

COUR INTERNATIONALE DE JUSTICE

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RECUEIL DES ARRÊTS,  
AVIS CONSULTATIFS ET ORDONNANCES

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COMPÉTENCE DE L'ASSEMBLÉE GÉNÉRALE  
POUR L'ADMISSION D'UN ÉTAT  
AUX NATIONS UNIES

**AVIS CONSULTATIF DU 3 MARS 1950**

**1950**

INTERNATIONAL COURT OF JUSTICE

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REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS AND ORDERS

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COMPETENCE OF THE GENERAL ASSEMBLY  
FOR THE ADMISSION OF A STATE  
TO THE UNITED NATIONS

**ADVISORY OPINION OF MARCH 3rd, 1950**

Le présent avis doit être cité comme suit :

« *Compétence de l'Assemblée pour l'admission aux Nations Unies,*  
*Avis consultatif : C. I. J. Recueil 1950, p. 4.* »

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This Opinion should be cited as follows :

“*Competence of Assembly regarding admission to the United Nations,*  
*Advisory Opinion : I.C.J. Reports 1950, p. 4.*”

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## INTERNATIONAL COURT OF JUSTICE

YEAR 1950

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General List:  
No. 9COMPETENCE OF THE GENERAL ASSEMBLY  
FOR THE ADMISSION OF A STATE  
TO THE UNITED NATIONS

*Competence of the Court to interpret Article 4, paragraph 2, of the Charter.—Character of the question.—Absence of recommendation from the Security Council regarding admission to the United Nations.—Power of the General Assembly regarding admission to membership in the United Nations in the absence of a recommendation of the Security Council.—Meaning of the term “upon the recommendation of the Security Council”.—Interpretation of a treaty provision according to its natural and ordinary meaning in its context.—Travaux préparatoires.—Interpretation in the light of the general structure of the Charter.—Application of Article 4, paragraph 2, by the General Assembly and the Security Council.*

## ADVISORY OPINION

*Present: President* BASDEVANT; *Vice-President* GUERRERO; *Judges* ALVAREZ, HACKWORTH, WINIARSKI, ZORIČIĆ, DE VISSCHER, Sir Arnold McNAIR, KLAESTAD, BADAWI PASHA, KRYLOV, READ, HSU MO, AZEVEDO; *Registrar* Mr. HAMBRO.

THE COURT,

composed as above,

gives the following Advisory Opinion :

On November 22nd, 1949, the General Assembly of the United Nations adopted the following Resolution :

*"The General Assembly,*

*Keeping in mind* the discussion concerning the admission of new Members in the *Ad Hoc* Political Committee at its fourth regular session,

*Requests* the International Court of Justice to give an advisory opinion on the following question :

'Can the admission of a State to membership in 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 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?'

By a letter of November 25th, 1949, filed in the Registry on November 28th, the Secretary-General of the United Nations transmitted to the Registrar a copy of the Resolution of the General Assembly.

On December 2nd, 1949, the Registrar gave notice of the Request for an Opinion to all States entitled to appear before the Court, in accordance with paragraph 1 of Article 66 of the Statute. Furthermore, the Registrar informed the Governments of Members of the United Nations by means of a special and direct communication, as provided in paragraph 2 of Article 66, that the Court was prepared to receive from them written statements on the question before January 24th, 1950, the date fixed by an Order of the Court made on December 2nd, 1949.

By the date thus fixed, written statements were received from the following States : Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America. A written statement from the Secretary-General of the United Nations was also received within the time-limit. Furthermore, the Registrar received written statements from the Governments of the Republic of Argentina on January 26th, 1950, and of Venezuela on February 2nd, 1950, i.e., after the expiration of the time-limit fixed by the Order of December 2nd, 1949. They were accepted by a decision of the President, as the Court was not sitting, in accordance with the provisions of paragraphs 4 and 5 of Article 37 of the Rules of Court. The written statements

were communicated to all Members of the United Nations, who were informed that the President had fixed February 16th, 1950, as the opening date of the oral proceedings.

In accordance with Article 65 of the Statute of the Court, the Secretary-General sent to the Registry the documents which are enumerated in the list annexed to the present Opinion<sup>1</sup>. These documents reached the Registry on January 23rd, 1950. The Assistant Secretary-General in charge of the Legal Department also announced by a letter of January 23rd, 1950, that he did not intend to take part in the oral proceedings, unless the Court so desired.

The Government of the French Republic and the Government of the Republic of Argentina, by letters of January 14th and February 3rd, 1950, respectively, announced their intention to make oral statements before the Court. On February 14th, 1950, the Argentine delegation in Geneva informed the Registrar that the Government of the Republic of Argentina abandoned its intention to take part in the oral proceedings.

In the course of a public sitting held on February 16th, 1950, the Court heard an oral statement presented on behalf of the Government of the French Republic by M. Georges Scelle, Honorary Professor in the Faculty of Law of the University of Paris, member of the United Nations International Law Commission.

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The Request for an Opinion calls upon the Court to interpret Article 4, paragraph 2, of the Charter. Before examining the merits of the question submitted to it, the Court must first consider the objections that have been made to its doing so, either on the ground that it is not competent to interpret the provisions of the Charter, or on the ground of the alleged political character of the question.

So far as concerns its competence, the Court will simply recall that, in a previous Opinion which dealt with the interpretation of Article 4, paragraph 1, it declared that, according to Article 96 of the Charter and Article 65 of the Statute, it may give an Opinion on any legal question and that there is no provision which prohibits it from exercising, in regard to Article 4 of the Charter, a multilateral treaty, an interpretative function falling within the normal exercise of its judicial powers (I.C.J. Reports 1947-1948, p. 61).

With regard to the second objection, the Court notes that the General Assembly has requested it to give the legal interpretation of paragraph 2 of Article 4. As the Court stated in the same Opinion, it "cannot attribute a political character to a request

<sup>1</sup> See p. 35.

which, framed in abstract terms, invites it to undertake an essentially judicial task, the interpretation of a treaty provision”.

Consequently, the Court, in accordance with its previous declarations, considers that it is competent on the basis of Articles 96 of the Charter and 65 of its Statute and that there is no reason why it should not answer the question submitted to it.

This question has been framed by the General Assembly in the following terms :

“Can the admission of a State to membership in 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 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 ?”

The Request for an Opinion envisages solely the case in which the Security Council, having voted upon a recommendation, has concluded from its vote that the recommendation was not adopted because it failed to obtain the requisite majority or because of the negative vote of a permanent Member. Thus the Request refers to the case in which the General Assembly is confronted with the absence of a recommendation from the Security Council.

It is not the object of the Request to determine how the Security Council should apply the rules governing its voting procedure in regard to admissions or, in particular, that the Court should examine whether the negative vote of a permanent Member is effective to defeat a recommendation which has obtained seven or more votes. The question, as it is formulated, assumes in such a case the non-existence of a recommendation.

The Court is, therefore, called upon to determine solely whether the General Assembly can make a decision to admit a State when the Security Council has transmitted no recommendation to it.

Article 4, paragraph 2, is as follows :

“The admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.”

The Court has no doubt as to the meaning of this text. It requires two things to effect admission : a “recommendation” of the Security Council and a “decision” of the General Assembly. It is in the nature of things that the recommendation should come before the decision. The word “recommendation”, and the word “upon” preceding it, imply the idea that the recommendation is the foundation of the decision to admit, and that the latter rests upon the recommendation. Both these acts are indispensable to form the judgment of the Organization to which the previous

paragraph of Article 4 refers. The text under consideration means that the General Assembly can only decide to admit upon the recommendation of the Security Council ; it determines the respective roles of the two organs whose combined action is required before admission can be effected : in other words, the recommendation of the Security Council is the condition precedent to the decision of the Assembly by which the admission is effected.

In one of the written statements placed before the Court, an attempt was made to attribute to paragraph 2 of Article 4 a different meaning. The Court considers it necessary to say that the first duty of a tribunal which is called upon to interpret and apply the provisions of a treaty, is to endeavour to give effect to them in their natural and ordinary meaning in the context in which they occur. If the relevant words in their natural and ordinary meaning make sense in their context, that is an end of the matter. If, on the other hand, the words in their natural and ordinary meaning are ambiguous or lead to an unreasonable result, then, and then only, must the Court, by resort to other methods of interpretation, seek to ascertain what the parties really did mean when they used these words. As the Permanent Court said in the case concerning the *Polish Postal Service in Danzig* (P.C.I.J., Series B, No. 11, p. 39) :

“It is a cardinal principle of interpretation that words must be interpreted in the sense which they would normally have in their context, unless such interpretation would lead to something unreasonable or absurd.”

When the Court can give effect to a provision of a treaty by giving to the words used in it their natural and ordinary meaning, it may not interpret the words by seeking to give them some other meaning. In the present case the Court finds no difficulty in ascertaining the natural and ordinary meaning of the words in question and no difficulty in giving effect to them. Some of the written statements submitted to the Court have invited it to investigate the *travaux préparatoires* of the Charter. Having regard, however, to the considerations above stated, the Court is of the opinion that it is not permissible, in this case, to resort to *travaux préparatoires*.

The conclusions to which the Court is led by the text of Article 4, paragraph 2, are fully confirmed by the structure of the Charter, and particularly by the relations established by it between the General Assembly and the Security Council.

The General Assembly and the Security Council are both principal organs of the United Nations. The Charter does not place the Security Council in a subordinate position. Article 24 confers upon it “primary responsibility for the maintenance of international

peace and security", and the Charter grants it for this purpose certain powers of decision. Under Articles 4, 5, and 6, the Security Council co-operates with the General Assembly in matters of admission to membership, of suspension from the exercise of the rights and privileges of membership, and of expulsion from the Organization. It has power, without the concurrence of the General Assembly, to reinstate the Member which was the object of the suspension, in its rights and privileges.

The organs to which Article 4 entrusts the judgment of the Organization in matters of admission have consistently interpreted the text in the sense that the General Assembly can decide to admit only on the basis of a recommendation of the Security Council. In particular, the Rules of Procedure of the General Assembly provide for consideration of the merits of an application and of the decision to be made upon it only "if the Security Council recommends the applicant State for membership" (Article 125). The Rules merely state that if the Security Council has not recommended the admission, the General Assembly may send back the application to the Security Council for further consideration (Article 126). This last step has been taken several times: it was taken in Resolution 296 (IV), the very one that embodies this Request for an Opinion.

To hold that the General Assembly has power to admit a State to membership in the absence of a recommendation of the Security Council would be to deprive the Security Council of an important power which has been entrusted to it by the Charter. It would almost nullify the role of the Security Council in the exercise of one of the essential functions of the Organization. It would mean that the Security Council would have merely to study the case, present a report, give advice, and express an opinion. This is not what Article 4, paragraph 2, says.

The Court cannot accept the suggestion made in one of the written statements submitted to the Court, that the General Assembly, in order to try to meet the requirement of Article 4, paragraph 2, could treat the absence of a recommendation as equivalent to what is described in that statement as an "unfavourable recommendation", upon which the General Assembly could base a decision to admit a State to membership.

Reference has also been made to a document of the San Francisco Conference, in order to put the possible case of an unfavourable recommendation being voted by the Security Council: "such a recommendation has never been made in practice. In the opinion of the Court, Article 4, paragraph 2, envisages a favourable recommendation of the Security Council and that only. An unfavourable recommendation would not correspond to the provisions of Article 4, paragraph 2."

While keeping within the limits of a Request which deals with the scope of the powers of the General Assembly, it is enough for

the Court to say that nowhere has the General Assembly received the power to change, to the point of reversing, the meaning of a vote of the Security Council.

In consequence, it is impossible to admit that the General Assembly has the power to attribute to a vote of the Security Council the character of a recommendation when the Council itself considers that no such recommendation has been made.

For these reasons,

THE COURT,

by twelve votes to two,

is of 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 effected 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.

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this third day of March, one thousand nine hundred and fifty, in two copies, one of which will be placed in the archives of the Court and the other transmitted to the Secretary-General of the United Nations.

(Signed) BASDEVANT,  
President.

(Signed) E. HAMBRO.  
Registrar.

Judges ALVAREZ and AZEVEDO, declaring that they are unable to concur in the Opinion of the Court, have availed themselves of the right conferred on them by Article 57 of the Statute and appended to the Opinion statements of their dissenting opinion.

*(Initialed)* J. B.

*(Initialed)* E. H.

## DISSENTING OPINION BY M. ALVAREZ

[Translation]

## I

On November 22nd, 1949, the General Assembly of the United Nations addressed to the International Court of Justice a highly important Request for an Advisory Opinion to which a satisfactory answer must be given : what is really involved is the question of the so-called "right of veto". The discussions which have arisen in the United Nations concerning the repeated exercise of this right are well known.

## II

We have before us a case which involves the interpretation of the Charter of the United Nations ; it refers therefore to a new question of international law.

This case must not be decided in accordance with the precepts of traditional or classic international law, which were established on an *individualistic* basis and have hitherto prevailed, but rather in accordance with the *new international law*, which is now emerging.

There is no doubt that the Court must apply the existing law to the case which has been referred to it.

What is this law to-day ? Since the recent social upheaval which opened the greatest period in the history of humanity, profound changes have suddenly appeared in almost all spheres of activity, particularly in the international field. The psychology of peoples has undergone a great change ; a new universal international conscience is emerging, which calls for reforms in the life of peoples. This circumstance, in conjunction with the crisis which classic international law has been traversing for some time past, has opened the way to a new international law.

The Charter of the United Nations has created several organs, notably the General Assembly and the International Court of Justice. The former has adopted a number of resolutions on questions of great importance. Under Resolution 171 of the Third General Assembly of the United Nations, the Court was entrusted with a mission, which was not conferred—at any rate not in express terms—on the Permanent Court of International Justice, namely the *development* and consequently the *creation* of law.

The Preamble of the United Nations Charter indicates the new lines along which international life has to develop ; and world public opinion has directly or indirectly given its approval to certain principles framed by the statesmen of the Big Powers with a view to ensuring development on those lines.

In this way a new international law has rapidly begun to come into existence. It has its roots in the *régime of interdependence* which has been emerging since the middle of the XIXth century.

Formerly the rules of law were elaborated slowly, in accordance with well-established conventions or customs, or these rules were evolved, again as a slow process, by jurists. To-day, because of the social upheaval which we have just traversed, because of the remarkable dynamism in the life of peoples, because of the new international organization and the institutions and organs which this organization has created, and finally because of the aspirations of peoples and the exigencies of modern life, the elaboration of such new rules is rapid and sometimes even sudden; this elaboration is effected by means which are different from those of former times, and in this process the factors which have just been mentioned exert their influence.

The common view that international law must be created solely by States is, therefore, not valid to-day—nor indeed has it ever been.

In truth, alongside of conventional law there is customary law, and above all the doctrines of jurists, who not only have the opportunity of establishing custom, but have formulated rules which have been respected by States.

In future, it is to the General Assembly of the United Nations, to the International Court of Justice and to the jurists that we shall look, more than to anyone, for the creation of the new international law.

Consequently, whether in regard to old questions which assume new aspects, or in regard to entirely new questions, the Court has to give decisions, not in accordance with traditional international law—that would be an anomaly—but in accordance with the international law which is now emerging and which the Court itself is able to create.

It might be said that this law is merely *lex ferenda* and not an existing law at the present time; but both these types of law coincide. In many cases, so far as the Court is concerned, the tasks of determining, establishing and applying the law go hand in hand.

What are the main characteristics of the new international law, and what should be the aims of the organs entrusted with its creation?

I shall confine myself for the moment to emphasizing the point that the new international law has not only a legal, but also a political, social, economic and even a psychological aspect.

Its point of departure is that, to-day, States are increasingly interdependent: and that consequently they do not form a simple community, as formerly, but rather a veritable international and organized society. This society in no wise abolishes the independence and the sovereignty of the States, nor their legal equality (Article 2 paragraph 1, of the Charter); but it limits

this sovereignty, and the rights which flow therefrom, in view of the general interests of this society.

In accordance with the Preamble to the Charter, the new organization—and consequently, the new law which flows therefrom—must have the following ends in view: to maintain peace, to consider the general interest, to safeguard fundamental human rights, to promote co-operation between States, to bring their interests into harmony, to promote economic, social, intellectual and humanitarian progress. The old individualistic law had none of these purposes; it took account only of the interests of the individual considered in isolation.

I will not dwell upon all the other characteristics of international law, but will confine myself to considering briefly the points which are related directly to the Request for an Advisory Opinion, namely:

- A.—Limitation of the rights of States;
- B.—The exercise of these rights;
- C.—The abuse of right, which is intimately connected with the two foregoing points;
- D.—The interpretation of treaties, in particular those which have created an international organization.

### III

A.—*Limitation of the rights of States.* According to classic international law, the sovereignty of States, and the rights which flowed therefrom, were absolute. Consequently, any State could exercise its rights without limit, or rather, the sole limits were the rights of other States (coalition of rights), and only rarely the general interest. In addition, each State was perfectly free to exercise its rights, and even to abuse them, without having to justify its conduct to anybody.

To-day the situation has changed; the notion of absolute sovereignty has had its day. The general interest, the interests of international society, must constitute the limits of the rights of States and make it possible to determine whether there has been an *abuse* of these rights.

It would be meaningless to speak of solidarity, interdependence, co-operation, the general interest, human happiness, etc., if States could continue to exercise all their rights freely and without restriction. If these concepts are to have any meaning, these rights must be subject to the limitations which I have just outlined.

This limitation was recommended by the last General Assembly of the United Nations in respect of a particular matter: in one of its resolutions, the *Ad Hoc* Political Committee of the Assembly recommended that all nations should, in the use of their rights of sovereignty, join in mutual agreement to limit the individual exercise of those rights in respect of the control of atomic energy,

to the extent required for the promotion of world security and peace.

#### IV

B.—*Exercise of the rights of States.* The question whether, in given circumstances, a State is or is not bound to exercise its rights, and in what way it must exercise them, depends upon the policy of that State, and policy is influenced by public opinion. But in no case may the exercise of these rights degenerate into a misuse of right.

A State may remain within the limits of its right—for instance, a right of passage—and yet may abuse this right if it takes advantage of the passage to obtain information on the natural resources, strategic bases, fortifications, etc., of the State through which the passage takes place.

C.—*Abuse of right.* This concept is relatively recent in private law, but it is already generally accepted. Even before the first World War, some publicists had asked that it should be extended to international law. Because of the new conditions that have arisen in the life of peoples, it is necessary to-day to find a place for this concept, and the International Court of Justice must take its share in this evolution.

What are the organs that will define the limits of the rights of States and determine whether there has been abuse or not? In the past, no such organ had existed, because the question did not arise. To-day, there are three very important organs, each of which has power to act in its particular sphere—the Security Council, the General Assembly of the United Nations and the International Court of Justice. There are also the other organs of the United Nations: the Economic and Social Council, the Trusteeship Council, etc., in their respective spheres of jurisdiction.

#### V

D.—*Interpretation of treaties, in particular those creating an international organization.* First of all, it must be made perfectly clear that the Court has competence to interpret the Charter of the United Nations like any other instrument, without any limitations whatever.

It has been contended that the Court was not competent to interpret this treaty. That is not correct. Moreover, the Court has already taken an opportunity of asserting its competence in this respect (I.C.J. Reports 1947-1948, p. 61).

Legal texts can be interpreted by anyone; but when such an interpretation is made by an authorized organ, such as the General Assembly of the United Nations or the International Court of Justice, it presents a great practical value and creates precedents.

Because of the progressive tendencies of international life, it is necessary to-day to interpret treaties, as well as laws, in a different manner than was customary when international life showed few changes. This interpretation must be made in such a way as to ensure that institutions and rules of law shall continue to be in harmony with the new conditions in the life of the peoples.

There are two considerations which support this assertion. First, we observe that national courts, in their interpretation of private law, seek to adapt it to the exigencies of contemporary life, with the result that they have modified the law, sometimes swiftly and profoundly, even in countries where law is codified to such an extent that it is necessary to-day to take into consideration not only legal texts, but also case-law. It is the same, *a fortiori*, in the interpretation of international matter, because international life is much more dynamic than national life.

Again, because of this very dynamism, the political aspect of questions is tending to have precedence over the juridical aspect. We have a very important concrete illustration of this tendency. According to traditional international law, the state of war still exists between the Allies and Germany, since no peace treaty has yet been signed with the latter State. But this situation is considered unacceptable, and efforts are being made to bring it to an end.

It is therefore necessary to establish a theory, a technique of interpretation. This process will reveal great differences between the old system and the new one which will have to be applied henceforward.

The old system possessed the following characteristics :

- A.—No distinction was made between treaties : the same rules of interpretation were applied in all cases.
- B.—Those who interpreted the treaties were slaves, so to speak, of the wording. When the wording was clear, it had to be applied literally, without taking into account the possible consequences.
- C.—When a text was not clear, recourse was had to the *travaux préparatoires*.
- D.—The interpretation of a given text, notably of a treaty, was, so to speak, immutable. No change could be made, even if the matter considered had undergone modifications.

The new system of interpretation must present other characteristics :

- (A) Distinctions must be made between different kinds of treaties. A bilateral treaty concerning an ordinary question, such as extradi-

tion, cannot be interpreted in the same way as a political treaty. Three categories of treaties must be specially recognized : peace treaties, in particular those affecting world peace ; treaties creating principles of international law ; and treaties creating an international organization, notably the world organization. All these possess both a political and a psychological character.

Peace treaties are dictated by material force ; and those creating principles of international law, or international organizations, are created by the majority of the participating States, for the new signatories can only accept what has already been done. Consequently, these three categories of treaties are not to be interpreted literally, but primarily having regard to their purposes.

(B) The text must not be slavishly followed. If necessary, it must be vivified so as to harmonize it with the new conditions of international life.

When the wording of a text seems clear, that is not sufficient reason for following it literally, without taking into account the consequences of its application. Multilateral treaties are not drafted with the help of a dictionary, and their wording is often the result of a compromise which influences the terms used in the text.

In the case of the Polish Postal Service in Danzig, the Permanent Court of International Justice (P.C.I.J., Series B, No. 11, p. 39) decided that the words of a treaty must be interpreted according to their normal meaning, unless the interpretation would thus lead to unreasonable or absurd consequences.

It is necessary to add that to-day the same method must be observed when the provisions of a clause appear to run counter to the purposes of the institution concerned or to the new conditions of international life.

There is a decisive argument applicable to this question. It has long been held that treaties contained, implicitly, the clause *rebus sic stantibus*, according to which, when the fundamental conditions in which a treaty was made have become modified, the treaty ceases to have effect. The correctness of this clause is so manifest that it has recently been carried over from international to private law.

For the same reason, it must be recognized that even the clear provisions of a treaty must not be given effect, or must receive appropriate interpretation, when, as a result of modifications in international life, their application would lead to manifest injustice or to results contrary to the aims of the institution. For, otherwise, marked discrepancies would result between the written text and the reality ; and that would be inadmissible.

But there is more: it is possible, by way of interpretation, to attribute to an institution rights which it does not possess according to the provisions by which it was created, provided that these rights are in harmony with the nature and objects of the said institution. Thus, for instance, in its Advisory Opinion of April 11th, 1949, on the Reparation for Injuries suffered by the United Nations, the International Court of Justice declared that, having in view the nature and objects of that institution, it was entitled to claim damages suffered not only by itself but by its agents in the performance of their duties. This Court has therefore attributed to the United Nations a right which was not expressly conferred on that Organization by the Charter and which, according to traditional international law, appertains solely to States. The Court, in so doing, created a right and, as I have already shown, it was entitled to do so.

*A fortiori*, the Court has the power to limit rights, or to give them an effect other than that prescribed by the literal text where the circumstances mentioned above make it necessary to do so.

(C) It will be necessary in future—unless in exceptional cases—when interpreting treaties, even those which are obscure, and especially those relating to international organizations, to exclude the consideration of the *travaux préparatoires*, which was formerly usual. The value of these documents has indeed progressively diminished, for different reasons: (a) they contain opinions of all kinds; moreover, States, and even committees, have at times put forward some idea and have later abandoned it in favour of another; (b) when States decide to sign a treaty, their decision is not influenced by the *travaux préparatoires*, with which, in many cases, they are unacquainted; (c) the increasing dynamism of international life makes it essential that the texts should continue to be in harmony with the new conditions of social life.

It is therefore necessary, when interpreting treaties—in particular, the Charter of the United Nations—to look ahead, that is to have regard to the new conditions, and not to look back, or have recourse to *travaux préparatoires*. A treaty or a text that has once been established acquires a life of its own. Consequently, in interpreting it we must have regard to the exigencies of contemporary life, rather than to the intentions of those who framed it.

(D) The interpretation of treaties must not remain immutable; it will have to be modified if important changes take place in the matter to which it relates.

It results from the foregoing considerations, that it is possible, by way of interpretation, to effect more or less important changes in treaties, including the Charter of the United Nations. That causes surprise to those who believe that this document is unchangeable, but such modifications are the natural consequence of the

dynamism of international life. We have to choose between the maintenance of texts as immutable, even if they lead to unreasonable consequences, and the modification of these texts, if that becomes necessary. There cannot be any doubt as to the choice.

If the International Court of Justice were able by its judgments and advisory opinions to establish a doctrine of the limitation of the rights of States and a doctrine of the misuse of rights, and in addition a new doctrine concerning the interpretation of treaties, it would be rendering important services to international law and to the cause of peace.

## VI

In view of the foregoing considerations, I am unable to adhere to the Court's Opinion, seeing that it makes no distinction between the reasons for which the Security Council may fail to recommend the admission of a State as a Member of the United Nations, and because it holds that it must consider only whether the Security Council has or has not made a recommendation. Moreover, the Court believes that the General Assembly has not to take any particular steps as regards the Council if the latter has not made a recommendation. Thus the Assembly would have only a somewhat passive role.

I hold that the role of the General Assembly in the admission of new Members is an active role, for it is the Assembly which effects the admission.

According to paragraph 2 of Article 4 of the Charter, the Assembly effects the admission of States which fulfil the conditions laid down in that article, but it is necessary that the Security Council should have recommended the State requesting admission.

Two situations may arise :

A.—The State seeking admission has failed to obtain the requisite number of votes in the Security Council. In that case, its admission cannot be recommended to the General Assembly. The resulting situation resembles that which occurs in regard to the election of Members of the International Court of Justice : in order that a judge may be elected, he must have obtained the requisite majority both in the Security Council and in the General Assembly ; if he does not secure the required majority in the Council, he cannot be elected.

B.—The State seeking admission has obtained the requisite number of votes in the Council, but one of the permanent Members has opposed the recommendation, in other words, has made use of the *veto*. This is the case which we must specially consider. I think that the General Assembly may appraise the veto.

The right of veto has been provided by paragraph 3 of Article 27 of the Charter of the United Nations. But, if we examine the provisions of Chapters V, VI, VII and VIII to which it refers, we see

that when this right was created the only objects in view were matters concerning the maintenance of peace and international security. Article 24 states that the Members of the United Nations Organization confer on the Security Council a primary responsibility for the maintenance of international peace and security. The article thus establishes something closely resembling the former "European Directorate" created after the Napoleonic wars, but with a universal scope. The creation of such a body is certainly fitting and justifiable, having regard to the primary role played by the Great Powers in case of conflict. It is entirely natural that the Security Council should be unable to adopt decisions in matters so grave as those of peace and security against the opposition of a Great Power, for the latter would then be obliged to take part, contrary to its will, in the proposed measures, and that would be a very dangerous situation.

But the exercise of this right of veto must be kept within proper limits. The literal text of Article 27, which established this right, is clear, if taken in isolation; but it is no longer clear if we have regard to the nature and objects of the United Nations Organization.

To decide that the right of veto may be freely exercised in every case in which the Security Council may take action would mean deciding that the will of a single Great Power could frustrate the will of all the other Members of that Council and of the General Assembly, even in matters other than the maintenance of peace and security; and that would reduce the U.N.O. to impotence.

Even if it is admitted that the right of veto may be exercised freely by the permanent Members of the Security Council in regard to the recommendation of new Members, the General Assembly may still determine whether or not this right has been *abused* and, if the answer is in the affirmative, it can proceed with the admission without any recommendation by the Council.

It has been argued that the Security Council is alone competent to appraise the use made by one of its permanent Members of the right of veto, and that this is shown by the practice which has become established. I cannot agree with that opinion either: the General Assembly is entitled not only to ask the Council for what reason it has failed to recommend a State seeking admission, but also to determine whether or not this right of veto has been abused.

According to Articles 10 and 11 of the Charter, the General Assembly may make recommendations to the Security Council; *a fortiori* it may make observations to that Council whenever it sees fit. It is not necessary that the Assembly should have been endowed with such a right in express terms, for it is a necessary consequence of its powers.

The above solution is consistent both with the spirit of the Charter of the United Nations and with the requirements of common sense.

It is consistent with the spirit of the Charter by the terms of which the U.N.O. has a universal role, with the consequence that all members of the international community which fulfil the conditions laid down in Article 4 should be admitted to the United Nations ; these States have a *right* to be admitted.

The solution is also consistent with the requirements of common sense because, if it were admitted that the right of veto could be freely exercised, the result might be—as has just been pointed out—that a State whose request for admission had been approved by all the Members of the Security Council except one and by all the Members of the General Assembly would nevertheless be unable to obtain admission to the United Nations because of the opposition of a single country ; a single vote would thus be able to frustrate the votes of all the other Members of the United Nations ; and that would be an absurdity.

(Signed) ALVAREZ.

## DISSENTING OPINION OF M. AZEVEDO

[*Translation*]

I regret that I am unable to concur in the opinion of the majority of the Court for the following reasons :

1.—First of all, I cannot agree to the omission of what I consider to be the most important part of the question submitted to the Court.

The Request does not ask the Court to say in a general way whether a State could be admitted when the Council had made no recommendation. It refers precisely to the case when absence of recommendation is due to specified reasons, consideration of which would give rise to two entirely different questions, one dealing with the dual meaning, positive or negative, of the word "recommendation", and the other dealing with the problem of the veto.

Even though the Request for an Opinion has approached the question from an indirect angle, none the less it clearly contemplates the case in which an applicant State, which has obtained seven positive votes, has been opposed by a permanent Member of the Council.

Even viewed from a practical angle, it must be admitted that the questions are interdependent by application of a familiar logical method. If the principal hypothesis is considered, and if, for example, it is decided that the candidate can be admitted in spite of an unfavourable answer from the Security Council, *tollitur quæstio* ; if not, the secondary hypothesis is not prejudged.

For that reason, it cannot be said that words or even entire sentences have been omitted because they were redundant and did not change the scope of the question, where they appeared only for purposes of clarification.

2.—In disregarding the reasons for the absence of recommendation, one is confronted by facts, the importance of which cannot be minimized.

Indeed, it is easy to see that the original proposal of the Argentine Republic made no reference to a case in which a permanent Member had cast a negative vote ; the point was raised only after an intervention by the Belgian delegate. Finally, the Dutch delegate proposed the insertion of the following phrase as a preamble, the scope of which cannot be neglected :

“The General Assembly,  
 Keeping in mind the discussion concerning the admission of  
 new Members in the *Ad Hoc* Political Committee at its fourth  
 regular session,  
 Requests the International Court of Justice to give an advisory  
 opinion on the following question:”

A study of the discussions shows that many States in the Commission and in the General Assembly referred to the veto, approving or criticizing it. Moreover, direct or indirect allusions to the same question were made in the statements submitted to the Court.

3.—On the first question I agree entirely with the majority of the Court ; because it is not possible to draw from the successive intervention of two organs in any matter the conclusion that the first step, which is merely introductory or preliminary, can be overlooked.

I consider also that it is not sufficient to rely upon an historical element to reverse a clear conclusion deriving from the circumstances. It is true that one of the delegates called the attention of his colleagues to the contents of a letter from the Secretary of the Advisory Committee of Jurists, and that a decision was taken, without opposition from the President, to insert the new interpretation in the Report of Committee II/I.

But all this would not justify the conclusion that all delegations gave this modification all the attention it deserved, when it is well known that (according to those who are in favour of using them) the value of *travaux préparatoires* is based, for purposes of interpretation, on the *voluntas legislatoris*, to which no great importance is attached to-day.

4.—It is now possible to pass to the second question, which is much more complex.

First of all, the commentator is struck by the very unusual stress put by the Charter on the aims and principles of the Organization ; by a unanimous vote, the signatories also stressed that the obligations assumed by the Members must be carried out in good faith.

That is why the interpretation of the San Francisco instruments will always have to present a teleological character if they are to meet the requirements of world peace, co-operation between men, individual freedom and social progress. The Charter is a means and not an end. To comply with its aims one must seek the methods of interpretation most likely to serve the natural evolution of the needs of mankind.

Even more than in the applications of municipal law, the meaning and the scope of international texts must continually be perfected, even if the terms remain unchanged. This proposition is acceptable

to any dogmatic system of law, and even to those who hold that law should be autonomous and free from the interference of forces, tendencies or influences alien to its proper sphere.

Literal interpretation will not prevail, even through the sinister adage *fiat justitia pereat mundus*. The aims of the United Nations must be served so that mankind may flourish.

5.—Even long practice, usually a good guide in interpretation, cannot frustrate a pressing teleological requirement. In the present case, this practice could not be more than four years old and would not have a peaceful and undisputed character because of the opposition raised from the start by such States as Argentina and Cuba, and even Australia, in a very special sense.

Precedents, whether isolated or repeated, prior or subsequent to the Request for Opinion, cannot prevent an organ, even the one which created them, from determining the extent to which they can be legally relied upon. In view of the failure of such means of conciliation, as referring applications back for reconsideration, it is understandable that an attempt should be made to find more energetic methods, but it is necessary to consider first if these methods are legitimate.

It is always possible to retrace one's steps. For instance, the efforts of the Argentine Republic failed one after the other, until the time when, under the pressure of the needs which the U.N. are called upon to satisfy, it was possible to gather forty-two votes, even though this majority was formed only to clarify the doubts expressed by a Member of the Organization, and even though it does not imply acceptance of the arguments presented by this Member. However, this is no reason for not answering the question.

It is also superfluous to quote the texts of the Rules of Procedure, as these cannot be contrary to the law, of which they are only a complement. These texts merely confirm a practice, the strength of which has just been shown.

6.—In the course of interpretation, one often tends to remain within the limits of a preliminary question. This is obvious in the present case, in connexion with the capacity of the organ taking the decision to examine the validity of the intervention of another organ, in the first phase of the procedure. In this connexion, one may seek to establish as a natural rule the complete separation of activities, so as to limit the task of the second organ to the consideration of the purely formal aspect of the "recommendation".

For instance, in the present case, the question would depend upon whether the word "recommendation" is used or not.

I cannot accept such a strict view, even if it is out of place to refer by analogy to the practice of countries which, in their municipal law, apply the judicial control of the constitutionality of laws, even to such defects in the procedure of law-making, as an error in the right of initiative of a particular Chamber, the absence of constitutional quorum, etc.

Only excessive respect for form will give it priority over substance.

7.—It is necessary to begin by rejecting the complete separation of the vote and the recommendation; this is more a quarrel of words than a difference in substance.

There are not two deliberations, or even different aims. If there were, this would lead to an absurdity, namely, the recognition that, in spite of a unanimous vote or of a qualified majority under Article 27, paragraph 3, the Security Council could refuse to make an explicit recommendation, on the pretext of a mere interpretation of its votes.

The recommendation is based on the vote and cannot deviate from it. Therefore, it is necessary to follow closely the true elements of the problem and not the phraseology of the document of transmission, or even the name or title it has received, provided it contains all the elements essential to the decision which the competent organ is about to take.

8.—As a preliminary, it must be observed that the General Assembly, notwithstanding express (Art. 12) or implied exceptions (Arts. 5, 32 and 83, and 35, para. 2, of the Statute of the Court), has retained a right to watch over all matters concerning the United Nations, a right which was laid down in Article 10 of the Charter, the general scope of which is confirmed in Article 11, paragraph 4.

The right to discuss questions concerning the powers and functions of any one of the other organs justifies, in principle, the Assembly in considering the validity of an act of the Security Council from which it receives ordinary and special reports (Art. 24, para. 3). This intervention is even more natural in connexion with a preliminary act, following which the Assembly plays the principal and final part and therefore is in a position to examine the entire previous procedure.

The fact that in such cases the recommendations of the Security Council are a necessary requirement is not incompatible with their procedural character. It often happens that neglect of certain acts of procedure having a specific purpose make the final decision of any Court null and void.

9.—It is evident that the Charter has granted a sort of dual personality to the Security Council. On one side, it is entrusted with a series of functions which it performs in complete autonomy and without interference, and it may even take the place of the Assembly, as in the case of strategic areas. On the other hand, it is placed on the same level as the other deliberative organs of the United Nations.

In addition to the serious measures which the Council may take independently of the control of any other organ, it acts, outside its own sphere, as the preparatory agent in cases where decision rests with the Assembly. For example, the Security Council makes "recommendations" to the Assembly, in cases where the latter has to decide (Art. 4), suspend (Art. 5), expel (Art. 6), determine (Art. 93), appoint (Art. 97) or adopt (Art. 69 of the Statute of the Court).

In this second field, at least, it would not be possible to consider as applicable without qualifications the rule whereby each organ is competent to interpret the use of its own powers as it prefers. Moreover, this rule, which could never justify arbitrary action, flows *a contrario sensu* from the same feeble source already mentioned, namely, the rejection of an amendment during the drafting of the Charter. The same *travaux préparatoires* would show that in this case also possible conflicts between the interpretation of the same text by two organs had been contemplated. Should these conflicts remain unsolved, chaos would result in this Organization, which is so complex that it has no water-tight compartments, save in exceptional and "transitory" cases.

Thus, even in the absence of an express text, and without even needing to refer to the implied powers of the Assembly, it is possible to argue that the latter has a certain autonomy in making a preliminary examination of the scope of the deliberations of the Council concerning admission to membership.

10.—Before considering the substance of the voting problem, it is necessary to make another preliminary remark.

The Charter is based on the principle of sovereign equality (Arts. 2, para. 1, and 78), the strength of which was beyond dispute when the fifty States signed the San Francisco document. Most of them were free from commitments and in particular from those assumed by the Powers which had carried the heaviest load in the fight against fascism. In any case, other nations which had also taken effective part in the war, and even those which had preferred to abstain *de jure* or *de facto*, could conclude agreements freely, having due regard, moreover, to the enormous contribution made by the sponsoring Powers in favour of the restoration of peace.

Article 24, which is the keystone of the Charter, embodies the alienation of their natural freedom accepted by the nations convened at San Francisco—alienation which would have a final or perpetual character if no provision had been made reserving the right to withdraw. The signatories of the Pact have granted exceptional faculties to the Security Council, which, on the other hand, has assumed duties, for the performance of which it has required that proper, specific and clearly defined powers be granted to it. This is the basis of a system which attempted to balance two forces which enter into play : sovereign equality and concern for security by means of world peace. The normal operation of the Organization rests upon the even balance of these forces.

The concession accepted by the majority of States has led to a series of consequences which are laid down, for example, in Articles 25, paragraphs 2 and 5, 43, paragraph 1, 48 and 49. But it also resulted in a series of duties for the Members of the Security Council, especially those enjoying the privilege of a permanent seat.

II.—In any case, this exceptional situation, which is the particular attribute of the Security Council, is linked to the primary responsibility for the maintenance of peace, embodied in Chapters VI to VIII of the Charter. To include an exceptional case, which fell outside this field (Art. 83), it was necessary to extend to Chapter XII the reference in Article 24, paragraph 2.

The idea of security cannot assert itself with the same strength wherever reference is made to the action of the Council ; a gradation at least would be justified in view of a text which is so important and under which such specific powers are granted (Art. 24, para. 2 ; see also Art. 15, para. 1, *in fine*).

It is necessary to refer to the *odiosa restringenda* as a tribute to this equality. Privileges cannot be interpreted in an extensive way. It will therefore be necessary to consider each case with the greatest care, in order to determine whether the limits indicated above are exceeded, which limits characterize the autonomous aspect of the Council's activity. Article 25 is nothing more than a corollary to the mandate conferred, and it cannot therefore have a broader scope than the text which precedes it. It would also be useless to recall the discussions and hesitations to which the application of this text has given rise, without forgetting even the unfailing appeal to *travaux préparatoires*.

But, even though such an article cannot solve the problem finally, it will always be useful to consider the extension of the concept of "decision" which appears in it. Does it extend to "recommendations" ?

12.—One cannot expect the Charter to be a model of precision and technique, made as it was by the hasty adjustment of separate parts prepared in different workshops.

Of course, any "recommendation" resulting from an act of will may range from a mere opinion of no consequence to a determination, based on the inherent moral strength of the organ which has given it, and on indirect sanctions.

It is therefore impossible to confuse the two species, but if, setting aside all logical rigour, "decisions" were raised to the rank of a genus, the specific characteristic of "recommendations" would be that they do not carry the same degree of compulsion as laid down in various provisions of the Charter. The two words have even been used one beside the other, in order to indicate a difference in the strength of the action of the Security Council (Arts. 37, para. 2, 39 and 94).

It is useless to run the whole gamut of "recommendations" of the Security Council to discover whether or not there are exceptions falling under Article 25. In any case, it must almost be recognized *a fortiori* that this article cannot apply to "recommendations" made by one organ to another, since the Members of the Organization are not directly called upon therein to take a certain action.

This refers merely to recommendations taken in

"the normal meaning of the word recommendation, a meaning which this word has retained in diplomatic language, as is borne out by the practice of the Pan-American Conference, of the League of Nations, of the International Labour Organization".

This is what seven judges of this Court said on the occasion of the decision on the preliminary objection in the Corfu Channel case (I.C.J. Reports 1947-1948, p. 32).

13.—The really important thing is to verify whether the expression "decision" has the same meaning in Articles 25 and 27, for it could well be argued that, while denying that "recommendations" have compulsory character, it was necessary to apply the rule of the unanimous vote for the adoption of these "recommendations". In that case, "decisions" under the meaning of Article 25 would not be "decisions" under Article 27, where the same word would have a broader meaning. But to reach this conclusion it would be necessary to depart from the literal interpretation of texts.

Moreover, the Security Council has given a first example of departure from the letter of the texts by considering all along that abstention during the vote was compatible with the fact that Article 27, paragraph 3, required the vote of all permanent Members—even when the latter were carrying out duties and acting on behalf of third parties (Art. 24, para. 1). It was considered that this faculty was established for the sole benefit of the voter,

and, therefore, that the latter could decide not to use it, in application of the ancient adage *invito beneficitium non datur*.

After all these difficulties, it would never have been possible to include "recommendations" in the concept of "decisions", except in cases dealt with in the chapters mentioned in Article 24, paragraph 2, especially when the recommendation was addressed precisely to the organ which had to take the only "decision" in the matter.

14.—But if one considers that "recommendations" outside the specific sphere of the Council do not come under Article 27, what voting system should be applied to them?

The classic rule of international law requiring a unanimous vote has already been impaired, in the regional American agreements (see Treaties of Rio de Janeiro and Bogota, 1947/1948); and the Charter, too, has rejected it even in the most important cases (Articles 108 and 109, para. 1).

The majority of seven votes could be considered by the commentator as the one which best corresponds to the system of the Charter, for the simple majority constitutes an exception in the sole case of the election of judges (Statute, Article 10). This solution can be reconciled with the provisions of Article 18 requiring a qualified majority for the vote in the Assembly. This majority, moreover, has no analogy with the case of the veto, which is characterized as an individual privilege. In addition, Article 18 reveals a certain hesitancy in the choice of matters requiring a 2/3 majority—budgetary matters have been included, whereas the appointment of the Secretary-General has been left out.

In order to reach such a conclusion, it is of course necessary to extend the sphere of analogy. But in my opinion it would be much bolder to generalize an exceptional rule, which, as we shall see later, was adopted with great difficulty.

15.—If one should refuse, however, to accept any other general voting rule outside Article 27, and if one were compelled to bring the case of admission within the rigid framework of this text, the solution would not be different unless, this time, one confined oneself to the literal meaning of the words.

Volume II of the works of the San Francisco Conference gives clear indications concerning the Yalta formula, the adoption of which assumed almost dramatic character. Frequent and energetic appeals by the sponsoring Powers were necessary and more than once reference was made to the memory of President Roosevelt. Professions of moderation, wisdom, discretion in the use of the veto (without abuse) were made in Committee III/1.

A substantial majority which opposed this privilege finally consented to cast a favourable vote or to abstain, not without

stating the extreme reasons which brought about this capitulation, namely, that a high price had to be paid for the creation of the United Nations. Some of the States even explained that they consented in the hope that the voting procedure would be made more flexible when consideration of the texts dealing with the procedure of revision of the Charter was taken up. Subsequently, this hope was also frustrated.

In accepting this abdication, the signatories of the Charter did not fail to say that they trusted that the Great Powers would make reasonable use of the exceptional powers which they consented to grant them.

16.—The commentator cannot overlook such elements in studying the consequences to be drawn from the aims and principles which are constantly referred to.

Nor is that all. At a certain time the delegations opposed to the formula stated their objections and requested the sponsoring Powers to answer a questionnaire. It must be noted in passing that the questions put, as well as the amendments proposed by several countries (including France, before she accepted the Yalta formula), confined themselves to giving the same meaning to the word "decision" in the present texts of Articles 25 and 27 or, more clearly, to exclude from the privileged vote the "recommendations" made under Chapter VI. In respect of powers conferred upon the Council outside its own sphere of activity, there is no indication of any intention of applying the Yalta formula to them.

The answer to the questionnaire assumed a solemn character; besides constituting a fresh declaration of impartial intentions, this document is the basis of any study of the problem.

It matters little that it was not formally voted on or that it did not have the value of a pact. It cannot be denied that this reply was the instrument which permitted the formation of the reluctant majority necessary for the adoption of the Yalta formula. Several delegations made reservations as to the terms of the document which did not give them full satisfaction, particularly the answer to the only question retained. But it is indisputable that the signatories of the document bound themselves by determining the true sense of the said formula. Moreover, they are constantly invoking it and stressing its binding force.

It must be noted that this is not an ordinary element of the *travaux préparatoires*, which can often lend themselves to contradictory use, like a double-edged weapon.

Four Members of this Court have already said

"Without wishing to embark upon a general examination and assessment of the value of resorting to *travaux préparatoires* in the interpretation of treaties, it must be admitted that if ever there is a case in which this practice is justified, it is when those

who negotiated the treaty have embodied in an interpretative resolution or some similar provision their precise intentions regarding the meaning attached by them to a particular article of the treaty." (I.C.J. Reports 1947-1948, p. 87.)

There is much more in the present case : a preliminary agreement was made to break the deadlock involving a matter which is at the very heart of the Charter. This was pointed out in Committee III/1. This exchange of view did not result in the expression of an individual thought, but in the determination of the value of words, thus making possible a common denominator or a single language.

17.—The parties were thus prepared to determine the concept of "procedure" to which it was probably possible to give by agreement a particular sense, which departed more or less from the usual and traditional meaning in order to characterize an entirely new balancing process.

With this determination in mind, the so-called method of "residues" was applied, and those cases were described in which complete agreement of the Five Powers was required; by a process of elimination there remained cases of "procedure" chosen by an opposite process to the one which the reading of the texts which were proposed and finally adopted would lead one to suppose (Art. 27, paras. 2 and 3).

Such is the method adopted in the letter of June 7th, 1945 (U.N.C.I.O., Vol II, p. 754, English text Vol II, p. 711), the signatories of which stated that the Security Council,

"in discharging its responsibilities for the maintenance of international peace and security, will have two broad groups of functions".

They then proceeded to explain the nature of the measures to be taken in settling disputes, removing threats to the peace, etc., by adding :

"it will also have to make decisions which do not involve the taking of such measures. The Yalta formula provides that the second of these two groups of decisions will be governed by a procedural vote, that is, the vote of any seven Members. The first group of decision would be governed by a qualified vote...."

They were saying, not that *questions of procedure* would be submitted to a certain *quorum*, but that a *procedural vote* would be applied to questions other than those which entailed specific measures—which is an entirely different thing, although the letter of the texts is deliberately departed from.

18.—In this famous Declaration of San Francisco, the Great Powers then showed the necessity of submitting to the same qualified vote the measures laid down in Chapter VI :

“This chain of events begins when the Council decides to make an investigation or determines that the time has come to call upon States to settle their differences or makes recommendations to the parties.”

The truth of this argument cannot be denied in spite of the strong opposition which it met. Indeed, the action of the Security Council makes itself felt only in stages, although it requires an uninterrupted and uniform direction. It would not be desirable to start in a certain direction and change this direction half-way. This would create conflicts instead of solving them. Therefore, the same voting system must be applied from the first measures taken by the Council, even if these are merely preventive.

That is why it was necessary to adopt in Article 27, paragraph 3, the formula “decisions .... on all other matters”, decisions which always fall within the limits indicated above. The document doubtless mentions in detail hypothetical cases of procedure by referring to the present text of Articles 28 to 32 and even to Article 35. But this is only *by way of an example*.

Except for this continuity, there would be no sufficient reason for strengthening the value of the word “decision” wherever it is used. A conflict would thus be created with the system of the Charter by extending the formula beyond the limits of former Chapter VIII of the Dumbarton Oaks proposals.

In the admission of new Members, the influence of security is remote and, on the other hand, the other aims and principles of the United Nations would undoubtedly play a role of the greatest importance. It may be recalled, incidentally, that various States on several occasions suggested the acceptance of all applications without discrimination in exchange for the withdrawal of objections which had previously been raised.

In this connexion, the assimilation of the case of admission to those of suspension and expulsion is not conclusive, particularly with regard to the faculty which the Security Council admittedly has to restore to its rights and privileges a State which has been suspended by the General Assembly, because this case deals only with specific action previously taken by the Council. On the other hand, Article 5, while reserving this action to the field of world security, seeks to protect Members against an abuse of authority; this protection is obviously granted in the case of restoration of rights and privileges—*sublata causa tollitur effectus*. In a very similar case, outside the field of peace, such as delay in payments, suspension of the right to vote does not depend upon the action of the Security Council.

19.—Finally, it must not be forgotten that after the laborious vote in the Committee the latter, on the initiative of the Steering

Committee, concerned itself with the nomination of the Secretary-General. It was pointed out at the time that the question should be considered prejudged in view of the distinction which had been previously made between substance and procedure, but it was doubtless too late to change what had already been established and to go beyond the limits indicated hereabove.

To accept and generalize such a solution, it would be necessary to attribute exceptional importance to one element of the *travaux préparatoires* which emerged in conditions which were similar, or perhaps even worse, than those surrounding the passage which was originally relied upon by the Argentine delegation.

Indeed, in both cases, what was involved was a modification introduced at the last moment and referred to only in a report by a Committee, although this report is regarded as an integral part of the Commission's report and was adopted at the last moment and immediately by the plenary meeting without special comment, as happened for example in the matter concerning the withdrawal of Members of the United Nations. It might be said that in the case referred to by the Argentine Republic the Co-ordination Committee and Advisory Committee of Jurists could introduce only changes in the form; but actually Committee II/1, in view of a suggestion which might have come from any source whatever, actually deliberated within the framework of its own competence before its work was finished. About the same thing happened in Committee III/1, which, moreover, simply declared null and void a decision which had already been taken by a substantial majority in an organ of the same rank, Committee II/1 (U.N.C.I.O., Vol. II, p. 575).

20.—This is not the place to appreciate the value of declarations and resolutions which have not received sufficient publicity, of which the General Assembly has not been specially informed and to which the ratification by the signatory States did not extend.

It might be sufficient to point out that the case under Article 97 was especially provided for in the decision of June 13th, 1945 (U.N.C.I.O., *loc. cit.*). It would be risky however to generalize this decision.

The *criterium* which was solemnly adopted to characterize the word "procedural" was to continue to be applied to other cases, especially when it was better adapted to them. This applies precisely to cases of admission where the complex character of the procedure was stressed by the amendments to the Rules of Procedure of the Council and the Assembly dealing with the possibility of sending applications back for reconsideration and with the obligation for the Council to report in case of the absence of recommendation.

These modifications stressed a subordination which does not appear at all in cases where the activity of the Council is exercised in an exclusive and principal capacity.

21.—From all the foregoing and in particular from the special agreement which preceded the acceptance by States of a partial restriction of their sovereignty in accordance with Article 24 and related texts, it would seem to emerge that the word “decision”, as it has been used in Article 27, cannot be extended to a “recommendation” of the Security Council addressed to another organ to which has been left the “decision” in a certain case, even if the recommendation is necessary. Even if we preferred that Article 27 should exceed the specific powers of the Security Council, and go so far as to include the case of the admission of new Members, we should be justified in considering such a question as depending upon “procedure” after the technique contained in the solemn explanation which the sponsoring Powers had supplied beforehand had been laid down.

Therefore, if, in the report from the Security Council, the General Assembly observes that the applicant State has obtained the votes of any seven Members of the Council, it may freely decide to accept or reject the applicant. On the other hand, if the application has not obtained seven favourable votes, the Assembly would be under obligation to take note of the absence of a recommendation preventing any final discussion.

(Signed) PHILADELPHO AZEVEDO.

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ANNEX

LIST OF DOCUMENTS SUBMITTED TO THE COURT  
BY THE SECRETARY-GENERAL OF THE UNITED NATIONS  
IN APPLICATION OF ARTICLE 65 OF THE STATUTE

I<sup>1</sup>

1. Provisional Rules of Procedure of the Security Council (S/96/Rev. 3. January 27th, 1948).
2. Rules of Procedure of the General Assembly (A/520. December 12th, 1947).
3. Rules governing the admission of new Members (Report of the Committee of the General Assembly) (A/384, p. 4, September 12th, 1947).
4. Report by the Executive Committee to the Preparatory Commission of the United Nations (PC/EX/113/Rev. 1. November 12th, 1945).
5. Report of the Preparatory Commission of the United Nations (PC/20. December 23rd, 1945).
6. Records of the Security Council Committee of Experts Meetings concerning the Rules on the admission of new Members :

1946.	S/Procedure	91.
	„	91, Corr. I.
	„	92.
	„	93.
	„	93, Corr. I.
	„	94.
	„	99.
	„	99, Corr. I.
1947.	S/C.I/SR.	96.
	„	96, Corr. I.
	„	101.
	„	102.
	„	103.
	„	104.

<sup>1</sup> These documents had already been transmitted to the Court in accordance with the Resolution of the General Assembly of November 17th, 1947.

7. Records of the meetings of the Joint Committees appointed by the General Assembly and the Security Council on Rules governing the admission of new Members:

A/AC.II/SR.I.  
„ SR.I, Corr. I.  
„ SR.2.  
„ SR.2, Rev. I.  
„ SR.3.  
„ SR.3, Rev. I.  
„ SR.4.  
„ SR.5.  
„ SR.6.  
„ SR.7.  
„ SR.8.  
„ SR.8, Corr.  
„ SR.9.  
„ SR.I0.  
„ SR.II.

8. Report of the Security Council Committee on the admission of new Members, 1946 (*Security Council Official Records*, First Year, Second Series, Supplement No. 4, p. 53).
9. Report of the Security Council to the General Assembly on the admission of new Members, 1946 (A/108, October 15th, 1946).
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*Security Council Official Records*, First Year, Second Series :

No. 1.  
„ 2.  
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„ 18.  
„ 23.  
„ 24.  
„ 25.

*Security Council Journal*, First Year, No. 35.

11. Records of the First Committee Meetings of the Second Part of the First Session of the General Assembly concerning the admission of new Members, 1946 :

Journal 22, Suppl. No. 1—A/C.I/22.
„ 24, „ „ 1—A/C.I/31.
„ 25, „ „ 1—A/C.I/37.
„ 26, „ „ 3—A/C.3/43.
„ 27, „ „ 1—A/C.I/39.
„ 28, „ „ 1—A/C.I/41.
„ 29, „ „ A—A/P.V.47.
„ 31, „ „ 1—A/C.I/45.
„ 32, „ „ —A/C.I/47.
„ 37, „ „ A—A/P.V.48.
„ 38, „ „ A—A/P.V.49.

12. Records of the Plenary Meetings of the Second Part of the First Session of the General Assembly concerning the admission of new Members, 1946. (Journal No. 66, Supplement A—A/P.V. 67.)
13. Report of the Security Council Committee on the admission of new Members, 1947. *Security Council Official Records*, Second Year, Special Supplement No. 3, Lake Success, New York, 1947.
14. Reports of the Security Council to the General Assembly on the admission of new Members, 1947 (A/406. October 9th, 1947.—A/515. November 22nd, 1947).
15. Records of the Security Council Meetings concerning the admission of new Members, 1947.  
*Security Council Official Records*, Second Year, No. 38 :

S/P.V.136.	S/P.V.186.
S/P.V.137.	S/P.V.190.
S/P.V.151.	S/P.V.197.
S/P.V.152.	S/P.V.204.
S/P.V.154.	S/P.V.205.
S/P.V.161.	S/P.V.206.
S/P.V.168.	S/P.V.221.
S/P.V.178.	S/P.V.222.

16. Records of the First Committee Meetings of the Second Regular Session of the General Assembly concerning the admission of new Members, 1947 :

A/C.I/SR. 59.
„ 59, Corr. 1.
„ 59, Corr. 2.
„ 97.
„ 98.
„ 99.
„ 100.
„ 101.

A/C.I/SR. 102.  
 „ 102, CORR. 1.  
 „ 102, CORR. 2.  
 „ 103.

17. Records of the meetings of the Second Regular Session of the General Assembly concerning the admission of new Members, 1947 :

A/P.V.83.	A/P.V.89.
„ 84.	„ 90.
„ 85.	„ 92.
„ 86.	„ 96.
„ 87.	„ 117.
„ 88.	„ 118.

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II

I. RECORDS OF GENERAL ASSEMBLY, SECOND SPECIAL SESSION

*Inclusion of item in agenda.*  
*Records of proceedings.*

Records of the General Committee, 42nd meeting.

Records of the General Assembly, 131st plenary meeting.

*Inclusion of item in agenda.*  
*Documents.*

Application of the Union of Burma for membership in the United Nations—  
 Letter dated 10 April, 1948, from the President of the Security Council to the Secretary-General of the United Nations

A/533

Supplementary list of items for the agenda of the second special session : item proposed by China—Note by the Secretary-General

A/535

Supplementary list of items for the agenda of the second special session :  
item proposed by India—Note by the Secretary-General A/536

Agenda for the second special session :  
Report of the General Committee A/537

*Resolution.*

Resolutions adopted without reference to a committee—188 (S-2).  
Admission of the Union of Burma to membership in the United Nations.

II. RECORDS OF GENERAL ASSEMBLY, FIRST PART OF THIRD SESSION

*Inclusion of items in agenda.*

*Records of proceedings.*

Records of the General Committee, 43rd, 49th and 50th meetings.  
Records of the General Assembly, 142nd and 158th plenary meetings.

*Inclusion of items in agenda.*

*Documents.*

Provisional agenda for the third session of the General Assembly A/585

Letter dated 21 July from the Argentine representative to the Secretary-General requesting the inclusion of items in the provisional agenda of the third session of the General Assembly A/586

Adoption of the agenda for the third session and allocation of agenda items to committees—Report of the General Committee A/653

Establishment of an *Ad hoc* Political Committee—Report of the General Committee A/715

Provisional agenda for the third regular session of the General Assembly—  
Note by the Secretary-General A/BUR/97

Allocation of items on the agenda of the third session—Letter dated 15 November, 1948, from the President of the General Assembly to the Chairman of the *Ad hoc* Political Committee A/AC.24/1

Note by the Secretary-General A/597

Reconsideration of the applications of Albanie, Austria, Bulgaria, Finland, Hungary, Ireland, Italy, Mongolian People's Republic, Portugal, Romania and Transjordan—Special report of the Security Council to the General Assembly A/617

Special report of the Security Council to the General Assembly A/618

*Ad hoc Political Committee.*

*Records of proceedings.*

- 6th meeting.
- 7th meeting.
- 8th meeting.
- 9th meeting.
- 10th meeting.
- 11th meeting.
- 12th meeting.
- 13th meeting.
- 14th meeting.
- 15th meeting.
- 16th meeting.
- 22nd meeting.
- 23rd meeting.

*Ad hoc Political Committee.*

*Documents.*

- Australia : draft resolution A/AC.24/6  
(= A/761, resolution A under paragraph 19)
- Australia : draft resolution A/AC.24/7
- Australia : draft resolution A/AC.24/8

Australia : draft resolution	A/AC.24/9
Australia : draft resolution	A/AC.24/10
Australia : draft resolution	A/AC.24/11
Belgium : draft resolution	A/AC.24/12
United States of America : draft resolution	A/AC.23/13
Australia : draft resolution	A/AC.24/14
Argentina : draft resolution	A/AC.24/15
Sweden : draft resolution	A/AC.24/17
Bolivia : amendments to the draft resolution proposed by Sweden (A/AC.24/17)	A/AC.24/18
India : amendment to the draft resolution proposed by Sweden (A/AC.24/17)	A/AC.24/19
Burma : amendment to the draft resolution proposed by Belgium (A/AC.24/12)	A/AC.24/23
Burma : amendment to the Australian draft resolution concerning Ceylon (A/AC.24/14)	A/AC.24/32
Draft resolution submitted by the Subcommittee appointed at the 22nd meeting of the <i>Ad hoc</i> Political Committee	A/AC.24/35
Report of the <i>Ad hoc</i> Political Committee	A/761

*Plenary meetings of the General Assembly.*

*Records of proceedings.*

175th meeting.  
176th meeting.  
177th meeting.

*Plenary meetings of the General Assembly.*

*Documents.*

Australia, Burma, India, Pakistan, Philippines : amendments to draft resolution J proposed by the <i>Ad hoc</i> Political Committee (A/761)	A/771
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*Plenary meetings of the General Assembly.*

*Resolution.*

Resolutions adopted on the reports of the *Ad hoc* Political Committee—197 (III). Admission of new Members.

III. RECORDS OF GENERAL ASSEMBLY, SECOND PART OF THIRD SESSION

*Inclusion of items in agenda.*

*Records of proceedings.*

Records of the General Committee, 60th, 61st, 62nd and 63rd meetings.

Records of the General Assembly, 191st, 192nd, 204th and 205th plenary meetings.

*Inclusion of items in agenda.*

*Documents.*

- Agenda of the third regular session of the General Assembly—Report of the General Committee A/829
- Report of the General Committee concerning the completion of the work of the General Assembly A/845
- Completion of the work of the General Assembly, including the date for final adjournment—Note by the President A/BUR/116
- Allocation of items on the agenda of the second part of the third session : Letter dated 13 April, 1949, from the President of the General Assembly to the Chairman of the First Committee A/C.1/437
- Allocation of items on the agenda of the second part of the third session : Letter dated 2 May, 1949, from the President of the General Assembly to the Chairman of the First Committee A/C.1/444 and Corr. 1
- Allocation of items on the agenda of the second part of the third session : Letter dated 2 May, 1949, from the President of the General Assembly to the

Chairman of the *Ad hoc* Political Committee A/AC.24/59 and Corr. 1

Letter dated 7 March, 1949, from the President of the Security Council to the President of the General Assembly concerning the application of Israel for membership in the United Nations A/818

Letter dated 17 March, 1949, from the President of the Security Council to the President of the General Assembly concerning the application of Ceylon for admission to membership in the United Nations A/823

*Ad hoc Political Committee.*

*Records of meetings.*

- 42nd meeting.
- 43rd meeting.
- 44th meeting.
- 45th meeting.
- 46th meeting.
- 47th meeting.
- 50th meeting.
- 51st meeting.

*Ad hoc Political Committee.*

*Documents.*

- El Salvador : draft resolution A/AC.24/60
- El Salvador : revised draft resolution A/AC.24/60/Rev. 1
- Argentina : draft resolution A/AC.24/61
- Lebanon : draft resolution A/AC.24/62
- Lebanon : revised draft resolution A/AC.24/62/Rev. 1
- Lebanon : revised draft resolution A/AC.24/62/Rev. 2
- Greece : amendment to the Argentine draft resolution (A/AC.24/61) A/AC.24/63
- Iraq : draft resolution A/AC.24/64

Application of Israel for admission to membership in the United Nations—  
Australia : amendment to El Salvador draft resolution (A/AC.24/60) A/AC.24/65

Application of Israel for admission to membership in the United Nations—  
Denmark : amendment to El Salvador draft resolution (A/AC.24/60) A/AC.24/66

Application of Israel for admission to membership in the United Nations—  
Saudi Arabia : amendment to the Greek amendment (A/AC.24/63) to the Argentine draft resolution (A/AC.24/61) A/AC.24/67

Application of Israel for admission to membership in the United Nations—  
Saudi Arabia : revised amendment to the Greek amendment (A/AC.24/63) to the Argentine draft resolution (A/AC.24/61) A/AC.24/67/Rev. 1

Australia, Canada, Guatemala, Haiti, Panama, United States of America and Uruguay : draft resolution A/AC.24/68

Application of Israel for admission to membership in the United Nations —  
Chile : amendment to the joint draft resolution of Australia, Canada, Guatemala, Haiti, Panama, United States of America and Uruguay (A/AC.24/68) A/AC.24/69

Application of Israel for admission to membership in the United Nations—  
Peru : amendment to the Chilean amendment (A/AC.24/69) to the joint draft resolution of Australia, Canada, Guatemala, Haiti, Panama, United States of America and Uruguay (A/AC.24/68) A/AC.24/72

Report of the *Ad hoc* Political Committee A/855

*Plenary meetings of the General Assembly.*

*Records of proceedings.*

207th meeting.

*Plenary meetings of the General Assembly.*

*Resolution.*

273 (III). Admission of Israel to membership in the United Nations.

IV. RECORDS OF GENERAL ASSEMBLY, FOURTH SESSION

*Inclusion of item in agenda.*

*Records of proceedings.*

Records of the General Committee, 65th meeting.

Records of the General Assembly, 224th plenary meeting.

*Inclusion of item in agenda.*

*Documents.*

Adoption of the agenda of the fourth regular session and allocation of items to Committees—Records of the General Committee

A/989

Adoption of the agenda and allocation of items to Committees—Memorandum by the Secretary-General

A/BUR/118

Admission of new Members—Application of the Republic of Korea for membership in the United Nations—Special report of the Security Council

A/968

Application of Nepal for membership in the United Nations—Special report of the Security Council

A/974

Reconsideration of the applications of Albania, Austria, Bulgaria, Ceylon, Finland, Hungary, Ireland, Italy, Mongolian People's Republic, Portugal, Romania and Transjordan for

membership in the United Nations—  
Special report of the Security Council A/982

*Ad hoc Political Committee.*

*Records of proceedings.*

- 25th meeting.
- 26th meeting.
- 27th meeting.
- 28th meeting.
- 29th meeting.

*Ad hoc Political Committee.*

*Documents.*

Australia: draft resolution concerning  
the application of Austria for admis-  
sion to membership in the United  
Nations

A/AC.31/L.9  
(= A/1066, resolution  
A)

Australia: draft resolution concerning  
the application of Ceylon for admis-  
sion to membership in the United  
Nations

A/AC.31/L.10  
(= A/1066, resolution  
B)

Australia: draft resolution concerning  
the application of Finland for admis-  
sion to membership in the United  
Nations

A/AC.31/L.11  
(= A/1066, resolution  
C)

Australia: draft resolution concerning  
the application of Ireland for admis-  
sion to membership in the United  
Nations

A/AC.31/L.12  
(= A/1066, resolution  
D)

Australia: draft resolution concerning  
the application of Italy for admis-  
sion to membership in the United  
Nations

A/AC.31/L.13  
(= A/1066, resolution  
E)

- Australia : draft resolution concerning the application of Jordan for admission to membership in the United Nations  
A/AC.31/L.14  
(= A/1066, resolution F)
- Australia : draft resolution concerning the application of the Republic of Korea for admission to membership in the United Nations  
A/AC.31/L.15  
(= A/1066, resolution G)
- Australia : draft resolution concerning the application of Portugal for admission to membership in the United Nations  
A/AC.31/L.16  
(= A/1066, resolution H)
- Australia : draft resolution concerning the application of Nepal for admission to membership in the United Nations  
A/AC.31/L.17  
(= A/1066, resolution I)
- Argentina : draft resolution  
A/AC.31/L.18
- Union of Soviet Socialist Republics : draft resolution  
A/AC.31/L.19
- Note by the Rapporteur (revised draft resolution by Argentina)  
A/AC.31/L.20
- Iraq : draft resolution  
A/AC.31/L.21
- Netherlands : amendment to the draft resolution proposed by Argentina  
(A/AC.31/L.20)  
A/AC.31/L.22
- United States of America, Saudi Arabia and Iraq : amendment to the draft resolution proposed by Iraq  
(A/AC.31/L.21)  
A/AC.31/L.23
- Admission of new Members—Report of the *Ad hoc* Political Committee  
A/1066

*Plenary meetings of the General Assembly.*

*Records of proceedings.*

251st meeting.

252nd meeting.

*Plenary meetings of the General Assembly.*

*Document.*

Union of Soviet Socialist Republics :  
draft resolution A/1079

*Plenary meetings of the General Assembly.*

*Resolution.*

296 (IV). Admission of new Members.

V. RECORDS OF SECURITY COUNCIL

*Records of proceedings.*

261st meeting (excerpt).  
279th meeting.  
280th meeting.  
318th meeting.  
351st meeting.  
383rd meeting.  
384th meeting.  
385th meeting.  
386th meeting.  
409th meeting.  
410th meeting.  
413th meeting.  
414th meeting.  
423rd meeting.  
427th meeting.  
428th meeting.  
429th meeting.  
430th meeting.  
431st meeting.  
439th meeting.  
440th meeting.  
441st meeting.  
442nd meeting.  
443rd meeting.  
444th meeting.  
445th meeting.

*Documents.*

- Letter dated 27 February, 1948, from the Ambassador of Burma addressed to the Secretary-General concerning the application of Burma for membership in the United Nations S/687
- Report of the Committee on the admission of new Members concerning the membership application of the Union of Burma S/706
- Letter dated 3 April, 1948, from the representatives of France, the United Kingdom and the United States to the President of the Security Council concerning the membership applications of Italy and Transjordan S/709
- Letter dated 5 April, 1948, from the deputy representative of the Ukrainian Soviet Socialist Republic to the Secretary-General concerning the membership applications of Albania, Bulgaria, Finland, Hungary, Italy, the Mongolian People's Republic and Romania S/712
- Letter dated 7 April, 1948, from the representatives of France, the United Kingdom and the United States to the President of the Security Council concerning membership applications of Austria, Ireland and Portugal S/715
- China : draft resolution submitted at the 279th meeting of the Security Council, 10 April, 1948, concerning the application of the Union of Burma for admission to membership in the United Nations (adopted at the same meeting) S/717
- Cablegram dated 17 May, 1948, from the Foreign Secretary of the Provisional Government of Israel to the Secretary-General S/747 and Corr. 1

- Letter dated 25 May, 1948, from the Prime Minister and Minister for External Affairs of Ceylon to the Secretary-General transmitting the application from the Government of Ceylon for admission to the United Nations under Article 4 of the Charter S/820
- Report of the Committee on the admission of new Members to the Security Council concerning the application of Ceylon for membership in the United Nations S/859
- Letter dated 2 August, 1948, from the Ceylon Government representative to the President of the Security Council transmitting information concerning Ceylon S/951
- Union of Soviet Socialist Republics: draft resolution submitted at the 351st meeting of the Security Council, 18 August, 1948, concerning the application of Ceylon for admission to membership in the United Nations S/974
- Telegram dated 22 September, 1948, from the Minister of Foreign Affairs of the People's Republic of Bulgaria to the Secretary-General regarding Bulgaria's request for admission to membership in the United Nations S/1012
- Declaration of acceptance of the obligations contained in the Charter, submitted by the Government of the People's Republic of Bulgaria on 9 October, 1948, in connexion with its application for membership in the United Nations S/1012/Add. 1
- Letter dated 27 September, 1948, from the Hungarian Minister to the Secretary-General concerning Hungary's application for membership in the United Nations S/1017

Declaration of acceptance of the obligations contained in the Charter, submitted by the Government of Hungary on 8 October, 1948, in connexion with its application for membership in the United Nations S/1017/Add. 1

Telegram dated 13 October, 1948, from the Government of the People's Republic of Albania to the Secretary-General concerning Albania's application for membership in the United Nations S/1033

Cablegram dated 12 October, 1948, from the Government of the Mongolian People's Republic to the Secretary-General concerning the application of the Mongolian People's Republic for membership in the United Nations S/1035

Declaration of acceptance of the obligations contained in the Charter, submitted to the Secretary-General on 25 October, 1948, by the Government of the Mongolian People's Republic in connexion with its application for membership in the United Nations S/1035/Add. 1

Letter dated 12 October, 1948, from the Government of the People's Republic of Romania to the Secretary-General concerning Romania's application for membership in the United Nations S/1051

Declaration of acceptance of the obligations contained in the Charter, submitted to the Secretary-General on 9 November, 1948, by the People's Republic of Romania in connexion with its application for membership in the United Nations S/1051/Add. 1

Letter dated 29 November, 1948, from the Israeli Minister for Foreign Affairs to the Secretary-General concerning

- Israel's application for membership in the United Nations and declaration accepting the obligations contained in the Charter S/1093
- Declaration of acceptance of the obligations contained in the Charter, submitted on 2 December, 1948, by the Government of the People's Republic of Albania in connexion with its application for membership in the United Nations S/1105
- Letter dated 7 December, 1948, from the Chairman of the Committee on the admission of new Members to the President of the Security Council concerning Israel's application for membership in the United Nations S/1110 and Corr. 1
- Letter dated 9 December, 1948, from the President of the General Assembly to the President of the Security Council concerning the application of Ceylon for membership in the United Nations S/1113
- United Kingdom: draft resolution submitted at the 384th meeting of the Security Council, 15 December, 1948, concerning the application of Israel for admission to membership in the United Nations S/1121
- Syria: draft resolution submitted at the 385th meeting of the Security Council, 17 December, 1948, concerning the application of Israel for admission to membership in the United Nations S/1125
- France: draft resolution submitted at the 385th meeting of the Security Council, 17 December, 1948, concerning the application of Israel for admission to membership in the United Nations S/1127
- Letter dated 11 December, 1948, from the Secretary-General to the President of the Security Council transmitting the text of the resolutions concerning the admission of new Members adopted

by the General Assembly at its  
177th meeting, 8 December, 1948 S/1170

Text of resolution 197 (III) A concerning  
the admission of new Members,  
adopted by the General Assembly at  
its 177th plenary meeting, 8 December,  
1948 S/1170/Add. 1

Letter dated 19 January, 1949, from  
the Acting Foreign Minister of the  
Republic of Korea to the Secretary-  
General concerning the application of  
the Republic of Korea for admission  
to membership in the United Nations,  
and a declaration accepting obliga-  
tions under the Charter S/1238

Telegram dated 9 February, 1949, from  
the Minister of Foreign Affairs of the  
Democratic People's Republic of Korea  
to the Secretary-General concerning  
the application of the Democratic  
People's Republic of Korea for admis-  
sion to membership in the United  
Nations and note by the Secretary-  
General S/1247

Letter dated 11 February, 1949, from  
the representative of the Union of  
Soviet Socialist Republics to the Pre-  
sident of the Security Council con-  
cerning the application of the Demo-  
cratic People's Republic of Korea  
for admission to membership in the  
United Nations S/1256

Union of Soviet Socialist Republics:  
draft resolution submitted at the 410th  
meeting of the Security Council, 16 Fe-  
bruary, 1949, concerning the applic-  
ation of the Democratic People's  
Republic of Korea for admission to  
membership in the United Nations S/1259

Letter dated 13 February, 1949, addres-  
sed to the Secretary-General from the  
Director-General of the Ministry of  
Foreign Affairs of the Government of

- Nepal concerning Nepal's application for admission to membership in the United Nations S/1266
- Declaration submitted on 10 March, 1949, by the Government of Nepal relating to the acceptance of the obligations contained in the Charter in connexion with its application for membership in the United Nations S/1266/Add. 1
- Letter dated 24 February, 1949, from the representative of Israel to the Secretary-General concerning the application of Israel for membership in the United Nations. S/1267
- United States of America : draft resolution submitted at the 414th meeting of the Security Council, 4 March, 1949, concerning the application of Israel for admission to membership in the United Nations (adopted at the same meeting) S/1276
- Report to the Security Council by the Committee on the admission of new Members concerning the application of the Republic of Korea for membership in the United Nations S/1281
- China : draft resolution submitted at the 423rd meeting of the Security Council, 8 April, 1949, concerning the application of the Republic of Korea for admission to membership in the United Nations S/1305
- Argentina : draft resolution submitted at the 427th meeting of the Security Council, 16 June, 1949, concerning the admission of Portugal to membership in the United Nations S/1331
- Argentina : draft resolution submitted at the 427th meeting of the Security Council, 16 June, 1949, concerning the admission of Jordan to membership in the United Nations S/1332

Argentina: draft resolution submitted at the 427th meeting of the Security Council, 16 June, 1949, concerning the admission of Italy to membership in the United Nations S/I333

Argentina: draft resolution submitted at the 427th meeting of the Security Council, 16 June, 1949, concerning the admission of Finland to membership in the United Nations. S/I334

Argentina: draft resolution submitted at the 427th meeting of the Security Council, 16 June, 1949, concerning the admission of Ireland to membership in the United Nations S/I335

Argentina: draft resolution submitted at the 427th meeting of the Security Council, 16 June, 1949, concerning the admission of Austria to membership in the United Nations S/I336

Argentina: draft resolution submitted at the 427th meeting of the Security Council, 16 June, 1949, concerning the admission of Ceylon to membership in the United Nations S/I337

Union of Soviet Socialist Republics: draft resolution submitted at the 428th meeting of the Security Council, 21 June, 1949, concerning the applications of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Transjordan (Jordan), Austria and Ceylon for admission to membership in the United Nations S/I340

Union of Soviet Socialist Republics: draft resolution submitted at the 440th meeting of the Security Council, 9 September, 1949, concerning the applications of Albania, the Mongolian

People's Republic, Transjordan (Jordan), Portugal, Ireland, Hungary, Italy, Austria, Romania, Bulgaria, Finland, Ceylon and Nepal for admission to membership in the United Nations

S/1340/Rev. 1

Union of Soviet Socialist Republics: draft resolution submitted at the 442nd meeting of the Security Council, 13 September, 1949, concerning the applications of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Transjordan (Jordan), Austria, Ceylon and Nepal for admission to membership in the United Nations

S/1340/Rev. 2

Letter dated 16 August, 1949, from the Chairman of the Committee on the admission of new Members to the President of the Security Council

S/1378

Report to the Security Council by the Committee on the admission of new Members concerning the application of Nepal for membership in the United Nations

S/1382

China: draft resolution submitted at the 439th meeting of the Security Council, 7 September, 1949, concerning the application of Nepal for admission to membership in the United Nations

S/1385

*Committee on the admission of new Members.*

*Records of proceedings.*

24th meeting.  
25th meeting.  
26th meeting.  
27th meeting.  
28th meeting.  
29th meeting.

30th meeting.  
31st meeting.  
32nd meeting.  
33rd meeting.  
34th meeting.

*Committee on the admission of new Members.*

*Document.*

Letter dated 22 July, 1949, from the  
Director-General, Foreign Affairs,  
Kathmandu, Nepal, to the Chairman  
of the Committee on the admission  
of new Members

S/C.2/16