

UNITED NATIONS  
SECURITY  
COUNCIL



PROVISIONAL

Distr.

RESTRICTED

For participants only

S/AC.16/SR.6

28 May 1970

ORIGINAL: ENGLISH

COMMITTEE OF EXPERTS ESTABLISHED BY THE SECURITY COUNCIL  
AT ITS 1506TH MEETING

PROVISIONAL SUMMARY RECORD OF THE SIXTH MEETING (CLOSED)

Held at Headquarters, New York,  
on Monday, 25 May 1970, at 3.20 p.m.

CONTENTS

Study of the question examined by the Security Council at its  
1505th and 1506th meetings (continued)

Report of the Committee to the Security Council

Chairman:

Mr. CHAYET

France

Corrections to this record should be submitted in one of the three working languages (English, French or Spanish), preferably in the same language as the text to which they refer. Corrections should be sent in triplicate within three working days to the Chief of the Official Records Editing Section, Office of Conference Services, Room LX-2332, and also incorporated in one copy of the record.

AS THIS RECORD WAS DISTRIBUTED ON 28 MAY 1970, THE TIME-LIMIT FOR CORRECTIONS WILL BE 3 JUNE 1970.

The co-operation of delegations in strictly observing this time-limit would be greatly appreciated.

70-82404/A

/...

STUDY OF THE QUESTION EXAMINED BY THE SECURITY COUNCIL AT ITS 1505TH AND 1506TH MEETINGS (continued)

Mr. HILDYARD (United Kingdom) expressed his delegation's disappointment that only a few delegations had so far taken part in the debate and that even fewer had made suggestions regarding the difficult and delicate problem with which the Committee had to deal: namely, whether a special arrangement could be devised to meet the special needs of the numerous very small States which would in all probability soon be applying for membership in the United Nations. He hoped that the detailed but tentative proposals so far made would be commented on not only by members but also by Governments of the Territories which might be affected by them.

His delegation wished to put forward a proposal for an arrangement which, it hoped, would meet the needs of the small Territories and be freely accepted by them. The proposal, which would require no amendments to the Charter, was based on two fundamental ideas: first, that the United Nations should avoid creating any special category of membership, since that might have the effect of dividing Members into different groups, some more privileged than others; and, secondly, that the arrangement should be a voluntary one. The purpose of the arrangement was to meet the needs of very small States which wished to be Members of the United Nations but which would find difficulty in meeting all the financial and administrative obligations involved. It was intended to ensure respect for the sovereignty and independence of the States concerned and, at the same time, to enable them to enjoy the general benefits of membership in the Organization. Accordingly, his delegation suggested for further examination an arrangement whereby a State could voluntarily renounce certain rights (in particular, voting and election in certain United Nations bodies) but otherwise enjoy all the rights and privileges of membership. The arrangement could be embodied in a declaration along the following lines to be made by a new State at the time of its application:

"The State of \_\_\_\_\_ hereby applies for membership of the United Nations in accordance with Article 4 of the Charter. In submitting this application, the State of \_\_\_\_\_ expresses its desire to enjoy the privileges and assume the obligations of membership of the United Nations and to be accorded the protection and assistance which the

/...

(Mr. Hildyard, United Kingdom)

United Nations can provide, in particular with regard to the maintenance of its territorial integrity and political independence; and declares that it does not wish to participate in voting in any organ of the United Nations, nor to be a candidate for election to any of the three Councils established by the Charter or to any subordinate organ of the General Assembly.

"On this basis and on the understanding that the assessment of its financial contribution would be at a nominal level, the State of \_\_\_\_\_ declares that it accepts the obligations contained in the Charter of the United Nations and solemnly undertakes to fulfil them."

His delegation felt that its proposal was fully compatible with the relevant Articles of the Charter. If, in voluntary exercise of its sovereignty, a State, as part of its request for membership, renounced the exercise of certain rights of membership in a manner acceptable to the Organization and its other Members, that would not be contrary to the provisions of Article 2 (1) of the Charter, which was designed to safeguard the sovereign equality of all Members. The situation would simply reflect the free and sovereign choice of the State concerned and the recognition and acceptance by the Organization of the choice so made.

Mr. JOUEJATI (Syria) assured the United Kingdom representative that some members of the Committee had not wished to take part in the discussion until certain critical issues were resolved or at least clarified, in particular the question of whether or not the Charter would have to be amended (a point on which they would welcome the opinion of the Legal Counsel), the extent of the prerogatives of the committee provided for in rule 59 of the rules of procedure of the Security Council, and the reaction of regional groups and small States.

He would like to know how the United Kingdom representative's proposal would affect the status of the committee referred to in rule 59 and whether a State which signed the proposed declaration and subsequently changed its mind could reapply for admission to full membership in the United Nations.

/...

Mr. HILDYARD (United Kingdom) said that his Government's legal experts had concluded, after thorough study, that the United Kingdom proposal, unlike the proposal for the creation of a category of associate States, would not require an amendment to the Charter.

As to the status of the committee referred to in rule 59, his delegation was prepared to agree to the reactivation of the Committee on Admission of New Members for the purpose of giving careful study to applications for admission, since its reactivation would entail no change in procedures. At the same time, he hoped that reactivation of the Committee would not be taken to imply that the Security Council and the General Assembly would in future scrutinize applications for admission carefully and critically, rather than perfunctorily as in the past, because that would only delay the approval of applications from fully qualified States.

A micro-State which wished to become a full Member would, of course, be free to do so. He realized that many States regarded membership in the United Nations as, in effect, putting the final seal on their independence. However, the burdens of membership - particularly the financial and administrative problems that it entailed such as the staffing and maintenance of a permanent mission at Headquarters - might be excessive for small States, and his delegation had drawn up its proposal with a view to meeting the needs of such States by according them the guarantees of their territorial integrity and security provided by the Charter without imposing any unnecessary burdens on them. Under the circumstances, they might find that their interests were best served by the special arrangement envisaged by his delegation.

Mr. SAVAGE (Sierra Leone) expressed the view that it would be undesirable to make an arbitrary distinction between States which were already full Members and those which were new applicants. He wondered whether the United Kingdom delegation had considered making its proposal retroactive so as to include any existing Member States that might wish to take advantage of the special arrangement.

/...

Mr. HILDYARD (United Kingdom) said that his delegation had not studied the question of making the proposal retroactive because the Committee's mandate was limited to future applicants. However, he did not see why, with some minor revisions, the proposal could not be extended to cover present Members.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) said that the question of the relationship of the United Nations with newly emerging States was a delicate one which required further study and reflection. It would be premature to make a report to the Security Council on procedural matters, and it would be equally undesirable for such a report to embody fragmentary views. His delegation had not yet had time to formulate its position on the substance of the question on the agenda of the Committee. However, with regard to the United Kingdom proposal submitted at the present meeting, it would like to raise two points in order to facilitate the Committee's study of the problem. First, who would decide whether or not a new State would be afforded an opportunity to sign the proposed declaration? Would it automatically receive that opportunity? The second point was in clarification of a question already raised by the Syrian representative. What would be the legal force of the declaration? Would it constitute a contract between the State in question and the United Nations, or would it be a unilateral act? In other words, would it be possible for States to revoke the declaration and subsequently obtain full membership in the Organization, or did the authors of the proposal intend that there should be no possibility of changing the status of a State once it had accepted the special arrangement?

Mr. HILDYARD (United Kingdom) said that when his delegation had drawn up the draft declaration, it had not had in mind that the Security Council or the General Assembly should depart from normal practice and make distinctions in processing applications from potential new members. It was the task of the Assembly and the Council to decide what constituted a State and whether an applicant fulfilled, inter alia, the conditions laid down in the Charter, and those two bodies would therefore decide which countries were eligible to benefit from the special arrangement. It had also been envisaged that the applicant would be able to opt freely for the special arrangement.

/...

(Mr. Hildyard, United Kingdom)

As to the question of what would be the legal force of the proposed declaration, his delegation had concluded that the arrangement would be entered into freely and endorsed by the Security Council and the General Assembly. To that extent, the declaration could be regarded as a contract between the State concerned and the United Nations, and it could equally well be cancelled with the consent of both parties. The question was still being studied, and his delegation would be glad to have the views of other delegations on the matter. If a State decided that it wished to assume full membership in the United Nations, presumably no one would wish to prevent it from doing so. However, his delegation believed that a special arrangement would be extremely advantageous for a small State and would afford it special privileges of immense value.

Mr. MORALES-SUAREZ (Colombia) said that he had one comment to make on the United Kingdom proposal. It appeared that, from a purely formal point of view, the initiative would come from the applicant State, which would agree to restrict certain of its rights and privileges. In theory, that meant that the United Nations would determine the extent of those restrictions. His delegation felt that the United Kingdom proposal was of considerable interest and should be examined in detail.

Mr. ORTEGA-URBINA (Nicaragua) said that he wished to raise three points. First, would the United Nations object if a State which was able to meet the requirements of full membership and was in a position to be properly represented in the Organization wished to take advantage of the special arrangement? Second, what action by the General Assembly would be required in order to implement the special arrangement? Third, what would be the financial implications for the United Nations if a large number of countries wished to avail themselves of that type of association?

Mr. HILDYARD (United Kingdom) said that his delegation had simply suggested a contractual arrangement as a possibility which might be worth considering. The advantage of such an arrangement was that it could be terminated by mutual agreement.

/...



(Mr. Hildyard, United Kingdom)

Replying to one of the questions put by the representative of Nicaragua, he explained that his delegation had envisaged its proposal within the context of Article 4 of the Charter. The Organization could always refuse an application for membership, and it had indeed done so in the past. The possibility of making the declaration would be made known to the State concerned, but the final decision would always be made by the General Assembly upon the recommendation of the Security Council.

As for the query regarding the possible financial implications if a large number of applicants chose to make the declaration proposed by his delegation, the expense involved in the distribution of documents to new Member States would increase, but otherwise he did not foresee an excessive burden on the Organization. Most potential applicants were larger than micro-States and would not be entering into the special arrangement.

Mr. MAGENCE (Burundi) said that at the present stage his delegation was not in a position to express any views on the substance of the United Kingdom proposal. The matter was an extremely delicate one, since it bore on the question of the equality and sovereignty of States. It appeared from what had been said so far that any change in the status of Member States would in fact involve amending the Charter. That being the case, the Committee should not attempt to find a solution to the problem immediately.

Although under the Charter all Member States were equal and sovereign, there were actually two kinds of Members: the founding Members and those which had joined the United Nations after them. The former had more rights than the latter. If the Organization were to pursue a policy of placing its Members in various classifications, it would run the risk of establishing discriminatory criteria which would detract from the sovereign equality of Member States.

Mr. JOUEJATI (Syria) stressed the importance of clarifying the situation with regard to any legal instrument which might be involved in the implementation of the United Kingdom proposal.

As the representative of Nicaragua had mentioned, it was important to consider the possibility that a large number of States would wish to enjoy the benefits of

/...

(Mr. Jweijati, Syria)

membership without assuming their share of the financial burden. What criteria would be applied in deciding whether a State should be permitted to make the declaration proposed by the United Kingdom delegation? How would it be determined whether or not a State was a micro-State? Legal opinions must be sought on all those questions.

Mr. HILDYARD (United Kingdom) said that there was indeed a possibility that large States would decide to apply for the special arrangement envisaged by his delegation, and the problem must be studied very carefully.

He agreed with the representative of Burundi that it would be wrong to permit any derogation from the sovereign equality of States. However, it was not always possible, for purely practical reasons, to ensure the absolute equality of all Members. For example, some missions found it impossible to be represented on all committees. His proposal entailed no derogation from the principle of sovereign equality; it merely made provision for a State to decide, of its own free will, not to exercise certain rights.

#### REPORT OF THE COMMITTEE TO THE SECURITY COUNCIL

The CHAIRMAN said that the Committee must decide whether it wished to submit a report to the Security Council and, if so, what kind of report it should be. On the one hand, delegations needed time to consider their positions and make them known to the Committee. On the other hand, the Committee should report to the Council on the status of its work. However, since the annual report of the Security Council to the forthcoming session of the General Assembly would cover the period ending on 15 June 1970, the Committee might wish to submit its report before that date in order that it might be included in the annual report of the Council.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) said that the Committee should submit a report of some kind. However, if the Committee had not completed its work by submitting agreed conclusions or recommendations, the report should merely reflect the actual state of the work of the Committee. Besides, he could not see any direct connexion between the submission of any report of the Committee and the period covered by the annual report of the Security Council.

/...



Mr. PHILLIPS (United States of America) said that the Committee should not compel delegations whose Governments had not yet been able to formulate their views to join in any formal recommendation that the Committee might make. However, after nearly a year's work the Committee should submit some kind of report to the Security Council. He therefore suggested that it should adopt an interim report, to be submitted by 15 June.

The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided in principle to report to the Security Council on the status of its work without covering matters of substance. The report might refer to the proposals put forward during the debate; it could also state that the Committee had held a certain number of meetings and that its work was continuing.

It was so decided.

The meeting rose at 5 p.m.