for the American soldiers "missing in action" in the Vietnam war.

On November 26, 1976, the then 145-nation U.N. General Assembly passed a resolution on Vietnam rebuffing the United States for blocking its admission in the world body by using its veto in the Security Council. In a 'roll-call vote, the United States was the sole country to vote against it. And the United States representative William B. Stranton served a fresh notice in the General Assembly that if the Vietnam question came before the Security Council, it would once again veto it. He alleged that the Vietnamese authorities were refusing to share information that was already available with them on the fate of the Americans "missing-in-action". However, the United States objection to Vietnam's membership was withdrawn in May, 1977 after Vietnam had, as a result of lengthy negotiations conducted in Paris, undertaken to supply the United States with

40. The Times of India, New Delhi, July 3, 1976.
42. Ibid, pp. 13551-13552.
additional information concerning the fate of missing U.S. servicemen in Vietnam - in connection with which the United States Government had previously accused Vietnam of failing "to show satisfactory human or practical concern". Consequently on July 20, 1977, the Security Council recommended the admission of Vietnam to the United Nations.43 And, the 32nd U.N. General Assembly opened on September 20, 1977 with the election of Vietnam to full membership as its 149th member.44

From the above discussion it is clear that the problem of admission to the U.N. is often political and not legal. In the beginning the United States opposed the admission of the Democratic People's Republic of Korea and Democratic Republic of Vietnam on the grounds that Democratic People's Republic of Korea was in effect an occupied area; that it regime had been found guilty of aggression; and that its Government had violated the provisions of the Armistic Agreement it had concluded with the U.N. Command and it consider the Democratic Republic of Vietnam not a peace-loving State. However, America was prepared to vote for the admission of all four States in 1975, but blocked the admission of both Vietnamese States because Republic of Korea was not included in the Security Council's agenda of 1975. This is contrary both to the spirit of the

U.N. Charter and to an advisory opinion given by the International Court of Justice in 1948 that granting membership to one applicant should not be made subject to granting membership to another. Again in 1976 and 1977 America blocked the admission of Vietnam to U.N. membership but on a different ground that the authorities of Vietnam were not sharing the information already available with them regarding the "serviceman missing in action". However, in May 1977 the United States withdrew her objections. As for the two Korean States are concerned, they are still waiting for their admission to the world body.

On June 19, 1961 Britain and Arabian Gulf Kingdom of Kuwait on the Persian Gulf signed a new Agreement setting out the new relations between them. This agreement formally acknowledged Kuwait's total independence though there would be close relationship between Kuwait and the U.K. and both would consult each other on all matters of common interest. Britain had also undertaken to give any assistance to Kuwait that she might need. And the new agreement replaced the agreement signed in 1899 under which Britain assumed the protection of Kuwait and was responsible for her foreign relations. 45

One June 30, 1961 Kuwait applied for membership in the United Nations and on November 30, 1961, the Security Council met at the request of the United Arab Republic to consider the admission of Kuwait to the United Nations. The United Arab Republic also submitted a draft resolution whereby the Council would recommend that the General Assembly admit Kuwait to membership. While introducing the draft resolution in the Security Council, the representative of the United Arab Republic said his delegation was acting pursuant to a decision of the Council of the Arab League, to which Kuwait had been admitted as an independent and sovereign State. Kuwait was, moreover, a member of several of the specialised agencies and had been recognized by a majority of the Members of the United Nations. Its accession to independence on June 19, 1961 had ended a protectorate treaty that had formerly governed relations between Kuwait and the United Kingdom. Further, the British troops, whose presence in Kuwait had been the subject of Security Council discussion in July 1961, were no longer in the territory, and the people of Kuwait enjoyed full independence and sovereignty.4

During discussion in the Security Council Ceylon, Chile, China, Ecuador, France, Liberia, Turkey, the United Kingdom and the United States supported the draft resolution, pointing out that Kuwait was a sovereign and independent State fully qualified

under the terms of the United Nations Charter for membership in the United Nations. But the representative of Iraq who was invited, at his request, asked that the application of Kuwait be rejected. He argued that Kuwait was not and had never been a State in the internationally accepted sense. Rather, it had always been considered an integral part of Iraq, which was a founding Member of the United Nations. He further charged that Kuwait was, for all practical purposes, a British Colony. The territory—which had barely 250,000 inhabitants, the majority of whom were considered to be foreigners rather than citizens—was in fact a small town, not to be compared in status with the other states which were United Nations Members. The treaty of 1899 upon which the British bases claims to be a protecting power in Kuwait was not a legal instrument, and the independence which Britain claimed to have granted to Kuwait on June 19, 1961 was fictitious. Similar views were expressed by the representative of the USSR and he suggested that the Security Council should postpone the examination of Kuwait’s application. However, the USSR motion for postponement the examination of Kuwait’s application was rejected. But the United Arab Republic draft resolution was vetoed by the USSR. The delegate of the USSR, V. Zorin described Kuwait as a “Vassal of Britain.”

On May 7, 1963 the Security Council once again considered the application of Kuwait for membership in the United Nations. Both the representatives of Iraq and Kuwait were invited at their request to participate in the Council's discussions. The representative of Iraq maintained in the Security Council that postponing consideration of Kuwait's application would have provided a valuable opportunity to settle the problem satisfactorily and peacefully in conformity with his Government's policy of seeking a peaceful solution. He further stated that Iraq wished to place on record its reservations regarding any decision that might be taken by the Security Council. However, the representative of Kuwait saw no reason or justification for a postponement of a decision by the Security Council on his country's application for admission to the United Nations. Moreover, he pointed out that the overwhelming majority of the United Nations Members supported his Government's belief that there was no problem between Kuwait and Iraq.⁴⁹

After a further expression of views by the Security Council members in support of Kuwait's application, it was agreed that the General Assembly be informed that the Security Council unanimously recommended the admission of Kuwait.⁵⁰ Kuwait was admitted to the United Nations by acclamation as its 111th member at a special session of the General Assembly on May 14, 1963.⁵¹

⁵⁰ Ibid, p. 92.
The Charter provisions leave no doubt about the Chinese membership. The Original Members of the United Nations are those States which having participated in the United Nations conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, signed the present Charter and ratify it in accordance with Article 110. China was present at the San Francisco United Nations Conference, signed and ratified the Charter, and hence by the Charter is an Original member. Even prior to the San Francisco Conference on International Organization China was one of the four signatories of Moscow Declaration (1943) which recognized 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, and open to membership by all such states, large and small, for the maintenance of international peace and security. Moreover, China is a permanent member of the Security Council and the Republic of China is named as such in Article 23.

After the surrender of Japan, America started supplying huge quantities of arms and equipments to Chiang Kai Shek to strengthen his hold over the country. Consequently the

53. Article 3, of the U.N. Charter.
Kuomintang government started the policy of crushing united front as well as Communists. In 1947 Chiang Kai Shek launched an attack and captured the famous 'red base of Yenan', /People's Liberation Army also started a counter offensive and inflicted a number of defeats on Kuomintang between November 1948 and January 1949. It also succeeded in capturing Peking. On an appeal from Chiang Khai Shék, negotiations between Kuomintang and Communists started in April. These negotiations ended in failure. On April 23, 1949 Communists captured Nanking and hoisted the red flag. In October 1949, the People's Republic of China was set up. Chiang Kai Shek with the American support took refuge in Formosa.

With the flight of the Nationalist government to Taiwan and the establishment of the Chinese Communist government on the Asiatic mainland in 1949, a rival was made to the right to represent the Republic of China in the United Nations. The Chinese question, which had been a cause of celebre in the United Nations from 1950 to 1971, was technically a matter of credentials, closely tied to the problem of recognition: which of two rival Chinese regimes — the Nationalists ensconced on the quasi-Chinese island of Formosa, or the Communists dominating mainland China — is to be regarded as the government authorized to send representatives to act on behalf of the Chinese State.

56. D.C. Blaisdell, op.cit., p. 44.
one of the original members of the organization.\footnote{57}

On November 18, 1949, the Foreign Minister of the Chinese people's Republic formally repudiated the Chinese Nationalist delegation at Lake Success headed by Dr. Tsiang and asked Trygve Lie, the then U.N. Secretary-General, to take action "immediately" to deprive that delegation of its status. The U.N. General Assembly did not take any such action. On December 29, 1949, Mr. Malik (U.S.S.R.) supported the application of the Chinese Communist Government in the Security Council concerning the non-recognition of the delegation "appointed by the former Kuomintang Government" and declared that the USSR would not consider Dr. Tsiang as the representative of China, or as having the right to represent the Chinese people in the Security Council. This attitude was supported by McGalagon (Ukraine). In reply, Dr. Tsiang declared that the Soviet Union Statement struck "a blow at the legal and moral foundations of the Security Council and of the United Nations", and that, if a minority of the Security Council could arbitrarily deny the authority of any other delegation, the U.N. would be "reduced to anarchy or to the dictation of one or two of its delegations". He further stated that the USSR statements rested upon a telegram submitted by "a man called Chou en-Lai who styled himself the Foreign Minister of the so-called

\footnote{57. L.L. Claude Jr, \textit{op.cit.}, p.104-105.}
Chinese People's Republic. He maintained that the Nationalist delegation represented a legally elected government which was opposed by a Soviet-inspired Government, and described it as an "insult and injury" to say that the "puppet regime" in Peking should replace the constitutional Government of China.58

On January 8, 1950 in a telegram to the U.N. Secretary-General, the Foreign Minister of People's Republic of China declared the presence of the "Kuomintang delegation" in the Security Council illegal and asked for the expulsion of this delegation from the Security Council. And on January 10, 1950 USSR submitted a draft resolution whereby the Security Council would not recognize the credentials of the Kuomintang representative and exclude him from the Security Council. The representative of the USSR also warned the Security Council that if it failed to take the "appropriate measures" then the delegation of his country would not participate in the work of the Security Council until the "Kuomintang representative" was excluded. However the Security Council rejected the USSR draft resolution.59

The United States, whose determined leadership had prevented the replacement of Nationalist by Communist delegates, had tended to treat the matter as if it were a membership


question, even though admitted when pressed, that it was a question merely analogous to that of membership. The logical confusion reigning in the Chinese question exceeded the bounds of decency when Secretary-General Trygve Lie, in a legal memorandum of March 8, 1950, took the position that the questions of representation and of recognition are entirely separable, thus supporting the proposition that a State may recognize one regime as the government of a member State and another as the entity qualified to act on behalf of the State in the United Nations. This indeed was the situation in which Great Britain and other member States which recognized Red China but felt compelled to go along with the American policy of maintaining Nationalist Chinese representation in the United Nations. They were in the position of admitting that the Mao regime was the government of China but denied it the right to act for China in the most important international forum, and rejected the claim of the Chiang-Kai Sheh regime to be the government of China but acquiescing in its pretension to do what only a government could do — to represent the State in the United Nations. 60

In 1951 the General Assembly passed a resolution in the midst of the Korean War which stood in the way of the Chinese Communist government's occupying the Chinese seat in the United Nations. The resolution stated that the Central People's

Government of the People's Republic of China had "engaged in aggression in Korea". In effect, the General Assembly said that this government is not the government of a peace-loving state, hence was not eligible for membership under the standard of Article 4. Since 1951 this finding also obstructed favourable action on the Communist claims to take over the Chinese seat, even if there were no question of credentials.51

Since 1951 at every General Assembly session objections were made at the opening meeting on a point of order, and before the appointment of a Credentials Committee by the temporary president, to the legality and validity of the credentials of the representatives of the Nationalist government of China. To thwart this tactic the United State in the sixth session of the General Assembly called for and received priority for a move not to consider any proposals to exclude the representatives of the Republic of China or to seat representatives of the People's Republic of China. The Assembly approved this move. Thereafter, until the sixteenth session (1961), the question of seating provisionally the representatives of whose admission objection had been made did not arise. The tactic was accepted by succeeding General Assembly sessions with varying but smaller majorities. Thus, the question of the representation of China in the United Nations was not included in the agenda of the General Assembly from 1951 to 1960.52

51. D.C. Blaisdell, op. cit., p. 44.
52. Ibid., p. 76.
On September 17, 1961, New Zealand asked that an item entitled "Question of the representative of China in the United Nations" be placed on the agenda of the General Assembly's sixteenth session. And on the following day, the USSR asked that an item entitled "Restoration of the Lawful Rights of the People's Republic of China in the United Nations" be put on the agenda of the sixteenth session of the General Assembly. On September 21, 1961, the General Assembly's General Committee recommended that the two items be inscribed on the Assembly's agenda. On September 25, 1961, the General Committee's recommendation was approved by the General Assembly. 53

From 1961 to 1971, the USSR, New Zealand, Albania, Cambodia and many other States continued their effort for the restoration of the lawful rights of the People's Republic of China. Though, in 1961 under the growing pressure from Afro-Asian countries, the United States relented and agreed to the matter being discussed by the General Assembly. 54 But a new tactic was adopted by the USA of defeating on its merits the perennial motion to exclude Nationalist and replace with Communist government representatives. 55 The United States and its followers sponsored a resolution favouring a two-thirds vote in accordance with Article 18 of the U.N. Charter to expel and

54. The Times of India, Bombay, November 18, 1965.
55. D.C. Blaisdell, op. cit., p. 78.
replace the Republic of China in the United Nations. The United States also opposed the replacement of the Nationalist by the Communist government representatives because it would ignore the war-like character and aggressive behaviour of the leaders on the mainland of China who talked of the inevitability of war as an article of faith. The regime in Peking had demonstrated that it believed in a philosophy of violence and fanaticism. It had carried out aggressive military actions against Korea, against the Republic of China and Taiwan and against South and South-East Asia. The tactic was accepted by succeeding General Assembly sessions till 1970 but the total number of States favouring the resolution of two-thirds majority for the replacement of the Nationalist China by the Communist government representatives in the United Nations dwindled with the passage of every year.

In 1971, the General Assembly again considered the question of representation of China at its 26th session. It had before it three resolutions: A U.S. resolution declaring that any proposal of depriving the Republic of China of its representation at the U.N. was an "important question" requiring a two-thirds majority under the U.N. Charter; a second U.S. resolution calling for the entry of the People's Republic of China to the

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U.N., including a permanent seat on the Security Council, but at the same time affirming "the continued right of representation of the Republic of China"; and Albanian resolution for the admission of the People's Republic of China to the U.N. and for the simultaneous expulsion of "the representative of Chiang Kai Shek."58

The General Assembly debated on these resolutions between October 18-25, 1971, during debate the representative of Albania contended that the People's Republic of China was one and indivisible, and that the province of Taiwan was an inalienable part of the Chinese territory. The Government of People's Republic of China was the only Government of all the Chinese people, and the only one to represent China in the United Nations. And Chiang Kai Shek clique represented nothing, neither a people nor a State, and it should have been expelled long ago.69 He further contended that the procedural resolution submitted by the United States that any proposal to deprive the Republic of China of its representation at the United Nations was an "important question" requiring a two-thirds majority under the U.N. Charter, constituted a flagrant distortion of Article 18 of the U.N. Charter. It was not a question of admitting a new Member nor of expelling a Member State. It was a simple question of the representation of a State that was already a Member of the United Nations which could be settle by a majority of votes in

the General Assembly. And the Change of a State's name had nothing to do with its status as a member. 70 The representatives of India, Pakistan, Syria and the USSR expressed similar views.

The representative of the Republic of China maintained that his country had earned its place in the United Nations by virtue of its contributions to peace and freedom during the world war II. It was one of the sponsoring powers of the San Francisco Conference which brought the United Nations into being, and it had since faithfully discharged its Charter obligations. During the war years, the Republic of China lost a major portion of its territory and was cut off in its land and sea communications with other parts of Asia. No one questioned the right of that Government to speak and act on behalf of the Chinese people at international conferences. The fact that the Communists had been in occupation since 1949 did not in any way alter the legal status of his Government. The Chinese Communists regime had never had the moral consent of the Chinese people. It had kept itself in power through torture and terror, surveillance and intimidation. It was un-Chinese in Character and un-Chinese in purpose, and could in no sense be regarded as the true representative of the great Chinese nation. 71

70. Ibid, p. 33
71. Ibid, p. 35
The whole purpose of Albania, Algeria, and other supporter
states of the Chinese Communist regime had been the expulsion
of the Republic of China from the United Nations. Article 6
of the Charter stated that a Member State which had persistently
violated the Charter may be expelled from the Organization by
the General Assembly upon the recommendation of the Security
Council. Far from "persistently" violating the Charter, the
Republic of China has scrupulously discharged its Charter
obligations. The representative of Australia while opposing
the expulsion of Republic or China argued that the status of
the Republic of China as an effective Government, and its record
as a Member of the United Nations gave no ground whatever for
expelling it. Since the word "expel" was clearly written in
the Albanian resolution, the application of Article 16 of the
Charter, listing the expulsion of Members as an important
question, was in order. The United States, New Zealand,
Philippines expressed the same views.

The General Assembly rejected both, a draft resolution
asking the General Assembly to decide that any proposal which
would result in depriving the Republic of China of representation
in the United Nations was an important question under Article 16
of the U.N. Charter requiring a two-thirds majority vote and a
motion of the United States for a separate vote on the clause

72 Ibid. p. 35.
calling for the expulsion of the representatives of Chiang-Kai Shek. 73

On October 25, 1971, the General Assembly of the United Nations adopted a resolution (2758 (XXVI)), by which it recognized that "the representatives of the Government of the People's Republic of China are the only lawful representatives of the China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council," and decided "to restore all its rights to the People's Republic of China and to recognize the representation of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang-Kai Shek from the place which they unlawfully occupy at the U.N. and in all the organizations related to it." 74

 CHAPTER III

WITHDRAWAL, SUSPENSION AND EXPULSION FROM THE U.N.

Under the Covenant any Member of the League could withdraw after giving two years' notice, provided that all its international obligations and all its obligations under the Covenant were fulfilled at the time of its withdrawal. Members could also withdraw if they dissented from an amendment to the Covenant.

The U.N. Charter contains no provision admitting the right to withdraw from the Organization. The question of withdrawal aroused much discussion in the appropriate Committee. On the one hand, it was argued that it would be contrary to the conception of universality. On the other hand, it was asserted that a sovereign nation could not be compelled to remain in the organization against its will. And the San Francisco Conference took the view that, if such a right were expressly granted, some Members might use it as a means of escape from long-term obligations, or as a weapon with which to extort concessions from the Organization. In the end the Committee decided against the inclusion in the Charter of a withdrawal clause. But the

1. Article 1(3) of the Covenant of the League of Nations.
3. Ibid., p. 25.
appropriate Committee of the San Francisco Conference included in its report a declaration that, notwithstanding the absence of specific provisions in the Charter, withdrawal would be admissible if (1) exceptional circumstances compelled a Member to "leave the burden of maintaining international peace and security on the other Members"; (2) if, "deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace, or could do so only at the expense of law and justice"; and (3) if the rights and obligations of a Member were, without his concurrence, changed by amendment of the Charter or, conversely, if an amendment accepted by the majorities prescribed in Article 108-109 failed to secure the requisite number of ratifications. 5

The only case of withdrawal has been of Indonesia. President Sukarno formally announced Indonesia's withdrawal from the United Nations on January 7, 1965, as a protest against Malaysian membership of the United Nations Security Council. 6 The Supreme Advisory Council of Indonesia on January 15, 1965 unanimously approved the withdrawal from the United Nations. 7 In a letter to the Secretary-General of the United Nations on January 20, 1965, the First Deputy Prime Minister and Minister for Foreign Affairs of Indonesia formally notified that "Indonesia has decided at this stage and under the present circumstances to withdraw from the United Nations."

Indonesia contended that Malaysia had been forced into the United Nations on September 17, 1963, by deliberate avoidance of any voting, in a successful manoeuvre of neocolonial powers. While Indonesia had voiced disapproval, it had remained patient until, by another colonial manoeuvre, Malaysia had been pushed into the Security Council. This made a mockery of Article 23 of the United Nations Charter, which provided that the election of a non-permanent member of the Council should be guided by the importance and contributions of the candidate to the maintenance of international peace and security. Indonesia questioned, what contribution for the maintenance of peace and security had been made by Malaysia. The letter further noted, that even the very existence of Malaysia — a tool of British neocolonialism in South East Asia — was controversial and opposed by its neighbours.  

The Permanent Representative of Indonesia in New York informed the Secretary-General on December 31, 1964 of a statement made that day by Indonesia's President Sukarno to the effect that, if "neocolonialist" Malaysia were seated in the Security Council, Indonesia would withdraw from the United Nations. On January 7, 1965, after the seating the Malaysia as a member of the Council, the Government of Indonesia, on careful consideration, had taken the decision to withdraw from the United Nations, and, in addition, from specific specialized agencies.

Indonesia’s decision, the letter added, might become a catalyst to reform the United Nations in spirit and deed. The present revolutionary Indonesian decision, taken in the best interests of the United Nations, might also have a beneficial effect for the speedy solution of the Malaysian problem. Indonesia, the letter further noted, still upheld “the lofty principles of international co-operation as enshrined in the United Nations Charter”, which could, however, be implemented outside, as well as inside, the United Nations. The letter made it clear, while Indonesia’s actual withdrawal from the United Nations, had already been carried out as of January 1, 1965, it was suggested that due to the technicalities of winding up the Indonesian Permanent Mission in New York and the United Nations offices in Indonesia, these offices should be closed on March 1, 1965. It was requested that the Secretary-General arrange for the Indonesian Mission in New York to maintain its official status until March 1, 1965, as would also be the case with the United Nations office in Jakarta.¹⁰

In a letter dated January 22, 1965 to the Secretary-General, the permanent representative of Malaysia refuted the charges levelled against the admission of his country to the United Nations and Security Council by Indonesia. He maintained that Indonesia’s allegation that Malaysia had been forced into the United Nations by deliberate avoidance of any voting on

¹⁰ Ibid, p.190.
September 17, 1963 was wrong. In 1963 Malaysia had only sought to change its name in the Organization. Federation of Malaysia had come into existence as an independent State in 1957. The addition of three more States had not changed the international personality of the Federation.\textsuperscript{11}

As for the contention that Malaysia had been "manoeuvred" into the Security Council, Indonesia had chosen to forget that, as early as November 1, 1963, as evidenced by the Assembly records, it had been decided that Malaysia should, upon the resignation of Czechoslovakia, assume the seat occupied on the Council by that State. At the time of this decision, Indonesia had been present in the Assembly and had not even reserved its position. The letter further clarified that when membership in the Security Council had been sought by Malaysia, it had already been a member of the United Nations for six years. When it had been finally elected to the Council in December 1964 by the procedure of "consultation", it had received the necessary support of the total membership. The letter pointed out that Malaysia had, like Indonesia and for a longer period, contributed troops to the United Nations operations in the Congo for the maintenance of international peace and security.\textsuperscript{12}

Indonesia's withdrawal in 1965, the first case of its kind in U.N. history, aroused apprehensions and alarms, and unhappy

\textsuperscript{11} Ibid, p. 190.

\textsuperscript{12} Ibid, pp. 190-191.
memorizes of the effects of withdrawals from the League of Nations in the 1930's. Schwarzenberger expressed his apprehension that Indonesia's declaration of withdrawal, with no stretch of the imagination could be the constitutional admittance of Malaysia to the Security Council be considered "exceptional circumstances" — conformity to the terms of the Charter could not be brought under any of the heads outlined in the Commentary and it would be ludicrous to attempt to argue that it constituted an exceptional circumstances beyond those heads. Even more remote was the possibility that Indonesia could claim that Malaysia's admittance to the Security Council fell within the scope of the doctrine of *rebus sic stantibus*. Thus it appeared that Indonesia had no right to declare withdrawal from the U.N. and that for declaration was in breach of her obligations under the Charter. How then was the fact of Indonesia's withdrawal to be reconciled with this absence of a right to withdraw? Could it be that "Indonesia's purported withdrawal from the United Nations was ineffective and Indonesia remained subject to all her duties under the Charter.? On February 26, 1965 in a letter to the First Deputy Prime Minister and Minister for Foreign Affairs of Indonesia, the Secretary-General of the United Nations expressed his fear that the position of the Indonesian Government had given rise

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to a situation for which no express provision was made in the Charter. He recalled, however, that the San Francisco Conference at which the Charter had been drawn up, had adopted a declaration on withdrawal. And he also noted that in due time Indonesia would welcome full co-operation with the United Nations.

The United Kingdom in a letter to the Secretary-General on March 6, 1965 stated that, without prejudice to its views as to the circumstances which might legally justify a Member State in withdrawing from the U.N., it wished to place formally on record its view that the reason advanced by Indonesia, namely the election of a non-permanent member of the Security Council, was not a circumstance so exceptional as to justify Indonesia in withdrawing from the Organization. On May 13, 1965, in a note verbale addressed to the Secretary-General, the Italian Government voiced its apprehension over disquieting consequences for the United Nations resulting from the absence of any mention in the United Nations Charter of such an important point as withdrawal from the organization. The declaration on withdrawal which had been adopted at the San Francisco Conference, the note verbale stated, did not appear to be entirely adequate as it did not contain any definition of the circumstances justifying withdrawal, or any procedure for determining such circumstances in the future.

As a result of profound political changes inside the country Sukarno's policies were reversed and he himself was relegated to the Background by the General Suharto and his associates who took control after the attempted coup of October 1965. The Foreign Minister, Adam Malik on April 4, 1966, said that Indonesia would re-evaluate its foreign policy and consider rejoining the United Nations. On September 19, 1966, the Ambassador of Indonesia to the United States in a telegram to the Secretary-General of the United Nations expressed the wish of his Government "to resume full co-operation with the United Nations and to resume participation in its activities starting with the twenty first session of the General Assembly". (The Assembly's twenty-first session was scheduled to open on September 20, 1966).

At the plenary meeting of the General Assembly on September 26, 1966 the President Abdul Rahman Fazhwak of the Assembly read out the telegram from the Ambassador of Indonesia and recalled the developments that had taken place in 1965 regarding Indonesia's membership in the United Nations. He stated that it appeared from the terms of the telegram that the Government of Indonesia considered that its recent absence from the organization had been based not upon a withdrawal from the

United Nations but upon a cession of co-operation. The President pointed out that the action taken by the United Nations in the past would not preclude this view and, if it was shared by the membership in general, the Secretary-General would give instructions for the necessary administrative action to be taken for Indonesia to participate again in the activities of the organization. Having ascertained that there was no objection to proceeding in this manner, the President invited the delegation of Indonesia to take its seat in the General Assembly. 20

The General Assembly President Abdul Rahman Passak, expressed on behalf of the Assembly "sincere appreciation" for Indonesia's decision to take part in the Organization's activities. And Adam Malik who was leading the Indonesian delegation expressed thanks for the welcoming back of his country, and particularly the Secretary-General U Thant, and the Secretariat for their advice and co-operation in smoothing the way. 21

In the Indonesian letter of January 20, 1965, it was stated several times that Indonesia had taken the decision to withdraw from the United Nations and not merely to cease to co-operate with it. This intention was clearly and unambiguously expressed. On the United Nations side, the Indonesian

position that it could and did withdraw had, however, not been confirmed and the President of the General Assembly rightly stated that the action taken by the United Nations on this matter would not appear to preclude the view that what Indonesia had done was a cessation of co-operation only. If Indonesia had validly withdrawn, its "resumption of full participation" in the United Nations activities, its "return" and its "reparticipation" would legally not have been possible except as a consequence of its readmission under the procedure of Article 4 of the Charter, i.e., by a decision of the General Assembly upon the recommendation of the Security Council. If Indonesia now is a Member of the United Nations, this is due to the fact that since its original admission in 1950 it has not ceased to be a Member. 22

The reason Indonesia gave for the withdrawal, the election of Malaysia to a non-permanent seat on the Security Council, cannot reasonably be classified as an "exceptional circumstances" justifying withdrawal from the Organization. The commentary lists as reasons which might lead to the withdrawal of a Member State two situations connected with the amendment process which do not enter into the picture at all in the Indonesian case. The commentary also permits withdrawal if, deceiving the

hopes of humanity, the organization was revealed to be unable
to maintain peace or could do so only at the expense of law and
justice. Even the most fanatic opponent of colonialism,
"neo-colonialism" and their "tools" could not claim that this
was the situation in January, 1965. The Indonesian Government
itself does not seem to have been sure of the legality of its
action in withdrawing from the United Nations: It described the
decision to withdraw as "a revolutionary one, unprecedented as
it may be." A decision by which a right or a faculty is exercise
is not "revolutionary". A "revolutionary decision" is one which
breaks the continuity between the existing states and the
situation which the revolutionary act purports to bring about.
A "revolutionary" act is not binding upon the other participants,
in our case on the Organization as such and the other Member
states. It might have debased Indonesia itself from claiming
the ineffectiveness of its illegal act. This "estoppel" or
"preclusion" was waived, however, by the General Assembly when,
on September 26, 1966, it agreed to Indonesia's resumption of
full participation in the activities of the Organization. In
the settlement of the question of Indonesia's contributions the
United Nations made a concession as far as the amounts due were
concerned. The arrangement which were approved by the
Administrative and Budgetary Committee of the General Assembly
confirms, however, the proposition, agreed to by both sides,
that the bond of membership between Indonesia and the United Nations has continued without interruption. Otherwise Indonesia could not have been seated without action on the part of the Security Council.23

It is submitted that the Indonesian intermesse leaves the law concerning withdrawal from the United Nations in the following state:

"Members of the United Nations have the right to withdraw from the Organisation, but only in the exceptional circumstances set forth in the interpretative commentary. A withdrawal for other than exceptional circumstances is not permissible and constitutes a breach of that Member's international obligations."24

Suspension, by its very nature, implies temporary termination of membership by depriving the suspended member of its privileges such as voting rights.25 The question of suspension gave rise to a lengthy exchange of views in Committee I/2. This question was dealt within the Dumbarton Oaks Proposals in Chapter V (on the General Assembly), but it was transferred to Chapter XI (on membership) in the Charter. In the end the Committee recommended and Commission I and the Conference

adopted the following provision:

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.26

The main purpose is to prevent States guilty of a threat to the peace, a breach of peace or an act of aggression (Article 39) from obstructing the Organization in the discharge of its functions. There is no guarantee that this purpose can be achieved if the offending State is a permanent member of the Security Council and, as such, entitled to veto any recommendation under this article 5.27

If we look back upon the travaux preparatoires, the Dumbarton Oaks Proposals contained no equivalent provision to Article 19 which provides that a member of the United Nations which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds to amount of the contributions due from it for the preceding two full years.

27. Bentwich And Martin, op. cit., p. 24-25.
Taking a lesson from the League’s experience — which had some difficulty in having no powers to punish defaulters — the technical committee thought it desirable to deprive States, in arrears of their contributions, or their voting privileges and rights. However, the General Assembly was empowered to waive the penalty if it was satisfied that the reasons for delay in payment were beyond the control of the State in question.26

The United Nations Charter visualises mandatory suspension of voting rights in the event of financial default of a certain magnitude, specified in Article 19. However, Article 5 provides a permissive type of suspension when preventive or enforcement action has been taken against a member by the Security Council, because the awards used are “may be suspended” as against Article 19 which runs “shall have no vote in the General Assembly”. The United Nations Charter, Article 19 though mandatory suspension is prescribed in the event of financial default of a certain magnitude, power is given to the General Assembly by a two-thirds majority to permit a defaulting member to exercise its right of vote, provided the General Assembly is satisfied that the failure to pay is due to conditions beyond the control of the member.29

26. Mahmatulah Khan, op. cit., p. 117.
In the United Nations Charter, when a member is suspended under Article 5 on the ground that preventive/enforcement action has been taken against it by the Security Council, the recommendation for suspension must emanate from the Security Council, though the final decision rests with the General Assembly. Thus, the General Assembly rather than any other organ has been empowered to have the last word whether to suspend or not. It is true, however, that as the preventive or enforcement action is taken by the Security Council and as that is the sole ground for suspension under Article 5, the power to restore the lost rights and privileges of membership are given to the Security Council even though the initial suspension can only take place with the assent of the General Assembly. As Article 18 of the United Nations Charter declares suspension to be an "important question" it would need a two-thirds majority of members present and voting in the Assembly for a decision to be taken. 30 The Assembly decides by a two-thirds majority of the members present and voting, but it cannot act without a positive recommendations from the Council. The voting procedure in the Council is governed by Article 27(3), but the proviso that a party to a dispute shall abstain from voting does not apply to decisions under Article 5. 31

30. Ibid., p. 51.
31. Benlwich And Martin, op.cite, p. 25.
The United Nations Charter (Article 19) appears to provide a suspension of voting powers in the General Assembly so long as the member-State is in arrears in respect of its financial commitments to the organization. As soon as the arrears are paid, membership with all its rights must be deemed to be restored in the organization.\textsuperscript{32} As a rule, suspension or restoration must operate on the totality of these rights.\textsuperscript{33}

It can be stated that restoration of rights of membership after suspension may or may not require a resolution of the appropriate organ, but the period of suspension is generally limited to the date of compliance with unfulfilled obligations whether financial or otherwise. In this respect it is submitted that the correct formula is to distinguish between financial and other defaults and to prescribe, in the case of former, in\textit{so facto} restoration of membership on payment of arrears. However, in the latter case, since a close examination would be necessary to determine the extent to which the breach had been remedied, a resolution of appropriate organ empowered to suspend must be necessary to restore membership to erstwhile defaulting State.\textsuperscript{34}

\textsuperscript{32} Nagender Singh, \textit{op.cit.,} p. 54.
\textsuperscript{33} Bentwich and Martin, \textit{op.cit.,} p. 25.
\textsuperscript{34} Nagender Singh, \textit{op.cit.,} p. 55.
In the United Nations Charter, suspension is confined to the loss of vote in the General Assembly. The right of representation is not entirely lost during the period of suspension, there can be no question of a suspended member escaping obligations arising under the convention, even temporarily. Thus for example, if one of the permanent members of the Security Council is in arrears in the payment of its financial contributions to the Organization to the extent specified in Article 19 and is consequently suspended, it would certainly lose its vote in the General Assembly but not in the Security Council, still less its membership of the United Nations. In the circumstances, a suspended State could hardly argue that it was free from the obligations of the Charter with effect from the date of suspension. So suspension does not in any way affect the obligations of the Member; it only affects its rights and privileges.

The General Assembly's repeated condemnation of the policy of apartheid and occupation of Namibia by South Africa could not tame the racist regime and consequently when the question of the credentials of the representatives of South Africa was discussed at meetings of the Assembly's Credentials Committee on 20 and 27 September 1974. During the discussion the

35. Ibid, p. 53.
36. Ibid, p. 56.
37. Bentwich And Martin, op. cit., p. 25.
representative of Senegal proposed that the Committee reject the Credentials of the representatives of South Africa, for they had been appointed by a Government which was the product of racial criteria and represented only a very small fraction of South Africa's population. Such a decision, he pointed out, would mean the exclusion not of South Africa as a Member State of the United Nations, but solely of the South African delegation. The representatives of China, the USSR and the United Republic of Tanzania supported Senegal proposal. However, the United States representative opposed the Senegal proposal. He maintained that the function of the Credentials Committee was to examine whether the credential of representatives had been issued in conformity with rule 27 and 28 of the Assembly's rules of procedure. Belgium and Costa Rica while expressing similar views, emphasized that a strict interpretation of rule 27 was in order and that the Credentials Committee should not go beyond its limited competence.

The Chairman of the Credentials Committee, speaking as the representative of the Philippines made it clear that Credentials Committee, as a functional body of the General Assembly, had to obtain guidance or take directives from the Assembly's resolution of December 14, 1973 by which the Assembly [28] Yearbook of the United Nations, 1974, p. 108. [39] Ibid, p. 107.
had declared that the South African regime had no right to represent the people of South Africa. He recalled that its four previous sessions the Assembly had refused to accept the credentials of the South African representatives. In the face of those decisions, taken by overwhelming majorities, he felt that the Credentials Committee was left with no alternative but to reject the credentials of the South African regime. 40

A draft resolution proposed by Senegal — by which the Credentials Committee would accept "those credentials of representatives of Member States to the twenty-ninth session of the General Assembly that (had) already been submitted with the exception of the credentials of the representatives of South Africa" — was adopted by a vote of 5 in favour (China, Senegal, the Philippines, the USSR, the United Republic of Tanzania), 3 against (Belgium, Costa Rica, the United States) and 1 abstention (Venezuela). 41

On September 30, 1974, the General Assembly decided by a recorded vote of 98 in favour to 23 against, with 14 abstentions, to approve the report of the Credentials Committee in which the Committee had rejected the credentials of South Africa. By a recorded vote of 125 in favour to 1 against, with 9 abstentions, the Assembly adopted a resolution calling on the Security Council to "review the relationship between the United Nations and South

Africa in the light of the constant violation by South Africa of the principles of the Charter and the Universal Declaration of Human Rights. However, Dr. Kurt Waldheim, the U.N. Secretary-General had nevertheless on October 15, 1974, accepted the Credentials of the South African delegation led by Mr. Botha and including, for the first time, three non-white delegates — Chief Kaiser Matanzima, Chief Minister of the Transkei (Bantu homeland), Dr. M. N. Naidoo of the South African Indian Council, and Mr. Dan Uster of the coloured People's representative Council.

The Security Council considered the question of the relationship between the United Nations and South Africa at 11 meetings held between 18 and 30 October, 1974. A draft resolution introduced in the U.N. Security Council by its three African members — Cameroon, Kenya and Mauritania — and Iraq on October 25, 1974, calling for expulsion of South Africa from the United Nations. The resolution had pointed out that South Africa's apartheid policies, its occupation of Namibia and its support for the Rhodesian Government were incompatible with the purposes of the United Nations Charter and the provisions of the Universal Declaration of Human Rights.

During discussion on the resolution the representative of India while expressing support for expulsion move said: "it is our view that South Africa has earned its expulsion by its incorrigible conduct". Dr. Dume Mikwe, representative of the African National Congress while expressing similar views called the Pretoria Government "a racist Criminal regime". Alluding to a likely veto from one of the Western nations to kill the expulsion attempt, Mr. Nkwe declared: "A veto on the resolution is a veto of human rights". But the representative of South Africa Mr. ReP.Botha asserted that his government's policies were not motivated by any racial considerations and accused the Afro-Asian States, of carrying on a "political vendetta" against his government. He maintained that the allegations made by these countries were "exaggerated, untrue" and were "wilful misrepresentation". "South Africa can be expelled from this organisation but not from the planet", he said. "Those who advocate this course serve the interests of neither the blacks nor the whites of South Africa". Mr. Botha added. In the end this move was vetoed by three permanent Members of the United Nations Security Council (France, Britain and United States).  

On November 12, 1974, the General Assembly once more considered the question of the Credentials of the delegation of the South Africa. It had before it a letter dated 31 October

47. Ibid, p. 7238.
1974, from the President of the Security Council informing the President of the General Assembly that the Security Council, after having considered the question of the relationship between the United Nations and South Africa, had not been able to adopt a resolution and accordingly remained seized of the matter.48

Guyana, India, Nigeria, the Philippines, the Syrian Arab Republic and Yugoslavia supported General Assembly's decision of September 30, 1974, that South African delegation should not be allowed to participate in the work of the twenty-ninth session of the General Assembly. Indian representative asserted that decision was within the competence of the Assembly. The question of credentials was distinct and separate from the question of membership, or of suspension or expulsion from membership, the representative of Philippines pointed out.49

The representative of the United Kingdom considered the above arguments to be dangerous and erroneous. The Charter required that certain decisions had to be taken by the Security Council and provided that certain of those decisions required the concurrence of all the permanent members of the Council. The ultimate decision on the question of expulsion rested with the permanent members, he added.50

49. Ibid, p. 116
50. Ibid, p. 116
The arguments that despite the Security Council's failure to make a recommendation — it was open to the General Assembly by its own decision to exclude a delegation of a Member was totally against the Charter, the United Kingdom representative went on to say. The Charter set out explicitly and exhaustively in Article 5 how a Member State might be suspended from the exercise of its rights and privileges of membership. The representative of United Kingdom pointed out that the General Assembly would be acting improperly, unconstitutionally and illegally if it were to exclude a Member State from participating by a simple decision of its own and not as provided for in Article 5. He further stated, that any ruling by the President of Assembly would be similarly unlawful. The United States representative opposed the exclusion of South African delegation from twenty-ninth session. The representatives of France and Guatemala expressed similar views. 51

The representative of the USSR expressed support for the proposal of the African countries to suspend the rights and privileges of the racist regime of South Africa and to cease to admit its agents to participate in the work of the General Assembly. The representative of Nigeria also supported African countries move to exclude South Africa from participating in the work of the General Assembly. He pointed out that the

General Assembly was not discussing what the Security Council was seized of, nor was it discussing suspension or expulsion in accordance with Article 5 or 6 of the United Nations Charter. The General Assembly was seeking to interpret the decision it had taken in accordance with the rules of procedure regarding credentials, and was therefore, in the opinion of his Government, acting constitutionally, legally and in accordance with the provisions of the Charter and the Assembly's rules of procedure.52

On the request made by Mr. Salim A Salim (the Permanent Representative of Tanzania), representing the African Group of the United Nations, Mr. Abdul Aziz Bouteftika (the Foreign Minister of Algeria), the then President of the United Nations General Assembly ruled on November 12, 197253 that it would be "a betrayal of the clearly and repeatedly expressed will of the General Assembly" if its September 30, 1974 decision to reject South Africa's credentials was regarded as "merely a procedural method of expressing its rejection of the policy of apartheid." The consistency with which the Assembly had refused to accept the credentials of the South African delegation was "tantamount to saying in explicit terms that the General Assembly refuses to allow the delegation of South Africa to participate in its works".54

The President's ruling was challenged by the representative of the United States; he pointed out that it conflicted with the legal opinion given to the General Assembly in 1970 at its twenty-fifth session according to which the Assembly under the Charter might not deprive a Member of any of the rights of membership. However, the General Assembly upheld the ruling of the President of the Assembly and on November 12, 1974 decided, by a recorded vote of 91 in favour to 22 against, with 19 abstentions, to suspend South Africa from participating in the work of its twenty-ninth session because of South Africa's policies of apartheid.

The question of expulsion was dealt within the Dumbarton Oaks Proposals in Chapter V (on the General Assembly). The San Francisco documents present a useful study of the Dumbarton Oaks Conversations held in Washington and the respective views expressed by the USA, the U.K., the Soviet Union and other participants regarding expulsion. There was a general agreement that suspension should be provided for in conjunction with other measures that might be undertaken by the Security Council to maintain peace and security. As for the more drastic sanction of expulsion, the Anglo-American viewpoint was that in view of the security obligations of the Organization in relation even to States which were not members, expulsion was not an essential

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or satisfactory remedy. The Chinese also shared the Anglo-American doubts if suspension alone would be a sufficient sanction for the purposes of the organization. However, the Soviet Union, which was the one member to have tasted the bitter fruit in the League days, curiously, insisted that the step would be essential as a disciplinary measure. After a prolonged debate, the U.S. and the U.K. decided to accede to the Soviet desire to provide for expulsion in the Dumbarton Oaks proposals.

The question of expulsion again gave rise to a lengthy exchange of views in Committee I/2 which was assigned the task of drafting the provisions for membership at San Francisco. The Committee I/2 dealt this question within Chapter II (on Membership) in the Charter. In the discussions, some representatives maintained that expulsion would be contrary to the concept of universality, while the majority thought that the primary purposes of the United Nations were peace and security, not universality. In the end the Committee recommended and Commission I and the Conference adopted the following provision:

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

58. Khan, Saimatullah, _op. cit._, pp. 117-118.

A Belgian amendment at San Francisco created considerable controversy. The Belgian contention was that, since suspension could be applied indefinitely without releasing a member from its obligations under the Charter, and since expulsion would automatically bring to an end all such obligations, suspension would be a more effective measure than expulsion. Accordingly, it proposed to amend the paragraph to provide for only suspension. The Soviet objection to the amendment vehemently and not until the technical committee reconsidered the issue could the Belgian amendment be overruled.60

The Soviet contention was that a member engaged in persistently violating the principles of the Charter would be like a cancerous growth which would be better removed than retained. Moreover, since the basic requirements of membership — namely, the peaceloving Character and the willingness to accept the obligations of the Charter — would have been flouted by the wrongdoer it would become legally incompatible to retain such members in the Organization.61

Expulsion, which brings about immediate, complete and permanent termination of membership of a sovereign State, must be regarded as a drastic measure taken by the organization and can only be justified on the ground that any further continuance

60: Khan, Rahmatullah, op.cite, p. 118.
of the defaulting State as a member would be likely to do considerable damage to the Organization or prevent it from effectively performing its functions. Expulsion in this context may be considered as a necessary evil and be taken as a last resort when the gravity of the default is such that not even suspension can provide an adequate answer to the problem which it creates. Expulsion is not a normal weapon to be utilized for any and every kind of default. Thus no member of the organization can be expelled for an isolated breach of its obligations under the Charter, however grave it may be. Expulsion is applicable only in the case of a "persistent" violation of the principles set forth in Article 2. This is distinct improvement on the Covenant of the League, which empowered the Council by a unanimous vote to terminate membership of a State which had violated "any Covenant of the League." The legal consequences of expulsion, which is normally an irrevocable act, is to bring to an end, with effect from the date of expulsion, all obligations of the expelled member-State to the organization. As distinguished from suspension which merely puts into abeyance certain or all of the privilege of membership, expulsion neither intends nor provides the machinery or the method for restoration of lost membership. The effect in law of expulsion is, therefore, that, though an expelled

64. Nagendra Singh, op.cite, p.58.
member — State continues to be bound by the commitments which it has accepted by solemn ratification while a member (as those continue to bound it even after loss of membership), it ceases to have any relationship with the organization after expulsion except to the extent expressly stipulated in respect of non-members. In this respect, Article 2(6) of the United Nations Charter and Article 17 of the Covenant of the League are significant, as they attempt to bind States not members of the respective organizations. However, any outstanding obligations, particularly relating to payment of arrears of subscription of membership, would not be enforceable against a member — State after expulsion. This is a remarkable position since, whereas arrears of payments due to the organization are recovered by the device of suspension, they are lost as a result of expulsion. There may be a strong moral right, even the legal claim to recover arrears relating to the period an expelled State was a member of the organization, but since there is no means of recovery from a sovereign State which has ceased to be a member, it becomes an unenforceable right. 65 Although an expelled State ceases to have any relationship with the United Nations yet in the conditions of Article 32 and Article 35(2) it may still claim access to the Security Council and the General Assembly. 66

The intention of expulsion appears to sever permanently the relationship of the member — State with the United Nations.

66. Bentwich And Martin, op.cit., p. 27.
A member -- State of the United Nations expelled today could not revive its membership even twenty years after, but expulsion is no bar to a subsequent application for readmission provided in the judgement of the organization that State was "able and willing to carry out the obligations of the Charter" (Article 4). The fact of expulsion would ipso facto raise a presumption against its ability and willingness to carry out the obligations of the Organization particularly when expulsion is the direct outcome of persistent violation of the principles of the Charter.

The only case of expulsion has been that of Taiwan.

After the surrender of Japan, America started supplying huge quantities of arms and equipments to Chiang - Kai Shek to strengthen his hold over the country. Consequently the Kuomintan government started the policy of crushing united front as well as Communists. In 1947 Chiang-Kai Shek launched an attack and captured the famous 'red base of Yanon'; The People's Liberation Army also started a counter offensive and inflicted a number of defeats on Kuomintang between November 1948 and January 1949.

On April 23, 1949 Communists captured Nanking and hoisted the red flag. In October 1949, the People's Republic of China was set up. The Nationalist government of Chiong-Kai Shek with the

68. Bentwich And Martin, op. cit., p. 27.
American support took refuge in Formosa. Even after the flight to Formosa, Nationalist government continued to represent China in the United Nations till 1971. All attempts for the replacement of Nationalist by Communist delegates failed due to the strong opposition of the United States and other member States felt compelled to go along with the American policy of maintaining Nationalist Chinese representation in the United Nations.

In 1971 the General Assembly again considered the question of representation of China at its 26th session. It had before it three resolutions: A U.S. resolution declaring that any proposal to deprive the Republic of China (Taiwan) of its representation at the U.N. was an "important question" requiring a two-thirds majority under the U.N. Charter; a second U.S. resolution calling for the entry of the People's Republic of China to the U.N., including a permanent seat on the Security Council, but at the same time affirming "the continued right of representation of the Republic of China"; and an Albanian resolution for the admission of the People's Republic of China to the U.N. and for the simultaneous expulsion of "the representatives of Chiang-Kai Shek."

The General Assembly debated on these resolutions between October 16-25, 1971, during debate the representative of Albania.

70. The Hindu, Madras, April 24, 1949.
contended that it was clear that in spite of the obstacles created by the United States and in spite of its pressure and manoeuvres, the trend in favour of expulsion of the Chiang-Kai Shek representatives had become general and predominant. The People's Republic of China was one and indivisible, and that the province of Taiwan was inalienable part of Chinese territory. The Government of People's Republic of China was the only Government of all the Chinese people, and the only one to represent China in the United Nations. The Chiang-Kai Shek clique represented nothing, neither a people nor a State, and it should have been expelled long ago. He further contended that the procedural resolution submitted by the United States that any proposal to deprive the Republic of China of its representation at the U.N. was an "important question" requiring a two thirds majority under the U.N. Charter, constituted a flagrant distortion of Article 18 of the U.N. Charter. It was not a question of admitting a new Member nor of expelling a Member State. It was a simple question of the representation of a State that was already a Member of the United Nations which could be settled by a majority of the votes in the General Assembly. And to change of a State's name had nothing to do with its status as a member. The representative of India, Pakistan, USSR and Syria expressed similar views.

73. Ibid., p. 33.
The representative of the Republic of China maintained that his country had earned its place in the United Nations by virtue of its contributions to peace and freedom during the World War II. It was one of the sponsoring powers of the San Francisco Conference which brought the U.N. into being, and it had since faithfully discharged its Charter obligations. During the war years, the Republic of China lost a major portion of its territory and was cut off in its land and sea communications with other parts of Asia. No one questioned the right of that Government to speak and act on behalf of the Chinese people at international conferences. The fact that the Communists had been in occupation since 1949, did not in any way alter the legal status of his Government. The Chinese Communist regime had never had the moral consent of the Chinese people. It had kept itself in power through torture and terror, surveillance and intimidation. It was un-Chinese in character and un-Chinese in purpose, and could in no sense be regarded as the true representative of the great Chinese.

The whole purpose of Albania, Algeria and other supporters of the Chinese Communist regime had been the expulsion of the Republic of China from the U.N. Article 6 of the Charter that a Member State which had persistently violated the Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council. Far from

74. Ibid, p. 32.
"persistently" violating the Charter, the Republic of China had scrupulously discharged its Charter obligations. The representative of Australia while opposing the expulsion of Republic of China argued that the status of the Republic of China as an effective Government, and its record as a Member of the U.N. gave no grounds whatever for expelling it. Since the word "expel" was clearly written in the Albania resolutions, the application of Article 18 of the Charter, listing the expulsion of Members as an important question, was in order. The United States, New Zealand, and Philippines expressed the same views.

The General Assembly rejected both, a draft resolution asking the General Assembly to decide that any proposal which would result in depriving the Republic of China of representation in the United Nations was an important question under Article 18 of the U.N. Charter requiring a two-thirds majority vote and a motion of the United States for a separate vote on the clause calling for the expulsion of the representatives of Chiang-Kai-Shek.

On October 25, 1971, the General Assembly of the U.N. adopted a resolution (2758 (XXVI), by which it recognized that "the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the

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75. Ibid, p. 35.
76. Ibid, p. 42.
77. Ibid, p. 28.
United Nations and that the People's Republic of China is one of the five permanent members of the Security Council", and decided "to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang-Kai Shek from the place which they unlawfully occupy at the U.N. and in all the organizations related to it." 78

On October 25, 1971, the U.N. General Assembly expelled the representatives of Chiang-Kai Shek from the United Nations. But expulsion would not have been possible without a resolution passed by two-thirds majority of the General Assembly as stated in Article 16 of the U.N. Charter and upon the recommendation of the Security Council as stated in Article 6 of the U.N. Charter. It was a simple question of representation closely related to recognition and on October 25, 1971, the General Assembly recognized the representatives of the People's Republic of China as the only legitimate representatives of China.
CHAPTER IV

PROBLEMS OF MICRO-STATES

Sixty six years ago, the first Assembly of the League of Nations, demonstrated a higher sense of responsibility that did the General Assembly of the United Nations at its 26th session, or its preceding sessions. The issue then was that of mini-states, an issue which has been very much with the United Nations for the last two decades.\(^1\)

The Principality of Liechtenstein, San Marino and Monaco applied for admission to the League. Liechtenstein, though a sovereign State, under International Law, was so small and its resources so very meagre that it had deputed to other powers various of its functions such as the control of customs, the administration of posts, and diplomatic representation. The position of San Marino and Monaco was no better. The latter, however, raised less difficulty, for San Marino failed to furnish information which was essential for the consideration of its application, and Monaco withdrew its application. Liechtenstein posed special difficulty and its case was being strongly championed by the Swiss Government.\(^2\)

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2. Rahmatullah Khan, *op.cite*, p. 149.
Liechtenstein with a population about 21,000 and 62 square miles in area was denied admission to the League by a vote which followed upon a report made to the Assembly. That report noted that:

Liechtenstein has been recognized de jure by many States. She has concluded a number of Treaties. The Principality of Liechtenstein possesses a stable Government and fixed frontiers. There can be no doubt that juridically the Principality of Liechtenstein is a sovereign State, but by the reason of her limited area, small population, and her geographical position, she has chosen to depute to others some of the attributes of sovereignty.

Liechtenstein has no army. For the above reasons, we are of the opinion that the Principality of Liechtenstein could not discharge all the international obligations which would be imposed on her by the Covenant.

The essential theory of the Covenant was that the League Council would adopt decisions on the basis of unanimity (apart from the disputants) but that the League Members themselves would be left to apply the League Covenant in the light of the findings of League organs. The essential theory of the United Nations is

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that the Security Council, on which only the five permanent members have a veto, can bind all Members, large and small, to take the action the Council decides upon to maintain or restore international peace and security. 4

The activities of the United Nations are far more diversified, intensive, and expensive than were those of the League. The burdens of meaningful U.N. membership are much more substantial than were those of the League. This is illustrated by the fact that it is U.N. practice for Members to maintain permanent missions at its headquarters; this was not the custom of the League. 5

The United Nations, however, as stated in the Charter itself is based on "The sovereign equality of all its Members" and as stated in its preamble, is established to reaffirm faith in fundamental human rights, in the dignity and worth of human persons, in the equal rights of men and women and of nations large and small.....The desired goal of the Organization is therefore to achieve universal membership. Consequently, frequent references in the debates of the General Assembly and Security Council, in favour of universal membership, have been made. A number of resolutions in favour of universality too, have been adopted. It is evident from the debates that it was

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never intended to make the United Nations a club of like-minded States; neither was it intended to prevent membership of states having different (and undesirable) ideologies and different economic and political systems. 6

"Universality" not "selectivity" was to guide the principle of admission into the United Nations. The principle of "like-mindedness" is applicable "only to the extent that all must support the purposes and principles of the Charter and fulfill their obligations thereunder". According to Article 4(1) "Membership of the Organization is open to all other peace-loving states, which accept the obligations contained in the Charter and in the judgement of the Organization, are able and willing to carry out these obligations. 7

A State, which fulfills the criteria stated above, is free to seek, and would be and has been generally admitted to the United Nations. Consequently, no application for the United Nations membership, has been rejected on the ground that the applicant country, though independent, is too small or poor to support the burdens of the membership. 8 Naturally, there is an enormous increase in the membership of the United Nations. It has (the General Assembly), as a result of expansion of the

membership, grown from a body of fifty-one members to one of one hundred forty-nine, the majority of which are the product of the decolonization process; many of them are micro-states and are underdeveloped. Owing to their colonial past, their attitudes in most of the cases but definitely not in all the cases, are anti-western. However, the United Nations is about to achieve total universality in the near future if the criteria for membership remained unchanged. It is expected that in the near future the "remaining colonial territories, mostly small and insular might gain independence and apply for admission. 9

Membership in the United Nations, as Article 4 of the Charter provides, is open to "peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations." 10

In 1971, the General Assembly of the United Nations voted to admit Qatar to membership (along with Bhutan) upon the unanimous recommendation made by the Security Council. 11 Qatar is a small State with a population 195,000 and 231 square, miles in area. 12 Since 1973, the Bahama Islands, Grenada, the Cape Verde Islands, the Comoro Islands, Sao Tome and Principe, and

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10. Article 4 of the UN Charter.
the Seychelles became independent and have been elected to U.N. membership. (The latter two, with approximately 70,000 and 57,000 inhabitants respectively broke all precedents as far as minimal population standards for United Nations membership were concerned.  

What sort of judgment is it that moves the Organization to conclude that small States like Bahama Islands, Grenada, the Cape Verde Islands, the Comoro Islands, Sao Tome and Principe and the Seychelles with population at 70,000 and 57,000 respectively and Qatar (population 195,000, area, 231 square miles) is able and willing to carry out the obligations of the Charter — to "fulfill in good faith the obligations assumed by them in accordance with the present Charter", such the obligations to give the United Nations "every assistance in any action it takes in accordance with the present Charter...."? Or that the Maldives, admitted to membership in 1965 — population, circa 100,000 capacities to do most anything international, virtually zero — can fulfill Charter obligations? If the United Nations did not have the improvident rule of paying the cost of transport of five delegates from each Member to each General Assembly, there is room for doubt whether the Maldives could

mount the resources to ferry a delegation to New York to cast the equal vote it there enjoys with the United States and the Soviet Union. In fact, in 1971, those resources were apparently lacking in any event; no delegation from the Maldives appeared at the 26th session. Even so critical and contested an issue as Chinese representation, the Maldives was recorded absent. 16

The increasing number of ministates in the United Nations has become a matter of concern to many. Indeed, no less an authority than the late Secretary-General U Thant, in his final Annual Report, warned his reluctant audience that the ministate problem "is likely to become more acute in the years to come," 17 L.M. Goudrich has pointed out the "concern" as follows:

"Fears have been expressed that the admission of ministates to the United Nations will strain the physical and financial resources of the Organization, overload the already heavy agenda of its principal organs and further reduce the credibility and influence of General Assembly resolutions." 18

He further pointed out that the United Nations membership is also not in the best interest of ministates as "the burdens of the membership are often beyond what these small states can carry. This applies both to the financial costs and the need of

17 M.S. Gunter, op. cit., 1977, p. 110.
18 Goodrich L.M., op. cit., p. 49.
making available for U.N. service and participation in various United Nations meetings personnel that is needed for domestic purposes."19

The ministates, on the other hand, view their admission to the United Nations as "a necessary certificate of sovereignty" and "most economical or convenient form of multiple diplomatic representation."20 They could also secure essential technical assistance and the political experience "to conduct their international relations effectively."21 The microstates view their membership in the United Nations, M.M. Gunter points out, as a "final stamp of approval on their independence." The third world majority, on the other hand, as Gunter further points out, feel that increasing number of ministates in the United Nations "would simply add to their preponderance." Hence, opposition to their membership would be "easily equated to neocolonialism, an onus no one wanted to bear."22

However, the ministate problem exists and would continue to exist in the years ahead as with their increasing number, they would be and are in a position to change the balance of power in the United Nations, warns a keen analyst of International

Organization. In his article, entitled "Microplates in World Affairs", published on May 9, 1977, by American Enterprise Institute for Public Research, Elmer Plischke, Professor of Government and Politics, at the University of Maryland, points out that the rapid proliferation of the tiny countries in the world community are being considered as a source of erosion of their influence in the international community. "Like it or not", Plischke asserts, "microstates proliferation is eroding the equilibrium in the community of nations; corrective actions are available and sooner or later hard decisions will have to be made." "The only practical alternative", he suggests, is "to retard and manage the future proliferation of states and delimit microstate participation in forums and affairs." "Unchecked increase of the ministates", Plischke maintains "is likely to affect the existing international system" and expresses doubt as to "whether the change can be endorsed by the world community". According to him, in the year ahead, 50 to 100 or even more states may gain independence and if unchecked, will join the United Nations; two every five then would be microstates.23

On September 20, 1965, the United States delegate in the U.N. while supporting the admission of Maldives (a minisate) stated: 24

"There are many small entities in the world today moving

steadily towards some form of independence. We are in sympathy with their inspirations and applaud this development. However, the Charter provides that applicants for United Nations membership must be not only 'willing' but also 'able' to carry out their Charter obligations. The drafters of the Charter were not unmindful of the existence of some very small states whose resources would simply not permit them to contribute to the work of the organization, however, much they might wish to do so. Today, many of the small emerging entities, however, willing probably do not have the human or economic resources at this stage to meet this secondary criterion (the ability to carry out Charter obligations). We would therefore, urge that council Members and other United Nations Members give early and careful consideration to this problem in an effort to arrive at some agreed standards some lower limits, to be applied in the case of future applicants for United Nations membership.

Secretary-General U Thant expanded upon this theme in 1967. "I would suggest," he submitted in his Annual Report, "that it may be opportune for the competent organs to undertake a thorough and comprehensive study of the criteria for membership in the United Nations, with a view of laying down the necessary limitations on full membership while also defining other forms of association which would benefit both the 'micro-states' and the United Nations."

Encouraged by the Secretary-General's support, the United States continued its efforts. In December 1976, the United States addressed a letter to the President of the Security Council referring to these remarks of the Secretary-General, suggesting that the time had come to examine the question in terms of general principles and procedures, and further suggesting that the Council's dormant Committee on the Admission of New Members be revived to that end. On January 31, 1969, the then President of the Security Council, expressing his inability to conclude his consultations, about the suggested reconvening of the Committee on the Admission of the New Members, informed the United States delegate that the President of the Security Council for the month of February is being requested to proceed further in this regard. The process of shifting responsibility from one President to another continued.

On July 14, 1969, the U.S. representative, in a letter to the then President of the Security Council again drew his attention towards the question of membership for emerging States that were exceptionally small in area, population, and human and economic resources, and the fear expressed by the Secretary-General in 1967 and 1968 in the introductions to his annual reports on the work of the organization. On August 18, 1969, the United States expressed desire to have the Security Council consider a proposal

26. Dr. Ishtiaq Ahmad, op.cit., p. 126.
28. Dr. Ishtiaq Ahmad, op.cit., p. 126.
that the Secretary-General be requested by the Council to
inscribe an item entitled "Creation of a Category of Associate
Membership" on the provisional agenda of the twenty-fourth (1969)
General Assembly. 29

During the discussions in the Security Council on 27 and 29
August, 1969, the U.S. representative pleaded that the progressive
ending of the colonial age had made it urgent to find a way by
which the growing number of very small independent States, many of
which might seek to become Members of the United Nations, could
find an appropriate place and status within the United Nations
family. He pointed out that according to available facts nearly
50 territories, with a population of less than 100,000 each, and
about 15 larger territories might gain juridical independence,
their combined population of about 4.5 million people was less
than that of any one of the 69 most populous Member States. 30
These Micro-States would also like to join the United Nations.
He warned that a general influence of micro-states would lead to a
weakening of the United Nations itself. And urged that the United
Nations must henceforth judge whether applicants were not only
willing but able to carry out the obligations of membership. In
an effort to solve the question of membership of micro-States
to the United Nations, the United States reiterated that the best
solution to the problem lay in the creation by the General Assembly

of a new status of "associate member", which would entitled very small States to certain of the benefits and privileges of the United Nations system appropriate to their independence. An "associate member" would in no way be precluded from applying for full membership whenever it believed itself qualified. The United States sponsored a draft resolution which suggested that while considering the applications of admission to the United Nations, the Security Council would bear in mind the following:

(a) That the membership is open to all "peace-loving" States which have accepted the obligations contained in the Charter and which were "able and willing" to carry out these obligations;

(b) The increasing emergence of States so small that they would be unable to carry out the obligations of full membership; and

(c) That all such States should nevertheless be able to associate themselves with the United Nations in order to further the principles and purposes of the Organization and to derive benefits from such association.

The United States also proposed that the Security Council establish a committee of experts to study the problem and report to results and its recommendations to the Council within two months, so that the Council could, in turn, make its recommendations to the twenty-fourth (1969) session of the General Assembly. The

proposed committee of experts was supported by several members of the Security Council. 33

However, no member of the Security Council supported the United States draft resolution for the creation of associate membership in the United Nations. France warned that the creation of a particular status of membership would lead to a substantive modification of the Charter. Algeria, Hungary and Spain expressed similar views. 34 The Senegalese delegate "outright rejected any revision of the criteria of membership" mentioned in Article 4 of the U.N. Charter and the Nepalese delegate disagreed with the assumption that increase in the membership of the United Nations owing to the emergence of microstates would lead to the weakening of the organization. 35 China believed that strict application of the conditions of membership laid down in Article 4 of the Charter would be adequate to deal with the question. It was because Charter conditions of membership had not always been strictly applied that the United Nations now faced the problem of microstates. 36

On August 29, 1969, the Security Council decided to establish a Committee of Experts consisting all members of the Security Council, which held a number of closed meetings during 1969 and

33. Ibid., p. 261.
34. Ibid., p. 261.
35. Australian Foreign Affairs Record, op.cit., p. 25.
1970. From its inception the Minisate Committee was hampered by the sense that, as the British representative warned, it was dealing with a delicate problem. Any proposal to limit minisate membership might, as Somalia's delegate put it, "reflect......a nineteenth century type of mentality favouring weighted membership. Or, as the Burundi representative contended that if organization were to pursue a policy of placing its Members in various classifications, it would run the risk of establishing discriminatory criteria which would detract from the sovereign equality of Member States." The representative of the U.S.S.R. expressed the similar views. 36

When the Committee found it difficult even to reach an accord upon an interim report, the U.S. delegate declared that "after nearly a year's work the Committee should submit some kind of report to the Security Council. The Colombian representative agreed that "the work of the Committee had already suffered serious delays." 39 Ultimately, on June 15, 1970 the Committee submitted its interim report to the Security Council. The Committee could not formulate specific recommendations for the submission to the Security Council because several of its members had not yet made statements on the substantive aspects of the question. 40

37 Dr. Ishtiaq Ahmad, op.cit., p. 130.
38 M.M. Gunter, op.cit., p. 112.
39 ibid., p. 113.
Annexed to the Committee's report were the text of proposal submitted by the United States at the meeting of the Committee of Experts of September 26, 1969 and the text of a working paper submitted by the United Kingdom on May 25, 1970. The essentials of the United States proposal are as follows:

We note that under Article 4(1) of the United Nations Charter, peace-loving States that accepts the obligations of the Charter and, in the judgement of the organization, are "able and willing" to carry them out are eligible for membership in the United Nations. We are concerned about the ability of some of these exceptionally small new States to carry out such obligations. We believe membership for them would entail a disproportionately heavy burden. At the same time, we believe that association with the United Nations of States not able to assume all the burdens of full membership is desirable from the standpoint both of their own political, economic and social development, and of the contribution they could make to the attainment of the broad objectives of the United Nations.

The United States proposal concerned the creation of a category of "associate membership" or "associate states," by which a recipient State would: (a) enjoy the rights of a Member in the General Assembly except to vote or hold office; (b) enjoy

41 Ibid., p. 300.
43 Ibid., p. 111.
44 Ibid., p. 110.
appropriate rights in the Security Council upon the taking of requisite action by the Council; (c) enjoy appropriate rights in the Economic and Social Council and in its appropriate regional commission and other sub-bodies, upon the taking of requisite action by the Council; (d) enjoy access to United Nations assistance in the economic and social fields; and (e) bear the obligations of a Member except the obligation to pay financial assessments.

The admission to Associate Membership in the United Nations will be effected in accordance with the same procedures provided by the Charter for the admission of Members. States which opt for Associate Membership would submit to the Secretary-General a declaration of willingness to abide by the principles of the United Nations, as set forth in the Charter.

In brief an associate state under the American proposal, would enjoy the same rights as a full member other than the right to vote and hold office and would be exempt from the obligation to pay financial assessment. Although, the procedure for admission would remain same.

On May 25, 1970, the United Kingdom submitted an alternative proposal to the Committee, in the form of a working paper which

suggested an arrangement whereby a State could voluntarily renounce
certain rights (in particular, voting and election in certain
United Nations bodies) but otherwise enjoy all the rights and
privileges of membership. It was suggested that this arrangement
(which would not require amendment of the Charter) might be embodie
in a declaration to be made by a State at the time of its applicati
for admission on the following lines:

"The State of........hereby applies for membership of the
United Nations in accordance with Article 4 of the Charter.

In submitting this application, the State of........
expresses its desire to enjoy the privileges and assume the
obligations of membership of the United Nations and to be accorded
the protection and assistance which the United Nations can provide,
in particular with regard to the maintenance of its territorial
integrity and political independence; and declares that it does
not wish to participate in voting in any of the three Councils
established by the Charter or to any subordinate organ of the
General Assembly. 50

"On this basis and on the understanding that the assessment
of its financial contribution would be at a nominal level, the
State of........declares that it accepts the obligations contai

in the Charter of the United Nations and solemnly undertakes to fulfill them.\textsuperscript{51}

Later, when it was argued that a state which had voluntarily renounced its vote ought to be able to recover it, the United Kingdom added the following paragraph to its formula:

The State of\\textsuperscript{.\\ldots\\ldots.\\ldots\\ldots.} further understands that it may at any time, after the expiration of one year's notice to the Secretary-General of its intention to that effect and after its acceptance of a revised assessment of its financial contribution, avail itself of those rights of membership the exercise of which it has hereby voluntarily renounced.\textsuperscript{52}

Both the United States and the United Kingdom stressed the voluntary nature of their respective proposals. The U.S. representative for example argued that "his delegation's proposal in no way affected the sovereign right of the micro-states themselves to decide the form of relationship with the United Nations for which they wished to make application." And the British delegate said that "the very purpose of the (his) proposal was to offer an option that could be exercised voluntarily by sovereign states. As for those ministates which were already members of the organization, the U.S. State Department official explained:

"I wish to stress that no present U.N. Member would be in any way affected by the establishment of some form of associate

\textsuperscript{51} \textit{Ibid.}, p. 111.
\textsuperscript{52} \textit{Ibid.}, p. 111.
status unless it should itself decide, and this I do not preclude to withdraw from U.N. membership and seek associate status instead. 

There had been a lot of discussion in the Ministate Committee and the main characteristic of the discussions held in the Ministate Committee was simple, general hesitantancy to deal with the problem. What substantive debate over the U.S. and British proposals there was covered by two general areas: (1) Did they necessitate a Charter amendment? and (2) Who would be eligible for associate membership or voluntary renunciation of their rights and obligations? In other words what is a ministate? Both were extremely important questions.

Virtually nobody wanted to open the Pandora's box by amending the Charter to solve the Ministate problem. The Soviet representative summed up the feelings on this score by asserting that "his delegation understood that.....(there) was a general feeling among the members of the Committee that it was undesirable... to amend the Charter", adding that "his delegation was opposed as a matter of principle to amending the Charter......" However, both United States and the United Kingdom assured the Committee that an amendment of the Charter would not be necessary. 

Both the U.S. and the British proposals eschewed a specific
definition of the term "ministate." There was no clear dividing
line separately ministates from other states. During the
Committee's discussions the French delegate observed that the
UNITAR study of the problem "had concluded that there were many
ways of defining a micro-State on micro-territory, all of them
more or less arbitrary." He suspected "that the Committee would
have great difficulty in producing any definition at all of a
micro-State." Syrian delegate feared that a large number of
States would wish to enjoy the benefits of membership without
assuming their share of the financial burden in the absence of
definition of micro-State.

Ultimately, the Ministate Committee decided to seek the
advice of the U.N. Legal Counsel. The Argentine delegate,
sitting as the Chairman of the Ministate Committee made it clear
that in consulting the legal Counsel, the (Ministate) Committee
would not be asking him to define the concept of a micro-State
but simply to give an advisory opinion on the United States and
United Kingdom proposals. In other words, he would be asked to
answer the following questions: Was it possible to create a
category of associate membership without having to amend the

56. Ibid, p. 117.
Charter? Could a State have associate status with the United Nations by renouncing certain rights in order, in return, to be exempted from certain obligations?57

The United States had proposed the establishment of a status of United Nations Associate Member. "What would be the exact status of an 'associate member' vis-à-vis the Charter? Would such an 'associate member'.....be a party of the Charter?" The Legal Counsel asked. He replied, Article 4 of the Charter (which defines the conditions for admitting new members to the United Nations) makes no reference to "associate membership" or to..... "associate members", nor do these terms appear elsewhere in the Charter.......... (I) t is not possible, wit out Charter amendment to create some other means of becoming a party to that instrument or of becoming a party in a capacity other than that of a Member."58 The Legal Council further elaborated:

"It is significant to recall, in this connection, that certain of the specialized agencies, such as the Food and Agriculture Organization and the United Nations Educational, Scientific and Cultural Organization, which had no provisions for associate membership in their original constitution, deemed it necessary to adopt such provisions through the amendment procedure provided in those constitution."

57. Ibid, p. 118.

58. Ibid, pp. 118-119.
Giving the above reasoning, an "associate member," as defined by the U.S. proposal, "for the present purposes......must be considered a 'non-member' as the Charter now reads" yet the proposal would permit these nonmembers to "enjoy" the rights of a Member in the General Assembly except to vote or hold office.

Such rights, which "an associate non-member" might enjoy, would include an unlimited prerogative of participation in the plenary debates of the General Assembly and of proposing items for its agenda.59

Article 9(1) of the Charter provides that: "The General Assembly shall consist of all the Members of the United Nations." The Legal Counsel concluded that "Article 9 of the Charter......would have to be amended by the addition of the words 'and all the associate members' if the (U.S.) proposal, in its present form, were to be put into effect." Furthermore, the Legal Counsel noted, the rights of non-members to submit questions to the General Assembly are circumscribed by the provisions of Charter Articles 11(2) and 35(2). The limitations of those articles would have to be removed, through Charter amendment, if the (US) proposal were to be implemented in its present form.60

The U.S. proposal also stated that an associate member would "enjoy appropriate rights in the Security Council.....and the

59. Ibid., p. 119.
60. Ibid., p. 119.
Economic and Social Council." But, pointed out the Legal Counsel, Article 32 of the Charter lays down the conditions of participation for nonmembers in the Security Council. "It would not be possible, without Charter amendment, to accord general rights to 'associate States' in excess of those specified in that Article."

As for the Economic and Social Council, Article 69 of the Charter confines the automatic rights of participation, without vote, to members of the United Nations. "Should it be the intention to accord a similar right to 'associate members' the question will therefore arise of the necessity of amending Article 69." 61

The United Kingdom proposal advocates full membership but with a renunciation of rights. But the question arises as to whether a member may renounce lawfully as "fundamental a right as to that to vote" and that too indefinitely and by a binding legal undertaking? The Legal Council replied that the British proposal "does not represent the same difficulties as the United States proposal concerning the composition of the General Assembly" as the British proposal advocates full membership to a ministate in the Organization. The Legal Council asserted, however, that by renouncing their right to vote and hold office, the ministate will not only renounce a fundamental right but it will also be in violation of Article 2(1) which declares the "Organization is based on the principle of sovereign equality of all its members." In the opinion of the Council such a state

61. Ibid, pp. 118-120.
which renounces its right 'may remain sovereign' but hardly remains equal." Further, Legal Council pointed out that British proposal would be compatible with Article 4 of the Charter in that states would be admitted to membership in the United Nations which, in being financially assessed at a nominal level, might be deemed thus unable to carry out the financial obligations of the Charter. The Legal Council concluded that both — the U.S. proposal and the U.K. suggestion cannot be implemented without the amendment of the Charter. Nothing has been done since the advice given by the Legal Counsel through the Minisate Committee was expected to submit a further report. It seems "the issue, if not the problem, is dead. Many other formulae such as strengthening of "Observer states" and combination of states which might act as a group (or joint membership) did not too, find support. The matter is, more or less, being considered as closed.

But the question is whether it was really a problem worth considering by such an important Committee which consisted of all the members of the Security Council. What prompted the United States to be a staunch advocate of "associate membership" for ministates? Did the U.S. speculate that the ministates would behave as an anti-Western bloc in the General Assembly? Does smallness produce irresponsibility?  

62. Dr. Ishtiaq Ahmad, op.cite, p.137.  
63. American Journal of International Law, op.cite, 1977, p.120.  
64. Ishtiaq Ahmad, op.cite, p.131.  
Joseph Re Harbeat in his study entitled "The behaviour of the minisates in the United Nations, 1971-1972" provides answers to many of the above questions. For his study, he had chosen the following twenty-three minisates:

Bahrain (pop 220,000), Barbados (239,000), Bhutan (854,000), Botswana (666,000), Congo (958,000), Cyprus (659,000), Equatorial Guinea (289,000), Fiji (541,000), Gabon (500,000), Gambia (375,000), Iceland (206,000), Kuwait (914,000), Lesotho (952,000), Luxembourg (345,000), Maldives Islands (110,000), Malta (319,000), Mauritius (647,000), Oman (678,000), Qatar (100,000), Swaziland (421,000), Trinidad and Tobago (1,030,000) and the United Arab Emirates (197,000).

His findings are quite significant and they should enable an objective examination of the problem. According to him, (1) "there is greatest minisate cohesion on social humanitarian, and cultural questions. Political issues divide the minisates, (2) the minisates and the USSR vote similarly on colonial and economic questions, whereas the minisates' voting is more similar to that of the U.S. and the colonial powers on social, humanitarian, and cultural issues. On political issues the minisates are neither a bloc nor the subservient clients of the superpowers; (3) with few exceptions, minisate voting patterns are similar to those of the African-Asian group in the U.N."

Jospeha K. Herbert admits that, in certain cases, the ministates have acted cohesively but he rightly adds that the cohesion was not necessarily because they are ministates, a variety of other factors (geography, history, economics, etc.) determined their voting behaviour. He emphatically asserts that it would be "Wrong to make any simplistic assumption that all ministates vote alike on all issues whatever the reason."

As regards the charge that ministates' behaviour is not responsible, he maintains that most of the ministates have behaved rather "responsibility" in the U.N.

CHAPTER V

CONCLUSION

In this dissertation, attempt has been made to explain and analyse the problems regarding and related to the membership of the U.N. — admission, withdrawal, suspension, expulsion and representation. As model, cases of Korea, Vietnam, Mongolia, Kuwait and China have been discussed in detail.

In its evolutionary course membership of the United Nations has been subject to qualification both substantive and procedural. The finally modified provision in the U.N. Charter states that membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgement of the Organization, are able and willing to carry out these obligations.

Substantatively as regard qualifications the conditions agreed are: it must be a peace-loving state, ready to accept and fulfill the obligations of the U.N. Charter. But in regard to procedure for admission it is not clear in the Charter whether the General Assembly can act after affirmative recommendation or also on the basis of negative recommendation by the Security Council. Also it was not clear whether veto by any permanent member of the Security Council is sufficient to prevent it from submitting a recommendation on membership to the General Assembly.
Finding the existing rules for the admission of new members to the UN unsatisfactory, Australia requested the Security Council to appoint the Committee on Procedure of the General Assembly to prepare the rules governing the admission of new members which would be acceptable both to the General Assembly and to the Security Council. Later on, Australia put a proposal for submitting applications for admission to membership first to the General Assembly and after receiving the Security Council report, the General Assembly could decide to accept or reject the Security Council recommendation. Most of the members disagreed with this proposal. The Committee could not suggest any rules of procedure which would in effect define or limit the powers and jurisdiction of the Security Council in relation to the admission of new members to the United Nations. However, the Committee added that the Security Council should forward to the General Assembly a complete record of its discussions when it recommended an applicant state for membership and submit, in addition a special report to the General Assembly if it did not recommend admission or if it postpone the consideration of an application. The General Assembly was also given the right to send back to the Security Council for further consideration and recommendation or report on the applications not recommended by the Security Council.

The revised rules of the procedure of the General Assembly and of the Security Council could not solve the problem of
membership of new states to the United Nations. So the matter
was referred to the International Court of Justice. The Court
decided five requisite conditions for membership in the United
Nations, an applicant must: (1) be a state, (2) to be peace-
loving, (3) accept the obligations of the Charter, (4) be able
to carry out these obligations and (5) be willing to do so. The
Court held that these conditions constituted an exhaustive
enumeration and were not merely stated by way of guidance or
example. In another opinion given on March 3, 1950, I.C.J. held
that a new State cannot be admitted to the United Nations by a
decision of the General Assembly in the absence of a favourable
recommendation of the Security Council.

Later, "package deal" formula for the simultaneous admission
of fourteen States was submitted by the U.S.S.R. which was opposed
by the U.S.A. and others on the ground that it was contrary to
Article 4 of the U.N. Charter which requires consideration of the
application of each candidate separately. A special Committee
was established for this purpose in December 1952 which failed
to make any specific recommendation in this regard. Thereafter a
Committee of Good Offices was established on October 23, 1953 by
the General Assembly. It also failed. In 1954, the United States,
in the Ad Hoc Political Committee, proposed associate membership
for the new states: to sit on all committees of the United Nations
and to judge for the qualification. However, in 1955 with the
withdrawal of the question of admission of Japan and Mongolia by the U.S.S.R., the other applicant States were granted membership. Thus, the procedure of admission to the United Nations became more embroiled in the cold war between the two power blocs rather than question of legality.

In a letter to the Secretary-General of the United Nations on June 24, 1946 the Prime Minister and Foreign Minister of the Mongolian People's Republic requested the admission of the Mongolian people's Republic as a Member of the United Nations. The letter further stated that the people of the Mongolian People's Republic have taken part on the side of the United Nations in the struggle against the fascist States and declared war against Japan on August 10, 1945. In the name of the Mongolian People's Republic, the Prime Minister and the Foreign Minister declared that this country was prepared to undertake all the obligations arising out of the U.N. Charter and to observe all provisions of the U.N. Charter.

The U.S.S.R. and many other states supported the admission of the Mongolian People's Republic. However, China opposed the admission of Mongolian People's Republic because this country had diplomatic relations with the USSR only. While the United States, Australia, Egypt, the Netherlands and the United Kingdom opposed the admission of Mongolian because they considered the available information not sufficient to show whether the Mongolian People's Republic was capable of fulfilling the obligations of the United
Nations Charter. On August 28, 1946, China withdrew its objections but other countries continued their objections against the admission of Mongolia to the United Nations. In August 1947, China once again opposed the admission of Mongolia but this time on the ground that it was guilty of armed incursions into the Chinese territory. China continued to oppose admission of Mongolia till on October 25, 1961, the representative of China announced that he would not participate in the vote on the Mongolia's application, so that no pretext could be used to delay Mauritania's admission, though his delegation believed that Mongolia was still a USSR colony. The United States also decided to abstain in vote, out of respect for the views expressed by the General Assembly on April 19, 1961 that Mongolia was qualified for the membership.

Thus, the admission of the Mongolian People's Republic might be described as a "package deal" contrary both to the spirit of the U.N. Charter and to an advisory opinion given by International Court of Justice in 1945 that granting membership to one applicant should not be made subject to granting membership to another.

After the World War II both Korea and Vietnam were divided into North Korea and South Korea and North Vietnam and South Vietnam respectively. In the beginning the United States and its followers championed the cause of South Korea and South Vietnam's membership in the United Nations. But at the same time they opposed the admission of North Korea and North Vietnam. In 1955,
the United States and its followers supported the membership of South Korea and South Vietnam in the U.N. Security Council, but failed to secure admission for the two countries due to the veto used by the USSR. The USSR pleaded that consideration of Korea and Vietnam be postponed until after their unification. But the USSR submitted that if the Security Council insisted on considering their applications then it should consider it in the form of simultaneous admission of both Korean States and Vietnamese States. This simultaneous admission was opposed by the United States and its supporters and problem remained unresolved. In 1956 and 1957 the U.S.A. continued to support the admission of South Korea and South Vietnam. But the Security Council could not recommend their admission due to the opposition of the USSR who pleaded for the simultaneous admission of both the Korean states and postponement of the consideration of Vietnam problem until after their unification. In 1975 the USSR supported the admission of both Vietnamese States but the Security Council could not make a positive recommendation due to the veto used by the United States because the question of South Korea was not included in the agenda of the Security Council. And the United States continued to block the admission of Vietnam even after the unification of Vietnam in 1976, but this time on a different ground that the Vietnamese authorities were not sharing the information already available with them regarding the American "servicemen missing in action". In 1977 Vietnam was admitted to the United Nations. And this
became possible after the United States withdrew its objections. when Vietnam undertook to supply with some additional information regarding Americans "missing in action". But both Korean States are still waiting for their admission even today.

On July 19, 1961, Britain and Kuwait signed an agreement acknowledging total independence of Kuwait. On June 30, 1961, Kuwait applied for the membership in the United Nations. On November 30, 1961, the representative of Iraq who was invited on his request to participate in the Security Council discussion without right to vote, contended that Kuwait had never been a State in the internationally accepted sense, rather it had always been considered an integral part of Iraq. He further contended that Kuwait was, for all practical purposes, a British colony. The draft resolution for the admission of Kuwait submitted by the United Arab Republic was vetoed by the USSR. The delegate of the USSR described Kuwait as a "Vassal of Britain". However, on May 7, 1963, Kuwait was admitted to the United Nations inspite of the opposition of Iraq.

It is clear from the above discussion that the objections raised by Iraq and the USSR were in conformity of Article 4 of the U.N. Charter and an advisory opinion of the International Court of Justice given in 1948 that an applicant be a State. But if these objections were correct, why the USSR did not block the admission of Kuwait in 1963? Thus these objections were raised on political grounds rather than on legal grounds.
The U.N. Charter provisions leave no doubt about the Chinese membership. China was present at the San Francisco Conference, signed and ratified the Charter, and hence by the Charter is an against member. Moreover, China is a permanent member of the Security Council and the Republic of China is named as such in Article 23.

In October 1949, the People's Republic of China was set up. Chiang-Kai Shek with the American support took refuge in Formosa. With the flight of the Nationalist government to Taiwan and the establishment of the Chinese Communist government on the Asiatic mainland in 1949, a rival was made to the right to represent the Republic of China in the United Nations. The Chinese question was technically a matter of credentials, closely tied to the problem of recognition. However, the United States treated the matter as if it were membership question. The question of Chinese representation was not included in the agenda of the General Assembly till 1950 due to the opposition of the United States. However, in 1961 the United States under the growing pressure from Afro-Asian countries, relented and agreed to the matter being discussed by the General Assembly. But a new tactic was adopted by the U.S. of defeating on its merits the perennial motion to exclude Nationalist and replace them with Communist government representatives in the United Nations. And the United States and its followers sponsored a resolution favouring a two-thirds vote in accordance with Article 18 of the U.N. Charter to expel and replace the Republic of China.
This tactic was accepted by succeeding General Assembly session till 1970. The United States opposed the replacement of the Republic of China by People's Republic of China on the grounds that People's Republic of China carried out aggressive military actions against Korea against the Republic of China and against South and South-East Asia.

The General Assembly rejected a draft resolution asking the General Assembly to decide that any proposal which would result in depriving the Republic of China of representation in the United Nations was an important question under Article 18 of the U.N. Charter requiring a two-thirds majority vote. And on October 25, 1971, the General Assembly of the U.N. adopted a resolution (2758 (XXVI), by which it recognized that "the representatives of the Government of the People's Republic of China are the only lawful representatives of the China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council", and decided "to restore all its rights to the People's Republic of China and to recognized the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang-Kai Shek from the place which they unlawfully occupy at the U.N. and in all the organization related to it."

The U.N. Charter contains no provision of the right to withdraw from the United Nations. This was done for the sake of
universality and long term obligation of its members. However, withdrawal is possible if (1) exceptional circumstances compelled a member to "leave the burden of maintaining international peace and security on the other members"; (2) if, "deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace, or could do so only at the expense of law and justice"; and (3) if the rights and obligations of a member were, without his concurrence, changed by amendment of the Charter or, conversely, if an amendment accepted by the majorities, prescribed in Article 108-109 failed to secure the requisite number of ratifications.

The only case of withdrawal has been of Indonesia. Indonesia announced its withdrawal from the United Nations on January 7, 1965 on the grounds (1) that Malaysia had been forced into the United Nations on September 17, 1963, by deliberate avoidance of any voting in a successful manoeuvre of neo-Colonial powers (2) that by another Colonial manoeuvre, Malaysia had been pushed into the Security Council. The U.K. Government held the circumstances not so exceptional as to justify Indonesia in withdrawing from the organization.

In October 1965, General Suharto replaced Sukarno. As a result on September 19, 1966, the Ambassador of Indonesia to the United States in a telegram to the Secretary-General of the United Nations expressed the wish of his Government "to resume full co-operation with the United Nations and to resume participation
in its activities starting with the twenty first session of the General Assembly. On September 28, 1966, at the plenary meeting of the General Assembly, President of it maintained that it appeared from the terms of the telegram that the Government of Indonesia considered that its recent absence from the organization had been based not upon a withdrawal from the United Nations but upon a cessation of co-operation. There was no objection, at the plenary meeting of the General Assembly, for Indonesia to participate again in the activities of the organization. So the President invited the delegation of Indonesia to take its seat in the General Assembly.

The intention of withdrawal was clearly and unambiguously expressed in the letter of January 20, 1965. If Indonesia had validly withdrawn, its "assumption of full participation" in the United Nations activities, its "return" and its "reparticipation" would legally not have been possible except as a consequence of its readmission under the procedure of Article 4 of the United Nations Charter. But the manner in which Indonesia was allowed to take her seat in the General Assembly and the arrangement which were approved by the Administrative and Budgetary Committee of the General Assembly confirms that the bond of membership between Indonesia and the United Nations has continued without interruption. Otherwise, Indonesia could not have been seated without action on the part of the Security Council. Thus, Members of the United Nations have the right to withdraw from the organization, but only in the exceptional circumstances.
The U.N. Charter provides two grounds on which a member can be suspended from its membership — one: A member of the United Nations against which preventive or enforcement action has been taken by the Security Council, it may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. Two, a member of the United Nations which is in arrears in the payment of its financial contributions to the organization......if the amount of its arrears equals or exceeds the amounts of contributions, due from it for the preceding two full years. However, the General Assembly may permit such a member State to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the State in question. The power to restore the lost rights and privileges are given to the Security Council. However, in case of financial default, there is *ipso facto* restoration of rights and privileges on payment of arrears.

In the U.N. Charter, suspension is confined to the loss of vote in the General Assembly. The right of representation is not entirely lost during the period of suspension, there can be no question of a suspended member escaping obligations arising under the convention, even temporarily. So suspension does not in any way affect the obligations of the Member; it only affects its rights and privileges.

The only case of suspension has been that of South Africa. In September 1974, the Credential Committee rejected the
credentials of the representatives of South Africa which was approved by the General Assembly. The General Assembly adopted a resolution to review the relationship between the United Nations and South Africa in the light of the constant violation by the South Africa of the principles of the U.N. Charter and the universal declaration of human rights. The Security Council did not make any recommendation regarding the relationship between the United Nations and South Africa. However, the General Assembly on November 12, 1974 decided to suspend South Africa from participating in the work of its twenty-ninth session because of South Africa's policies of apartheid.

The U.N. Charter provides that a member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council. Expulsion brings about immediate, complete and permanent termination of membership of a sovereign State and can only be justified on the ground that any further continuance of the defaulting State as a member would be likely to do considerable damage to the organization or prevent it from effectively performing its functions. Expulsion is not a normal weapon to be utilized for any and every kind of default. Thus no member of the organization can be expelled for an isolated breach of its obligation under the Charter however grave it may be. Expulsion is applicable only in the case of a "persistent" violation of the principles set forth
in Article 2. A member of the United Nations can only be expelled by the General Assembly upon the recommendation of the Security Council.

Expulsion brings to an end, with effect from the date of expulsion, all obligations of the expelled member State to the Organization. An expelled member of the U.N. ceases to have any relationship with the organization after expulsion except to the extent expressly stipulated in respect of non-members in Article 2(6). An expelled member of the U.N. may still claim access to the Security Council and the General Assembly. A member State of the U.N. expelled today could not revive its membership even twenty years after but expulsion is no bar to a subsequent application for readmission.

The only case of expulsion has been that of Taiwan. On October 25, 1971, the U.N. General Assembly expelled the representatives of Chiang-Kai Shek from the United Nations. But expulsion would not have been possible without a resolution passed by two-thirds majority of the General Assembly as stated in Article 18 of the U.N. Charter and upon the recommendation of the Security Council as stated in Article 6 of the U.N. Charter. As there was no recommendation of the Security Council to expel Taiwan and the General Assembly passed the resolution by simple majority and not by two-thirds majority it may be concluded that the General Assembly treated this question of representation closely related to recognition and not of expulsion.
As a result of de-colonization process many micro-States have now emerged as the members of the United Nations. Though Article 2 of the U.N. Charter proclaims that U.N. is based upon the sovereign equality of all its members. But in actuality there are many inequalities and many degrees of dependence among States. The micro-States are characterised by small population, area and small powers. As frequently noted fears have been expressed that the admission of mini-States to the U.N. will strained the physical and financial resources of the organization and reduce the credibility and influence of the organization. Also it has been held that U.N. membership is beyond the capacity of these micro-States.

The crux of the matter is that these micro-States along with other third world States constitute the majority in the General Assembly of the United Nations and the Super powers and their followers have been reduced to a relative small minority. On the other hand admission of the mini-States to the U.N. is necessary certificate of sovereignty and most economical or convenient form of multiple diplomatic representation. They can also have access to scientific and technological development and can conduct their international relations effectively through the membership of the U.N. As early as 1967 U. Thant, the then Secretary-General of the United Nations distinguished between right of mini-States independence and the question of membership in the U.N. For that he recommended the organization to undertake a study of criteria for membership in the United Nations. On August 18, 1969, the
United States representative proposed the creation of a category of associate membership. An associate State under the American proposal would enjoy the same rights as a full member other than the right to vote and hold office and would be exempted from the obligations to pay financial assistance. While the United Kingdom proposal suggested full membership but with a renunciation of right to vote and hold office. The Finish representative oppose the U.S. proposal and expressed the desirability of micro-States to be admitted to the U.N. France, Algeria, Hungary and Spain expressed the similar views. The Legal Council also expressed more or less the same opinion. The matter is more or less being considered closed.

Universal membership was a vague goal and was rejected as a principle in the United Nations. Enemy States were excluded as original members. At the San Francisco Conference several States advocated automatic and universal membership but the hurdle of an admission process were retained and consequently in the beginning, from 1945 to 1955, the admission of a member to the United Nations became a Cold war issue. In fact, the membership issue became basically political rather than procedural. A solution in the form of package deal or admission en bloc was found.

In the period since 1955 admission procedures have proved no impediment to a burgeoning membership approaching universality.
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