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Chairman: Mr. V. OUTRATA (Czechoslovakia).

Permanent invitation to the Arab League to attend sessions of the General Assembly (*continued*)

[Item 58 of the agenda]*

1. The CHAIRMAN asked the members of the Committee to continue their consideration of item 3 of the Committee agenda. Twenty members had asked for the floor and the list of speakers had been closed.

2. Mr. SPIROPOULOS (Greece) thought that the debate had ascribed to the question under discussion a political character and an importance which it did not in fact possess. It seemed to his delegation that the question was a very simple one and should be considered on its merits; all that the members of the Committee had to do was to adopt or reject the Syrian draft resolution (A/C.6/L.113) which requested the Secretary-General to invite the Secretary-General of the Arab League to attend sessions of the General Assembly as an observer.

3. Nothing in the Charter either authorized the Committee to invite representatives of political organizations to attend sessions of the General Assembly, or debarred it from doing so. The Committee should therefore simply decide whether it wished to send an invitation to the Secretary-General of the Arab League. He did not think that it was particularly important to invite representatives of political organizations to attend Assembly sessions, but if any political organization desired to send an observer to the meetings of the Assembly, there was no reason not to comply with such a request.

4. He recalled that the question under consideration had been discussed for the first time during the first part of the third session of the General Assembly in Paris, when the Organization of American States had been invited to send an observer to sessions of the General Assembly. At the time, there had been a clear majority in favour of that decision in the Sixth Committee and the General Assembly, and he could not see how delegations which, like his own, had voted for such a decision two years previously could today oppose sending a similar invitation to the Arab League.

5. He understood the reasons underlying the arguments of the representative of Israel and of the various

representatives of the Arab States who had taken part in the discussion. The relations existing between Israel and the Arab States explained why the representatives of the countries concerned had spoken for or against the adoption of the Syrian draft resolution. It did not, however, follow that all the arguments of the delegation of Israel were well founded. Specifically, the argument that the Pact of the Arab League did not constitute a "regional arrangement" was not conclusive. When the General Assembly had decided to invite the Organization of American States to send an observer to its sessions, it had established a precedent which affected not only the regional agencies but all political organizations, regional or otherwise.

6. Among the arguments advanced by the delegation of Israel the only one which theoretically merited attention was the assertion that the aims and activities of the Arab League were inconsistent with the fundamental objectives of the United Nations. Obviously, even if nothing in the Charter specifically prohibited inviting political organizations whose aims were contrary to those of the United Nations to send observers to sessions of the General Assembly, common sense and prudence demanded that only organizations whose policy was not contrary to the objectives of the United Nations should be authorized to send observers. There could be no doubt that the League of Arab States fell into that category.

7. In conclusion, he repeated that the problem was not political or even legal, but was merely a question of justice and equity. Other political organizations might in future ask to be granted the same rights as the Organization of American States; it was not impossible, for example, that the European Union might submit such a request; once a precedent had been established and the Organization of American States had been empowered to send a representative as observer, the same right could not fairly be denied to other organizations.

8. For all those reasons the Greek delegation would vote for the Syrian draft resolution.

9. Mr. HERRERA BAEZ (Dominican Republic) thought that the specific question whether the General Assembly could address an invitation to the Secretary-General of the League of Arab States depended upon

*Indicates the item number on the General Assembly agenda.

a more general question, namely, whether any regional agency should receive such an invitation. In the course of the discussion during the third session of the General Assembly in 1948, the majority of the Members had replied affirmatively. The Charter did not preclude invitations to representatives of regional agencies; on the contrary, it established the principle of such agencies, and an invitation sent to any one of them would be an encouragement for it, in conformity with the spirit of the Charter.

10. It was obvious, however, that merely to state that principle did not suffice to justify an invitation to any agency; moreover, even if the Charter had contained no explicit provisions in that respect, there would always be a tendency to make sure that the aims of the organization in question were consistent with those of the United Nations and that it was truly an international organization striving to promote international co-operation in all the spheres where such co-operation should exist. The Organization of American States met those two conditions and was a perfect example of a regional agency. It was quite right therefore that an invitation should have been issued to that Organization. Furthermore, experience had shown that the American nations represented within the United Nations a harmonious element working for international law, security and solidarity.

11. There could be no doubt regarding the substance of the question whether an invitation should be addressed to the Arab League; that had been demonstrated by the discussions at the third session of the General Assembly, when the only problems to arise had been those of timeliness and expediency. The problem before the Committee now was to decide whether the time had come to issue that invitation.

12. He believed that it was possible to determine whether the Arab League fulfilled the two conditions mentioned above even without embarking on an exhaustive discussion of the Pact from the strictly legal point of view. In the first place, a reference to General Assembly resolution 120 (III) dealing with the Arab League sufficed to show that the League really was a regional agency as stated by Hans Kelsen in *The Law of the United Nations*.¹ The geographical unity which bound together the Organization of American States was replaced in the case of the Arab League by an ideological unity which was certainly no less important.

13. Secondly, a cursory examination of the Pact of the League would show that the aims of that Organization were consistent with Article 52 of the Charter. It provided for the peaceful settlement of local conflicts and contained provisions prohibiting the recourse to force for the settlement of disputes. Clearly, therefore, the Arab League was a regional agency whose aim was to promote collective security and international co-operation as a whole.

14. For those reasons the delegation of the Dominican Republic would vote in favour of the Syrian draft resolution.

15. Mr. HSU (China) also felt that the Pact of the Arab League constituted a regional agreement consistent

with the provisions of Article 52 of the Charter and that an invitation should be issued to it. By enhancing the prestige of the League, such an invitation would help it to achieve its aims. It could not be denied that privilege in view of the fact that an invitation had already been sent on the same grounds to the Organization of American States.

16. He thought that the objections raised by the delegation of Israel to the Syrian draft resolution were based on political considerations. He could easily understand the uneasiness felt by Israel, which was isolated among the Arab States, and hence its reluctance to see the United Nations once again confirming its recognition of the Arab League. None the less, the existence of the Arab States was a fact which could not be ignored. Furthermore, the establishment of ties between the United Nations and the Arab League would promote the achievement of the fundamental purposes of the United Nations. That being so, there was no doubt that the decision to invite the Arab League would be in the best interests of all nations, including Israel.

17. He would therefore vote in favour of the Syrian draft resolution.

18. Mr. CASSELL (Liberia) said that his delegation had studied the Pact of the Arab League, which, in its opinion, contained no provision which was inconsistent with Article 52 of the Charter. To give the Arab League, which was still in the early stages of its development, the means of becoming an instrument of peace would facilitate the achievement of the purposes of the Charter.

19. The memorandum presented by the delegation of Israel (A/C.6/336) was a political and technical analysis seeking to prove that the League was not, truly speaking, a regional agency of the United Nations within the meaning of Article 52 of the Charter. He believed, however, that there could be no objection to inviting the Arab League, and that even if that body was not as yet comparable with the Organization of American States, it should be given time to develop.

20. The Liberian delegation would vote for the Syrian draft resolution.

21. Mr. GARCIA AMADOR (Cuba) recalled that, the previous spring, he had prepared a study on regional institutions within the framework of the Charter; that study had been annexed to the report submitted by the Sub-Committee on methods for the promotion of international co-operation in the political field to the Interim Committee of the General Assembly. The nature of regional agencies was among the problems examined. That question had given rise to no difficulty in the Sub-Committee because although Article 52 of the Charter gave no exact definition of regional agencies it did lay down the conditions which should be met by those agencies, namely that they should deal with such matters relating to the maintenance of international peace and security as were appropriate for regional action and that their activities should be consistent with the purposes and principles of the United Nations. In the light of those principles, it could not be denied that the Arab League was both politically and legally qualified to fulfil the duties of a regional agency as laid down in the Charter. Consequently, the United Nations should

¹ Published under the auspices of the London Institute of World Affairs, London, 1950, pp. 322-323.

follow its previous practice and issue to the Arab League an invitation similar to that which had been addressed to the Organization of American States in 1948.

22. In conclusion, he expressed the opinion that the discussion had emphasized the importance of the question of "tradition" in the United Nations.

23. He asked for a roll call vote.

24. Mr. MAURTUA (Peru) shared the views put forward earlier by the representative of Greece.

25. Nevertheless, before the United Nations issued an invitation to a political or regional agency, it was necessary to make sure that the purposes and principles of the agency were consistent with those of the Charter.

26. There had been many criticisms of the Arab League but he did not think they were all convincing.

27. The legal basis of the League had been challenged on the ground that it could not be valid in the absence of one of the Arab States. It was not, however, essential that all the countries in a geographical area should belong to a regional agency, for such agencies were the product of agreements entered into freely by neighbouring States which wished to unite in order to solve their own particular problems. The existence of any regional agency helped to develop the interdependence of States, to stimulate trade and to strengthen international law. Such expressions of solidarity based on similar interests and the division of labour had in fact made international law a possibility.

28. A rapid perusal of the Pact of the Arab League sufficed to show that it did contain the basic elements necessary for the legal establishment of a regional group. States which had not been able to adhere to the Pact were not thereby excluded from the League.

29. The Pact rejected the principles of the recourse to force for the settlement of international disputes, endorsed the principle of collective defence as it was recognized in the United Nations Charter, and confirmed the right of each member State to enter freely into international treaties.

30. It was true that the Pact had been concluded before the United Nations Charter, but that did not matter since the only relevant proviso in the Charter was that the activities of the regional agencies should be consistent with the purposes and principles of the United Nations.

31. His delegation considered that the Arab League fulfilled the basic requirements for the establishment of a regional agency and he would therefore support the Syrian draft resolution.

32. Mr. FITZMAURICE (United Kingdom of Great Britain and Northern Ireland) paid tribute to the evident sincerity of all of the speakers, whatever their views on the subject had been. It could be fairly claimed that the United Nations was a parliament of the peoples of the world, where all opinions could be freely expressed. His delegation would adopt a completely impartial attitude toward the subject under discussion. First and foremost, he would repeat that his Government, like all the other Governments, wished to see the rapid establishment of good relations between Israel and the

Arab States. In that connexion, he was convinced that, whatever the result of the debate might be, it would have provided an opportunity for a necessary and fruitful exchange of views. One of the most valuable functions of the United Nations was to bring together, and thereby to reconcile, opposing opinions.

33. He recalled that it was the Committee's duty to consider any question referred to it from the legal point of view. He wondered whether either the letter or the spirit of the Charter, or existing international law, could furnish guiding principles for the Committee in its consideration of problems of that nature.

34. Neither the United Nations Charter nor the rules of procedure of the General Assembly contained any specific provision permitting or prohibiting the invitation of observers to sessions of the Assembly. There did not therefore appear to be any basic principle governing the type of organizations to which invitations could be sent. Even resolution 253 (III), in which the Organization of American States had been invited to send an observer to the sessions of the General Assembly, had no preamble and did not in any way specify that the decision was based on the fact that the Organization concerned was a regional agency. It was true that, at the time, the remarks made by the representative of Argentina had been based on the fact that the Organization of American States was a regional agency. Moreover, the representative of Egypt had stated that such a decision constituted a precedent. The Assembly resolution had therefore actually been based on the regional nature of the organization in question, but there was nothing in writing providing that an organization had to be a regional agency before it could be given an invitation. Consequently, the United Nations was entitled to issue invitations to any organization, whenever it thought fit.

35. The representative of Israel had tried to prove that the Arab League was not a regional agency. In the opinion of the United Kingdom delegation, there was no need for the Committee to decide that question. As the representative of Canada had stated the previous day, the Committee's task was to decide whether it was advisable to secure the collaboration of the Arab League for the United Nations. The United Kingdom believed that, by sending an observer to the session of the Assembly, the Arab League could be of considerable help to the United Nations in the settlement of problems connected with the Middle East.

36. His delegation would vote in favour of the Syrian draft resolution, but he emphasized that, for the reasons he had just given, his vote should not be taken as implying that the United Kingdom had adopted any definite attitude on the question whether the Arab League was or was not a regional agency. Furthermore, his delegation did not think that the decision to be taken in the case at issue should constitute a precedent. In his opinion, the General Assembly should be free to take any decisions it thought fit in the future.

37. Mr. ORTIZ TIRADO (Mexico) noted that the majority of speakers had sought in the Charter for legal arguments in favour of the proposal to invite the Arab League to attend sessions of the General Assembly. Others had maintained that such an invitation would be a mere gesture of international courtesy. Manifestly,

however, the General Assembly had already established a precedent in the matter when, at its third session, it had decided to invite the Secretary-General of the Organization of American States to attend its future sessions. At that same session, the Argentine representative had demonstrated that the proposal to invite an observer from the Organization of American States to sessions of the General Assembly was not only an act of international courtesy but was in accordance with the provisions of Article 52 of the Charter. A number of representatives had wondered whether the Arab League was in fact a regional agency. Resolution 120 (II) of the General Assembly left no doubt on the subject.

38. At the third session of the General Assembly, the Mexican delegation had strongly emphasized the necessity for taking every measure to encourage regional agencies the aims and principles of which were compatible with those of the Charter, in particular by inviting them to send representatives to sessions of the General Assembly. Its attitude had not since changed.

39. He would therefore vote for the Syrian draft resolution not merely out of international courtesy but because of the precedent which had been established and the legal arguments in favour of such an invitation.

40. Mr. AMMOUN (Lebanon) observed that only one voice had been raised against the Syrian draft resolution, and that that voice had found no support in the Committee. He thought it his duty to unmask the hidden motives of the representative of Israel. That country was moved less by concern over whether or not the Secretary-General of the Arab League was invited to attend sessions of the General Assembly, as by the wish to set member States of the Arab League against each other and to set the United Nations against those States.

41. There were many historical examples to show that the Jews had attempted to sow discord in the countries which had received them, as they were now doing in the Organization which had welcomed them scarcely a year previously. He would quote only one statement by a great American, President Abraham Lincoln. The latter had said in Boston in his last speech to the Convention: "There is one great danger for the States. That danger is the Jew. In all the countries where Jews have settled, they have created a state within the State."

42. He hoped that that danger now belonged to the realm of history, but recognized that it might recur. In support of his argument he quoted a draft law submitted to the Parliament of Israel which would enable Israeli citizens to retain, in addition to their new nationality, the nationality of the country from which they had come. The legal experts on the Sixth Committee were particularly well qualified to realize the conflicts of a legal, political and even sentimental nature in which double nationality might involve the new citizen of Israel who yet remained a national of the country he had just left. There was, moreover, the danger arising from a State based solely on religion, with the problems which that raised for a Jewish national of any State of the world who was heart and soul with Israel while remaining attached to his country.

43. He recalled the slanderous attacks by Israel upon the Arab League. He was indignant at the accusation

of racism brought against the Arab League by a State which was based on the concept of race just as much as on that of religion.

44. He quoted the following sentences from the memorandum submitted by the Israeli delegation: "The Pact of the Arab League was drawn up before the Charter of the United Nations was signed. It contains no reference to the acceptance by the Arab League of Charter obligations." The implication was obvious: that it was impossible for those who had drawn up the Pact to accept the obligations of a Charter which did not yet exist. On the other hand, Israel, which by the terms of Article 4 of the Charter had solemnly undertaken to accept its obligations, had not hesitated openly to defy the authority of the United Nations in connexion with Jerusalem.

45. With further reference to the criticisms which had been made of the Arab League, he emphasized the fact that every organization had necessarily to suffer growing pains. That had been the case with the United Nations; it had been possible to point out its weaknesses without thereby undermining faith in its effectiveness. That was also the case with the Arab League, which could not yet lay claim to the maturity of the Organization of American States, with its century of experience. He paid a tribute to that Organization, whose charter had served as a model in drafting the Pact of the Arab League.

46. Despite the allegations of the Israeli representative, the Arab League had no hidden designs.

47. All the members of the Arab League already belonged to the United Nations with the exception of one, which had applied for admission. Everything therefore went to prove the Arab League's desire for close collaboration with the United Nations. Only one voice opposed that collaboration. With that exception, the welcome was unanimous, and he warmly thanked his colleagues for that welcome.

48. Mr. BARTOS (Yugoslavia) recalled that, when, at the third session the question of inviting a representative of the Organization of American States to attend the General Assembly sessions had been discussed, the Yugoslav delegation had maintained that a general decision should be taken on that question. If that view had been followed at the time the prolonged debate which was now taking place could have been avoided.

49. The Yugoslav delegation firmly believed that all political organizations of States should maintain constant contact with the United Nations. He recalled that at the third session the Egyptian representative had also raised the question whether it might not be more advisable to take a general decision inviting the representatives of all regional agencies, including the Arab League, rather than to invite the representative of the Organization of American States only. The majority of the Assembly had opposed that proposal to establish a general rule regarding invitations, so as to be able to examine each case separately. The Yugoslav delegation was of the opinion that the Arab League should be invited to attend the sessions of the General Assembly on the same basis as the Organization of American States. Although the latter was a more highly developed organization than the former, the

similarity between the two was none the less obvious. The presence of the League at General Assembly sessions could only serve international co-operation and thus strengthen the United Nations.

50. For that reason, the Yugoslav delegation would vote for the Syrian draft resolution.

51. Mr. U BA MAUNG (Burma) said that, after carefully studying Chapter VIII of the Charter and the Pact of the Arab League, he had not found anything in the latter contrary to the spirit of the Charter. The fact that the Pact had not been registered with the United Nations and the dissention among the Arab States should not prevent the Arab League from being invited to sessions of the General Assembly on the same footing as the Organization of American States. Indeed, far from being detrimental, the presence of the League at sessions of the General Assembly could only benefit the United Nations.

52. The Burmese delegation, therefore, would vote in favour of the Syrian draft resolution.

53. Mr. LOBO (Pakistan) stated that his delegation supported the Syrian draft resolution.

54. He noted that the Committee should be concerned exclusively with the legal aspects of the problem before it. The only legal objection raised to the proposal to invite the Arab League to attend sessions of the General Assembly was contained in the memorandum submitted by the Israeli delegation (A/C.6/336). According to that memorandum, the League was not a regional organization, because the area covered by the States which were members of the Arab League did not constitute a "region" in any sense recognized by the United Nations, and because it was impossible to conceive of a regional arrangement which was not accessible to all member States in the area defined.

55. Chapter VIII of the Charter, which dealt, *inter alia*, with regional agencies, did not define the term "region". In the absence of such a definition, there was no reason to assume that the League did not constitute a regional agency merely because it included States which did not belong to the Middle East. There could exist, within a region, smaller regions, and the Arab States, which had common frontiers could rightly claim that the Arab League constituted a "regional arrangement" within the meaning of the Charter. Moreover, nowhere in the Charter was there a provision against the conclusion of regional arrangements which did not embrace all the States within the area covered by such arrangements.

56. Lastly, anyone who read the Pact of the Arab League would note that there was no fundamental difference between the League and the Organization of American States.

57. Mr. ANTUENO (Argentina) recalled that, during the first part of the third session of the General Assembly in 1948, it was his delegation which had put forward resolution 253 (III), under the terms of which an invitation had been extended to the Organization of American States.

58. He did not wish to repeat in detail the arguments which his delegation had advanced at that time, but

would only recall that, in 1948, the general opinion prevailing in the Legal Committee had been that, whenever the Arab League made the request, it would receive a similar invitation.

59. The Argentine delegation considered that the Arab League was a regional agency within the meaning of Article 52 of the Charter. In that connexion, it was interesting to note that most of the publications which discussed the drafting of Chapter VIII of the Charter at San Francisco agreed that one of the regional agencies which the authors had had in mind was precisely the Arab League.

60. The Argentine delegation would therefore support the draft resolution put forward by Syria.

61. Mr. ROLING (Netherlands), referring to the statements made by the representative of Saudi Arabia during the 215th meeting, wished to ask him whether the Arab League was considering inviting the Secretary-General of the United Nations to its future sessions.

62. Mr. DEJANY (Saudi Arabia) was certain that such a contact would be established and that an invitation would be issued forthwith.

63. Mr. TOLENTINO (Philippines) said his delegation would vote for the Syrian draft resolution because it did not raise any questions of a political nature.

64. The adoption of that resolution would not constitute legal recognition of the League, nor would it confer any status upon it, and it would not in any way imply that the League was a regional agency within the meaning of Chapter VIII of the Charter. It was merely a question of addressing a courteous invitation to the Arab League to attend sessions of the General Assembly. The Philippine delegation felt, as did the United Kingdom delegation, that such an invitation, as in the case of the one extended to the Organization of American States, should not constitute a precedent. The General Assembly, being master of its own decisions, should judge each case on its merits, taking into account the appropriateness of such a step. From the purely legal point of view, nothing need prevent the United Nations from inviting even organizations with purposes and principles incompatible with those of the United Nations to attend sessions of the Assembly, though in practice such a decision would be most ill-advised.

65. In the present case, the purposes of the Arab League were not incompatible with those of the United Nations nor with those of the Organization of American States to which an analogous invitation had already been addressed. Moreover, the Philippine delegation thought that such a decision might strengthen the bonds between the Arab League and the United Nations, as it would enable the latter to keep better informed about the League's activities.

66. For all those reasons, the Philippine delegation would vote in favour of the Syrian draft resolution, on the understanding that in voting thus, it was not expressing an opinion on the political aspects of the question.

67. Mr. DIEZ DE MEDINA (Bolivia) also thought that the Committee should examine the problem only

from the strictly legal point of view, leaving aside all political considerations. The problem raised two important legal questions: whether the purposes and principles of the League were compatible with the purposes and principles of the United Nations, and whether the Arab League was actually a regional agency.

68. As those questions deserved a thorough study, which would delay the Committee's work, he proposed that a sub-committee should be set up to examine and report on them.

The meeting rose at 1 p.m.