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Chairman: Mr. V. OUTRATA (Czechoslovakia).

Permanent invitation to the Arab League to attend sessions of the General Assembly (A/C.6/336, A/C.6/L.111 and A/C.6/L.113)

[Agenda item 58]*

1. The CHAIRMAN opened the discussion of the agenda item. There were three documents bearing on the question: a note by the Secretary-General, including the text of the Pact of the League of Arab States (A/C.6/L.111), a memorandum by Israel (A/C.6/336), and a draft resolution submitted by Syria inviting the Secretary-General of the Arab League to attend sessions of the General Assembly as an observer (A/C.6/L.113).

2. Mr. SULTAN (Egypt) recalled that at the third session of the General Assembly, when the Sixth Committee had discussed the Argentine proposal inviting the Secretary-General of the Organization of American States, his delegation had raised the question whether such an invitation should not also be extended to other regional organizations, and had submitted an amendment to that effect. It had subsequently withdrawn that amendment upon receiving formal assurance from a number of delegations that the invitation to the Organization of American States was not a special privilege, but a gesture of international courtesy which might be extended to any other regional organization. Those assurances were contained in the records of the 70th and 71st meetings of the Sixth Committee and of the 151st plenary meeting of the General Assembly.

3. Mr. Sultan then briefly reviewed the legal status and activities of the League of Arab States. The League had been formed by the Cairo Pact of 22 March 1945 signed by Jordan (then Transjordan), Egypt, Saudi Arabia, Iraq, Lebanon, Yemen and Syria. It was competent to take collective action in the political, economic and social fields. Its decisions on questions in those fields were, if taken by a unanimous vote, binding upon all the signatory States. There were three annexes to the Pact. Annex 1 dealt with Palestine and stated that that country was entitled *de jure* to independence like all other Arab States, and should be represented in the Council of the League by a delegate designated by the

latter. The second annex stated that Arab countries not members of the League should be allowed to participate in its activities.

4. Mr. Sultan then explained the functions and purposes of the three main organs of the League (A/C.6/L.111), in which great stress was laid on international co-operation. Indeed, the Pact of the Arab League, although drawn up before the United Nations had come into being, set forth in articles 2, 4, 5, 6 and 8, the same purposes and principles as those in Chapters I and II of the Charter. The League's activities were in harmony with the aims and purposes of the United Nations and had been marked throughout by a spirit of understanding and co-operation and by the peaceful aspirations of its Members.

5. Furthermore, Article 3 of the Pact provided that the Council should ensure co-operation of the League with future international organizations dealing with political, economic and social matters. In view, therefore, of the identity of interests of the Arab League and of the United Nations, it was not only desirable, but necessary, that the two should co-operate. Such co-operation already existed in practice; there had been an exchange of notes between the secretaries-general of the two organizations; and the Arab League had been actively co-operating with such specialized agencies as the World Health Organization and the Food and Agriculture Organization. Further, the need for closer co-operation between the League and the United Nations had been recognized in General Assembly resolution 120 (II), on the basis of which the Economic and Social Council, by its resolution of 8 March 1948, had invited the League to participate in the discussion of the establishment of an economic commission for the Middle East. The subsequent contribution of the League's representative to those discussions had been most valuable. A further instance of co-operation was the seminar for the Middle East, which had met for the first time at Beirut in 1949 and would hold its next session at Cairo in 1950. Consequently, if the Secretary-General of the Arab League were invited to the sessions of the General Assembly it would be a great step forward, and would promote the development of friendly relations among nations and their co-operation towards the attainment of common goals. The

* Indicates the item number on the General Assembly agenda.

Egyptian delegation therefore hoped that the members of the Committee, guided by the desire for international co-operation which had inspired the members of the Arab League, would support the Syrian draft resolution.

6. The question of inviting the Arab League was, as in the case of the Organization of American States, essentially a gesture of courtesy, as a number of representatives had pointed out. This was confirmed by the fact that the General Committee had referred the question to the plenary meeting of the General Assembly, which, however, because of the objections raised by one Member, had decided to transmit it to the Sixth Committee. Those objections were totally unfounded, but the Egyptian delegation had readily assented to such action, as it felt that the Arab League was acting in good faith, and had nothing to hide.

7. Mr. Sultan then referred to the memorandum submitted by Israel. The points raised in that paper, such as the Palestine question, were irrelevant to the question before the Sixth Committee and were within the competence of other Committees which were considering them.

8. The Arab States did not ask for the recognition of the Arab League as a regional organization; that was not yet possible as the term had not yet been defined by the United Nations. The Israeli delegation had called the Arab League a racial organization, disregarding the cultural, linguistic, historical, social and geographical ties of its members. It was strange that such a remark should be made by the representative of a State which had been able to justify its existence on a religious basis only.

9. Lastly, as regards the point raised in paragraph 7 of the Israel memorandum: that the invitation to the Organization of American States was a courtesy granted by the United Nations in return for a similar facility extended by that organization to the United Nations, the summary records of the Sixth Committee mentioned earlier refuted that argument.

10. In view of the above considerations, he hoped that the Sixth Committee, acting with impartiality, would adopt the draft resolution.

11. Mr. DEJANY (Saudi Arabia) recalled, as had the Egyptian representative, that the question of the invitation to the Arab League had been exhaustively discussed at the third session of the General Assembly in connexion with the question of the invitation to the Organization of American States. In the course of the discussions, the representative of Iran had proposed that the invitation should be extended in consideration of the fact that "the activities of the Organization of American States were in accordance with the aims and principles of the United Nations". This proposal had been opposed by other members of the Committee, one of the reasons given being that it would necessitate a substantive debate on the activities of the Organization, which would be outside the competence of the Sixth Committee. It had also been pointed out that, during the twenty years of its existence, the League of Nations had never established a general rule regarding the attendance of observers at its meetings. As a result, the discussion had been limited to the question whether an invitation should be extended, to the Secretary-General

of the Organization of American States as a matter of courtesy.

12. Forty-one delegations had voted for the Argentine proposal. Apart from the delegations of the Arab States, of the fifteen delegations which had taken part in the discussion, nine had expressed themselves in favour of extending the same privilege to other regional organizations. An amendment to that effect had been proposed by the representative of Egypt, who had finally agreed to withdraw it on the formal assurance, given by a number of representatives and confirmed by the Chairman of the Sixth Committee and included in the Committee's records, that the Arab League, as a regional agency whose activities were consistent with the aims and principles of the Charter, would be entitled to the same courtesy at the appropriate time. The thorough discussion of the question at the third session might account for the fact that the General Committee at the current session had proposed that the matter of inviting the Arab League to attend General Assembly sessions should be taken up in plenary meeting without being referred to the Sixth Committee.

13. Moreover, the General Assembly had in the past adopted resolutions recognizing the Arab League as a regional organization, such as resolution 120 (II) which noted that co-operative measures among countries of the Middle East might be facilitated by close co-operation with United Nations organs and regional organizations "such as the Arab League". The League's status as a regional arrangement had also been recognized in the book *Charter of the United Nations*, by Goodrich and Hambro, one of the most authoritative works on the Charter. In the second edition, published in 1949, the authors had stated that the regional arrangements and agencies, to which Article 52 of the Charter referred, included those which had been in existence or were coming into existence, as well as those which had subsequently been established. The Inter-American System and the League of Arab States were listed as examples.

14. Mr. Dejany thought that those considerations confirmed his view that the current discussion might be brief and limited to the aspects considered at the third session. Unfortunately, however, one delegation had questioned the composition and objectives of the Arab League, first in the General Assembly, and later in the Sixth Committee. The Saudi Arabian delegation considered those objections unwarranted and irrelevant, but wished to give some clarification in order to dispel any doubts which might have arisen.

15. The Arab League was a regional organization which had come into being to defend the interests of its members, countries bound by strong historical, geographical, political, economic and cultural ties and which, as small nations, had found themselves in a precarious situation at the time. The Pact provided for organized co-operation in a wide range of security, political, economic and cultural matters, and its objectives were consistent with the purposes and principles of the Charter. For example, article 5 of the Pact, in full accord with the provisions of the Charter, prohibited the use of force in the settlement of disputes between members of the League and provided that the League Council should mediate such disputes—even when a non-member State was involved. That impor-

tant function of pacific settlement of local disputes through regional agencies had been further strengthened by the establishment of a high court as a subsidiary organ of the League with jurisdiction over such issues. The statute of this court was in preparation.

16. The League's aims were wholly peaceful and defensive. Article 6 of the Pact provided that in case of aggression or threat of aggression against a member State, the Council should determine the measures necessary to repel the aggression. The unfortunate deterioration in the world situation had made it necessary for the members of the League to strengthen their defensive arrangement by drawing up a defence pact which was now awaiting signature.

17. Mr. Dejany then referred to the seven points raised in the Israel memorandum against the Syrian draft resolution (A/C.6/336).

18. The first Israeli allegation was that the Arab League was not a regional arrangement within the meaning of Chapter VIII, as the area covered did not constitute a region and that it was impossible to conceive of a regional arrangement which was not accessible to all countries in the area. Mr. Dejany pointed out that the Charter did not define the various regions of the world for the purpose of Chapter VIII, nor were there any rules in international law to determine regions. Indeed, the objectives of that Chapter would have been defeated if regions had been so rigidly defined as to make all regional arrangements incomplete until all States in the respective areas had joined them. On the contrary, it had been the intention of the authors of the Charter to encourage the establishment of as many regional arrangements as possible, without regard to their geographical limit or the number of their members, provided their aims and activities were consistent with the principles of the Charter. It was obvious that much sounder regional structures could be formed by smaller numbers of States within a region, among which the bonds of common interests were strongest, and which could unite when the time seemed appropriate. There was therefore no valid reason under the Charter or in international law why the region covered by the Arab League should be extended or reduced. Furthermore, the area of the Middle East had never been conclusively defined, the definitions varying in accordance with the interests and purposes of the parties using them.

19. Yet, even if agreement could be reached on the identity of the States constituting the Middle East, that did not necessarily mean that a regional arrangement had to be accessible to all the States in the area. History had shown that most regional arrangements arose out of the desire for self-preservation. The States concerned could therefore not be expected to accept as partners a possible adversary. Furthermore, one of the basic elements for the establishment of such arrangements was a community of interests. If that element were ruled out, nothing but force and subjugation could keep the regional organization together. There was hardly a regional organization in existence which could be said to include all the States in the area; the Organization of American States, to which the Israel representative had referred as an example of the perfect regional arrangement, did not include Canada or some

territories in the Southern Hemisphere administered by European Governments.

20. The objection of racial exclusiveness was likewise unsound, there being no provision in the Charter invalidating a regional organization the members of which were bound together by racial ties. Such ties merely added to the community of interest of the States concerned and as long as the aims and activities of the organization were consistent with the purposes of the Charter, the existence of such an organization could not be ignored.

21. The second objection raised in the memorandum was that the Pact of the Arab League had been drawn up before the Charter of the United Nations had been signed, and that it contained no reference to the acceptance of the Charter obligations by the League. The first part of that objection was refuted by the views of Goodrich and Hambro. With regard to the second part of the objection, the Charter, and particularly Chapter VIII, did not require that the Charter obligations be formally accepted by a regional organization, but only that the activities of the organization should be consistent with the purposes and principles of the United Nations. That was the case with the League of Arab States. Furthermore, article 3, paragraph 3, of the Pact had anticipated the establishment of a world organization by providing that the Council of the League should determine "means whereby the League will collaborate with the international organizations which may be created in the future to guarantee peace and security and organize economic and social relations".

22. The memorandum thirdly alleged that the only activities carried out in unison by the League, namely, military intervention in Palestine, had been directed against the United Nations. In the first place, the joint activities of the League had by no means been limited to that intervention. Secondly, while the question of military intervention was political and should not be considered at this juncture, it should be pointed out that the intervention had mainly been brought on by the refusal of a small majority of Member States to have the partition issue adjudicated, as the Arab States had proposed, by the International Court of Justice which would have been in a better position to deal with the matter. Lastly, those who preached observance of United Nations resolutions should not be the ones to defy them.

23. The fourth objection, that the League was bent on subverting the existing political status in countries outside the League, was groundless as the aims of annex II to the Pact were not at variance with the aims of Chapter XI of the Charter.

24. The fifth assertion, namely, that the Arab League had refused to co-operate with the Security Council for the restoration of international peace in Korea was irrelevant. There was nothing in Chapter VIII which required regional organizations to take a stand on issues of foreign policy, moreover, the Arab League had received no request for co-operation. Its individual members had made clear their stand on that issue.

25. In the sixth place, it had been alleged that the League's procedure, such as holding closed meetings, was contrary to that of the United Nations. But many

United Nations bodies as well as such a regional arrangement as the North Atlantic Pact, held closed meetings.

26. Lastly, the memorandum maintained that the Arab League should not be granted a permanent invitation as, unlike the Organization of American States, it had not extended the same courtesy to the United Nations. Mr. Dejany recalled in that connexion, that when the Argentine proposal to extend an invitation to the Organization of American States had been discussed at the third session, some delegations had objected to the parallel which was being drawn between the two invitations, and to establishing such an exchange of courtesy as a precedent. As a result, the part of the proposal referring to reciprocity had been deleted. Consequently the objection raised in the memorandum did not apply. For the Committee's information, however, Mr. Dejany pointed out that in 1947 the Secretary-General of the Arab League had suggested to the Secretary-General of the United Nations the establishment of a relationship similar to that maintained with the Organization of American States, including the maintenance of similar liaison between the two organizations.

27. In view of the above considerations, the Saudi Arabian delegation urged the Sixth Committee to extend an invitation to the Secretary-General of the Arab League similar to that extended earlier to the Organization of American States.

28. Mr. DICKEY (Canada) said that the question whether or not regional organizations should be invited to sessions of the General Assembly was political rather than legal. Although meetings of the General Assembly were public and an invitation might therefore be considered superfluous, the Canadian delegation considered that a formal invitation to important regional organizations such as the Organization of American States and the Arab League would be a gesture of courtesy and good will and could therefore serve a useful purpose.

29. The Canadian delegation had taken note of the League's desire, as set out in articles 3 and 19 of its Pact, to co-operate with international organizations created to guarantee peace and security and to promote economic and social co-operation among States. As long as the aims of the Arab League were directed towards the maintenance of international security, there was everything to be gained by inviting its Secretary-General to attend sessions of the General Assembly as an observer.

30. Although the question was mainly political, it involved two legal considerations. The first was that no invitation should be given to an organization whose aims and objectives, as revealed by its constitution, were incompatible with the aims and objectives of the United Nations as set forth in Chapter I of the Charter; the second, that no invitation should be extended in terms which were so broad as to restrict the future freedom of action of the United Nations. In extending an invitation to the Secretary-General of the Arab League to attend sessions of the General Assembly the United Nations did not, as the Egyptian representative had pointed out, necessarily recognize that Organization as a regional arrangement under Chapter VIII of the Charter. Consequently, the question whether or not the Arab League was qualified to assume the

responsibility of a regional arrangement of the United Nations did not arise at that juncture. If and when it did, the position of States, which formed part of the Middle Eastern region by their geographical location and cultural traditions but did not so far enjoy membership in the Arab League, would have to be considered. In the meantime, the Canadian delegation did not see how the United Nations could be embarrassed merely by the fact that it had invited the Secretary-General of the League of Arab States to attend meetings of the General Assembly as an observer.

31. As regards the second consideration, it could be met by deleting the word "permanent" from the title of the Syrian draft resolution and adding the words "as an observer". The questions involved had been sufficiently discussed at the third session of the General Assembly, and in general, the Canadian delegation felt that the invitation should be drafted in precisely the same terms as that issued at the third session to the Organization of American States. Mr. Dickey in that connexion recalled the assurances given at the time to the Arab States that a similar invitation would be issued to the Arab League at the appropriate time.

32. In conclusion, quoting the text of resolution 253 (III) on the invitation to the Secretary-General of the Organization of American States, he stated his support of the Syrian draft resolution, which conformed with it in principle, if not in exact terms.

33. M. TARAZI (Syria) recalled that the Arab League had been formed by the Pact of 1945, preceded by the Protocol of Alexandria of 7 October 1944. Both instruments were prior to the United Nations Charter, but set forth the same principles. The purpose of the Charter was to secure peace and security throughout the world; the purpose of the League was to secure those objectives in the Arab region. The Arab League, as had been noted before, was a confirmation of the existing unity among Arab States and of the many ties binding them. As a result of events at the beginning of the century, that homogeneous area had been broken up into individual States; the purpose of the Pact was to re-unite them and to ensure their co-operation in political, economic, social and other fields through the various organs of the Arab League. The Pact also provided for the promotion of co-operation with United Nations organs. The seminar held the preceding year at Beirut was an example of co-operation between the Arab League and the Economic and Social Council, a United Nations organ. There consequently could be no doubt that the Arab League was a regional agency within the meaning of Article 52 of the Charter. It should, accordingly, be permitted to co-operate with the United Nations on a more formal basis. The nature of the Arab League as a regional agency had also been recognized by such experts in international law as Professor Scelle, in his lecture on public international law of 1946-7 and 1947-8, and Professor Yepes in his lectures in 1947 at the Academy of International Law at the Hague on regional arrangements.¹

34. The Arab League should therefore be invited to attend sessions of the General Assembly, not only in view of existing precedents, but mainly as a further step towards stimulating co-operation among nations as advocated by the Charter.

¹ Recueil des cours, vol. 71.

35. With reference to the legal consideration put forward by the Canadian representative — that no invitation should be addressed to regional agencies whose aims and objectives were incompatible with the principles of the Charter — he emphasized that the Pact of the Arab League did not conflict with the Charter but on the contrary pursued the same objectives. That consideration, therefore, did not apply in the case of the Arab League.

36. The legal objections raised in the Israeli representative's memorandum, had been refuted by the representatives of Egypt and of Saudi Arabia, while the political questions referred to therein were outside the Committee's competence.

37. In view of those considerations, Mr. Tarazi submitted his delegation's draft resolution for the Committee's approval.

38. Mr. ROBINSON (Israel) referred first to the statement made by the representative of Egypt at the Committee's 213th meeting to the effect that the item on the permanent invitation to the Arab League had not only been discussed but practically exhausted at the third session of the General Assembly. The records of the 70th and 71st meetings of the Committee did not bear out that contention. While the question of regional agencies other than the Organization of American States had been mentioned in the debate, and while certain delegations had undertaken to apply the same criteria to the Arab League as to the Organization of American States, the fact remained that no decision had been taken on any other regional organization. Moreover, the report of the Sixth Committee had contained no mention of the applicability of the invitation issued to the Organization of American States, to other regional agencies. That fact had indeed been noted with regret by the representative of Egypt during the 151st plenary meeting of the General Assembly. The item under discussion should therefore be considered as a new subject by a new Assembly, which was completely sovereign in its discussions and decisions and in no way bound by the casual remarks made by individual representatives at previous sessions.

39. It had been alleged that the invitation to the Organization of American States constituted a precedent, but it was axiomatic that what constituted a precedent had to be investigated in each individual case. It was also important to note from the records of meetings of United Nations organs that the representatives of the Arab States had misrepresented the facts. Their statements, unchallenged in debate, might have misled some delegations. For example, representatives of the Arab States had several times asserted that the Pact of the Arab League had been registered with the Secretariat of the United Nations at the San Francisco Conference. As a result of the statement made by the Assistant Secretary-General at the 213th meeting, all delegations were now aware that that assertion was incorrect but, since it had remained unchallenged during the discussion of the invitation to the Organization of American States, there was every reason to believe that the members of the Committee had accepted it and had on that false premise been led to commit themselves to support a forthcoming invitation to the Arab League.

40. During the third session of the General Assembly, the representative of Egypt had also stated that the

Arab League had been recognized as a regional organization by virtue of "several" decisions of the General Assembly. In actual fact, only one resolution, No. 120 (II), mentioned the Arab League and that fleeting reference could hardly be described as recognition.

41. It was generally agreed that the invitation extended to the Secretary-General of the Organization of American States had been an act of reciprocal courtesy. That was clearly shown by the records of the 70th and 71st meetings of the Sixth Committee. There had in fact been constant contact between the Organization of American States and the Secretariat of the United Nations prior to the invitation issued by the General Assembly to the Secretary-General of that Organization. Invitations had repeatedly been sent by the Organization of American States to the Secretary-General of the United Nations to attend the conferences of the Organization and when the Secretary-General had himself been unable to attend those conferences he had sent representatives. Moreover, the Bogotá Conference had adopted a resolution to the effect that the United Nations should in each case "be invited to be represented in Inter-American Conferences and Meetings of Consultation of Ministers of Foreign Affairs". Thus it could be seen that it had only been after close liaison between the United Nations and the Organization of American States for more than a year that the United Nations had finally decided to issue its invitation.

42. The record of the Arab League was quite different. The Secretary-General of the United Nations had never once been invited to attend a meeting of the Council of the Arab League or of its Committees and Sub-Committees, for all those meetings were notoriously secret. Thus, even if the contention that the Arab League was a regional agency were accepted tentatively for the sake of argument, the act of courtesy should surely start in Cairo rather than at Lake Success. Since Cairo had utterly failed in courtesy towards Lake Success, he felt it would be beneath the dignity of the United Nations to initiate such an invitation.

43. Mr. Robinson then referred to the Arab League's claim, as made by the Syrian representative in the General Committee, that the League must be considered a regional agency within the meaning of Chapter VIII of the Charter.

44. The basic elements of a regional arrangement in the sense of Chapter VIII of the Charter were:

- "a. The existence of a clearly defined security region for which the agency assumed responsibility;
- "b. The existence of a strong legal instrument with power to achieve its purposes;
- "c. The effectiveness of such an agency;
- "d. The consistency of such arrangements and their activities with the purposes and principles of the Charter."

45. One of the basic elements of a regional agency was the existence of a clearly defined security region for which the agency assumed responsibility. Both the Treaty of Inter-American Defence and the North Atlantic Pact described precisely the regions to which they applied, but nothing of the sort could be found in the Pact of the Arab League. That, in his opinion, was not a casual oversight but the direct consequence of two important factors: the criterion for membership in the

Arab League was exclusively racial rather than territorial, and the League followed an expansionist policy, as was clear from annexes 1 and 2 of the Pact.

46. It was absurd to base a regional security organization on a racial criterion. It was particularly absurd when applied to a region like the Near East, where there was a mixture of populations and a geographical delineation which challenged all racial criteria. The world was divided into territorial units, not into races. Thus the racial theory in the field of international relations was inherently subversive and the United Nations had paid a great price to overcome it during the Second World War. It was now being revived by a group of States and it was no coincidence that those States had admired Hitler's policies in the past. It should be noted that the area for which the Arab League considered itself to be the self-appointed guardian embraced territories which were not populated by Arabs. On the other hand, in annex 2 of the Pact, an ambiguous distinction was drawn between "Arab States" and "Arab countries". Arrangements were made for official representation of these countries in the committees of the League. That was surely sufficient indication of the racial expansion to which the League aspired.

47. It was interesting to note that the Organization of American States prided itself on not being exclusive, as could be seen from the statement made by the delegate of Brazil at the 70th meeting of the Sixth Committee. If that organization had been based on the principle of a common culture, like *Hispanidad*, rather than on a territorial principle, Brazil, Haiti and the United States of America would all have been excluded from membership and it could then hardly have been called a regional organization.

48. Furthermore, the territories of the Arab States members of the League did not constitute a region in the geo-political sense. A famous Arab scholar, Majid Khaduri, had stated in the 1946 *American Journal of International Law* (p. 770) that the Arab League was not a "comprehensive 'regional' league because its membership was not open to all States of one regional area".

49. In fact, the League did not even regard itself as a regional organization for neither its Pact nor the recent Treaty of April 1950 contained a claim for recognition as a regional agency. Such a claim had been made by the Organization of American States in article 1 of the Charter of Bogotá and the very close connexion between that organization and the United Nations had been brilliantly explained in documents submitted to the Interim Committee by the Secretary-General (A/AC.18/SC.9/L.6 (Part III)) and the representative of Cuba (A/AC.18/SC.9/L.7 (Section IV)). It was clear from the experience of the specialized agencies and of the Economic and Social Council that there was no such thing as an Arab region. Those organs all worked on the basis of a Middle Eastern region whose membership was not co-extensive with that of the Arab League.

50. Mr. Robinson next turned to consider the legal value of the Pact of the Arab League. Among its numerous provisions, those referring to security were few and ineffective and there was no explicit reference to non-aggression and mutual assistance. There was

not even a provision for a special committee to deal with matters of security. It was true that the Pact forbade the members of the League to have recourse to force for the settlement of disputes which might arise among them. If, however, an act of aggression were to take place, there was no automatic security mechanism. Only the victim of aggression could ask for a meeting of the League Council and only by a unanimous vote, excluding that of the aggressor, could the League Council decide what steps to take. Moreover, it was also provided that the execution of such decisions in each of the member States would be made in accordance with its "organic status". In comparison with the procedures prescribed in the Treaties of Rio and of Bogotá, such provisions were obviously valueless for the security of the region. In fact, the military weakness of the members of the League made its exclusiveness a factor for insecurity. Its artificial isolation courted rather than deterred aggression. Furthermore, there were no sanctions against a member State which might refuse to accept the services of the Council for a solution of its dispute.

51. The Pact was also valueless in any attempt to solve other disputes between the member States because only disputes which did not involve the independence, the sovereignty or the territorial integrity of the States could be brought before the Council of the League which could take no action without the agreement of all parties.

52. Those views on the Pact of the Arab League as a security pact were shared by Professor Michel Mouskheli² of Cairo, who had published a remarkable article on the subject.

53. The Arab League itself had implicitly recognized that its Pact was not a security pact by producing a second document entitled "Treaty for Joint Defence and Economic Collaboration". The new treaty had not, however, been signed by the Hashimite Kingdom of the Jordan and it had not yet been ratified by a single State. Its provisions could therefore be disregarded. Nevertheless, there were two important omissions in that Treaty which should be noted, since the Arab delegations had not cared to submit the text of the document to the Assembly.

54. In the first place, there was no injunction upon the member States to refrain in their international relations from the threat or use of force in any manner not consistent with the purposes of the United Nations. In the second place, the Treaty failed to stipulate that measures taken under the regional arrangement would be terminated when the Security Council had taken steps to restore and maintain international peace and security. Both those provisions were included in the North Atlantic Pact and in the Treaty of Rio and, in the light of the Arab League's past record, their omission from the Treaty for Joint Defence and Economic Collaboration was quite understandable.

55. Mr. Robinson then dwelt on the principle of effectiveness of the League which was one of the great principles of international law. He recalled that the generally accepted doctrine of the recognition of Governments was based, *inter alia*, on the concept of the

² *Al Qānūn wal Iqtisād*, June, 1946; see also *Revue égyptienne de droit international*, 1947, p. 140.

effectiveness of the Government seeking recognition. Assuming once more, therefore, for the sake of argument, that the Arab League was a regional arrangement, it was important to consider whether the League was effective. The first test of effectiveness was the ability of the organization to deal with conflicts within the area it covered and the League's record in that respect was one of complete futility. The rivalry between Saudi Arabia and the Hashimite States of Iraq and Jordan, between African Egypt and the Asian Arab countries, between Syria and Lebanon, between Jordan on the one hand and all the other Arab States on the other, all remained unreconciled. The Arab world was in a constant state of turmoil and the Arab League had been powerless to do anything about it. The most recent and most critical conflict among the Arab States was that concerning the annexation of Western Palestine by the Hashimite Kingdom of the Jordan and that conflict was still on the Council's agenda. In fact, the Arab League had proved to be a factor of little or no consequence in the political life of the region, as was confirmed by many statements from both Arab and non-Arab sources, which Dr. Robinson quoted. An example was a statement made by Mr. Jamali, chief of the Iraq delegation to the United Nations, to the effect that the meetings of the League's Political Committee in August 1950 had been completely valueless.

56. In contrast, the Organization of American States had dealt successfully with the "Costa Rican Border Incidents", the dispute between Cuba and the Dominican Republic, the dispute between Haiti and the Dominican Republic and with the situation between Cuba, the Dominican Republic, Guatemala and Haiti. Moreover, it had kept the Security Council informed of all its activities.

57. Mr. Robinson referred next to Article 52 of the Charter, which stipulated that the existence of regional arrangements or agencies was not precluded, provided that such arrangements and their activities were consistent with the purposes and principles of the United Nations. In submitting his proposal that an invitation should be sent to the Organization of American States to attend meetings of the Assembly, the representative of Argentina had emphasized that the Organization's aims were the same as those of the Charter. The same could not be said for the Arab League, and in that connexion he could not refrain from mentioning the question of aggression in Palestine. According to its own admissions (S/745) the Arab League had organized war in order to prevent the establishment of the State of Israel in contravention of the Assembly's solution. However legal theories might differ concerning the power of a recommendation of the General Assembly, the use of force against such a recommendation was certainly contrary to the principles of the Charter. The situation had been clearly analysed by the United Nations Palestine Commission which had stated that powerful Arab interests were defying resolution 181 (II) of the General Assembly and were engaged in a deliberate effort to alter by force the settlement envisaged therein (A/532).

58. In addition, the Arab League was now guilty of obstructing peace. It had forbidden its members to enter into peace negotiations with Israel and had threatened the violators of its injunction with expulsion.

It was thus the greatest factor for insecurity in the whole region. The best proof of the League's inadequacy as a force for the peace of the region was the fact that it had been totally ignored by the organs of the United Nations which had been set up to deal with the Palestine question.

59. Furthermore, unlike the Organization of American States, the Arab League did not follow the United Nations practice of holding open meetings and of publishing the results of its discussions. On the contrary, all the proceedings of the Arab League were strictly secret, and Mr. Robinson therefore concluded that the Pact was in reality aimed at aggression and not at security or stability.

60. Turning to the relationship between the Pact and the peace of the world, Mr. Robinson stressed that, while regional arrangements were primarily intended to serve the security of a given region, they were not intended to disassociate themselves from the action taken by the Security Council or any other United Nations body in pursuance of world security. When the Korean situation had come to a head in June 1950, the Organization of American States had solemnly approved the action of the Security Council and resolved to declare its firm adherence to the decisions of the competent United Nations bodies and to reaffirm the pledges of continental solidarity which unite the American States; the North Atlantic Powers had adopted a similar decision. The Arab League, however, had remained completely aloof. The Committee was well aware of the neutral attitude of the Egyptian Government in the Security Council and of the nature of the replies received from members of the Arab League. The only Arab State which had given full approval to the Security Council resolution was the Hashimite Kingdom of the Jordan, which was not a member of the United Nations and which had been threatened with expulsion from the League. Moreover, the attitude adopted by Egypt in the Security Council had been unilateral; there had been no consultation between the members of the League, despite a request to that effect by Syria, and the other members of the League had been confronted with a *fait accompli*. Mr. Robinson quoted comments from various Arab sources to show that the other members of the League resented that high-handed action on the part of Egypt.

61. Mr. Robinson summarized his arguments as follows: first, resolution 253 (III) did not automatically apply to the item under consideration and the General Assembly and the Sixth Committee retained their full freedom of action in respect of that item; secondly, the delegations which might have committed themselves at the third session to support the request of the Arab League had been led to do so on the basis of insufficient and inaccurate information supplied by representatives of the Arab countries; thirdly, the attitude and activities of the Arab League since 1948 had been such as to dictate reconsideration of any commitment which might have been made at that time; fourthly, resolution 253 (III) of the General Assembly could serve as a precedent only if the existence of two conditions could be proved: (a) courtesy by reciprocity, which was clearly absent in the case of the Arab League; and (b) that the claimant was a regional or-

ganization whose activities were in accordance with the principles and purposes of the Charter.

62. The absence of an Arab region as such made the League's claim to be a regional arrangement a contradiction in terms; the Pact of the League was not a regional arrangement because of its racial basis and the weakness of its machinery; the League had completely failed to solve inter-Arab conflicts; the League had acted contrary to the principles and purposes of the Charter in the conflict between the Arab States and Israel and its policy in the so-called "Arab countries"; lastly, the United Nations bodies which had intervened to settle the Palestine conflict had completely ignored the Arab League; the second condition therefore remained completely unproved.

63. Four more points should be borne in mind: first, the League, far from being an agency of peace, was an instrument of aggression and subversion in neighbouring countries; secondly, the League had demonstrated in the Korean crisis that it was completely indifferent to world affairs; thirdly, public opinion in the Arab countries, and still more outside them, was aware of the complete failure of the Organization; and lastly, under those conditions any United Nations action to bolster the prestige of an Organization which systematically ignored and defied it would be an act of abject appeasement of the wrong by the right.

64. He therefore maintained that the request of the Arab League should be rejected.

65. Mr. JAMALI (Iraq) stated that his delegation had hoped that the subject would be considered fairly and objectively but he had not been surprised at the attack by the representative of Israel on the Arab League. His statement bore no relation to the truth and should be considered in the light of his country's motives and intentions, which were well known. Mr. Jamali was sure that the many quotations by the representative of Israel would not mislead anyone; he did, however, wish to correct one or two mis-statements.

66. He had never said that the meetings of the Arab League's Political Committee in August were futile; on the contrary he had stated that its decisions were sane and reasonable.

67. With reference to a statement attributed to the Premier of Iraq, he pointed out that the Arab League was a growing Organization and that many people in the Arab countries hoped to see its effectiveness increase and expressed that hope during parliamentary debates on the subject in their countries.

68. Zionist propaganda had long pursued a policy of "divide and rule" and that policy had underlain the Israeli representative's references to many personal and party differences within the Arab League. Those differences, however, did not weaken the League; Arab unity, like family unity, remained a reality, despite family differences.

69. The Arab League was the symbol of a deeper reality within the Arab world whose people were strongly conscious of the fact that they had a common history, culture and interests. During the past twenty years, students and teachers from throughout the Arab world had visited Iraq, and periodicals and other publications from Egypt and the other Arab States were regularly read in Baghdad.

70. Contrary to allegations of the representative of Israel, however, the Arab League was not a racial organization, but represented an amalgamation of many races and faiths which lived together in peace and harmony. It would have been interesting if the representative of Israel had revealed the philosophy of his State, Zionism, which was entirely based on racial concepts.

71. The Pact represented the minimum of common ground among all Arab peoples; it was the first step to that common unity which Zionism was trying to disrupt. The members of the Arab League formed a compact regional and geographical unit stretching from the Persian Gulf to Egypt and from southern Turkey to the Indian Ocean; the only crack in that geographical unity was the area occupied by Israel, which constituted the heart of the Arab world.

72. The purpose of the Pact was to guarantee peace and security in the Middle East, and the League had already done much to promote that end. The Pact had been ratified by all States members of the League; the defensive agreement was merely a means to implement the Pact and its ratification was a matter for decision by each of the States concerned.

73. The Arab League was working for the freedom and independence of Arab peoples throughout the world, in accordance with the United Nations Charter, and it welcomed the co-operation of all non-Arab neighbour States which wished to join it in a policy of peaceful co-operation. As an example of that co-operation he referred to the Saadabad Pact between Iraq, Turkey, Iran and Afghanistan, which was not in conflict with the Arab League.

74. The League had been in duty bound to intervene in Palestine to save the Arabs in that country from total extermination. One million Arabs in Palestine were still homeless and destitute and had been denied the right to return to their own homes by Israel, whose representative was now basing his arguments on the principles and purposes of the Charter.

75. The records of the Arab League were published and could be inspected and criticized by anyone. The representative of Israel had tried to create an entirely false impression; there was no secrecy whatsoever regarding the intentions or decisions of the Arab League.

76. In conclusion, Mr. Jamali pointed out that the Syrian draft resolution merely requested the United Nations to extend to the Arab League a courteous invitation similar to that extended to the Secretary-General of the Organization of American States; there was no question of asking the United Nations to recognize the League as a regional organization.

77. MAHMOUD HASSAN Pasha (Egypt) regretted that the representative of Israel had raised purely political points in a legal committee. He wished, however, to clarify certain questions.

78. The representative of Israel had claimed that the question under discussion had not been exhaustively examined at the third session of the General Assembly. Mahmoud Hassan Pasha felt that the records showed that he was wrong. He further quoted an unchallenged statement by the Chairman of the Sixth Committee at the 71st meeting, to the effect that the Arab League was a regional agency whose activities were consistent

with the aims and principles of the Charter and that, at the appropriate time, it would be entitled to the same courtesy as had been extended to the Organization of American States.

79. The fact that the Pact of the Arab League had not been registered in San Francisco was not due to unwillingness on the part of the Arab States, but to the lack of technical means for registration. The Pact, had, however, been published and distributed to all the delegations at the Conference.

80. The Arab League was not asking for recognition as a regional organization as the representative of Yugoslavia had stated at the previous meeting, it was not a question of recognizing a regional arrangement, but of issuing a courteous invitation.

81. Three questions were of interest to the Committee. Was the Pact contrary to the principles of the Charter? Had the Arab League collaborated with the United Nations? Had it fulfilled its mission? From the documents before the Committee it was clear that the Pact was not contrary to the principles of the Charter and that it would serve a useful and important purpose if an observer from the Arab League, which already had close relations with the World Health Organization and the Food and Agriculture Organization, was invited to attend meetings of the General Assembly in order to harmonize the work of the League and of the United Nations.

82. Mr. MAKOTOS (United States of America) felt that two issues were involved, one procedural and the other substantive.

83. The memorandum from Israel referred to rule 20 of the rules of procedure of the General Assembly. It was the first time that that rule had been invoked in the Committee, and he hoped that the fact that the Secretary-General had thereupon distributed the text of the Pact of the Arab League and that a memorandum had been submitted by Israel would not be taken as a precedent. In the past the Committee had discussed items without feeling the need for such documents and the strict application of rule 20 could not fail to delay the Committee's work.

84. Furthermore, rule 20 referred to "items proposed for inclusion in the agenda", the item under discussion had already been included in the agenda and consequently rule 20 was no longer applicable. He quoted from the report of the Special Committee on Methods and Procedures of the General Assembly (A/937, paragraphs 15 and 17) to show that rule 20 was only intended to apply to the establishment of the agenda and not to items which had already been allocated to Committees.

85. On the substantive issue, the Committee was not called upon to determine whether the Arab League was or was not a regional organization or to pronounce on the issues raised in the Israel memorandum; that was not necessary under the Charter. Furthermore General Assembly resolution 120 (II), paragraph 5, stated that co-operation among the countries in the Middle East could assist in raising the level of economic activity and the standard of life in those countries and that it would be facilitated by close co-operation with the United Nations as well as with regional

organizations in the Middle East such as the Arab League. Mr. Maktos also referred to resolution 253 (III) inviting the Organization of American States to send an observer to meetings of the General Assembly and recalled that it had been recognized, in principle, when that resolution was discussed that the secretaries-general of other regional organizations might subsequently receive a similar invitation. He felt that such invitations should be encouraged as they would promote the work of the United Nations.

86. He therefore supported the invitation to the Arab League and would vote in favour of the Syrian draft resolution.

87. Mr. SOTO (Chile) stated that he would vote in favour of the Syrian draft resolution. In doing so, he would neglect all political considerations and consider the problem merely in relation to the United Nations Charter. His delegation felt that it was desirable that the regional agencies referred to in Article 52 should be invited to attend meetings of the General Assembly, since they fulfilled the same functions with regard to preserving peace and promoting economic development in the local sphere as the United Nations did in the international sphere. Co-operation between the international body and the local bodies would therefore be useful; that was the consideration on which the General Assembly's decision to invite the Organization of American States to send an observer to meetings of the General Assembly had been based.

88. The Committee was now confronted with a similar case. The Arab League was a regional organization whose aim, according to the text distributed by the Secretariat, was to promote close relations among its member States and to solve any political differences which might arise between them; under its Pact, the use of force was prohibited. In adopting resolution 120 (II), the General Assembly had implicitly recognized the Arab League as a regional organization in the phrase "as well as with regional organizations in the Middle East such as the Arab League". That League represented forty million people, of historical and geographical importance, who had made great contributions to the world in the fields of science, industry, art and philosophy.

89. Mr. MEJIA (Colombia) stated that the careful analysis of the Arab League by the representative of Israel and preceding speakers had convinced him of the importance of that League. The very fact that it had survived the criticisms levelled against it and the disputes between its members showed that it was an important reality to the peoples composing it. The Organization of American States, to which it had been compared, had taken 125 years of effort to reach its present effectiveness; many obstacles and opponents had confronted it, but they had been overcome by the feeling that a common destiny and purposes united the American peoples.

90. Reference had been made to Chapter VIII of the Charter; that Chapter did not lay down a model to which all regional arrangements must conform. It merely provided that such arrangements and their activities should be consistent with the purposes and principles of the United Nations. No evidence had been adduced to show conclusively that the Arab League

was not consistent with those purposes and principles. The League admittedly had defects and had not taken as active a part in international life as had other regional agencies, but these were not valid reasons for rejecting the Syrian proposal.

91. Mr. Mejia recalled that at San Francisco, certain countries had wished to eliminate all reference to regional organizations from the Charter, but that the Latin-American States had stressed the importance of such organizations, with the result that they had been

included in the Charter, in Chapter VIII. It was important that there should be close co-operation between those organizations and the United Nations, and the Assembly had therefore been right to issue its invitation to the Organization of American States. It should seek closer contact between the United Nations and all regional organizations.

92. He would therefore support the Syrian draft resolution.

The meeting rose at 5.45 p.m.