CHAPTER 2

Third World States - Their attitudes towards
Uniting for peace Resolution, Domestic Jurisdiction,
Asian Representation, Recognition of a member
state, Red China's admission & Non Self
Governing Territories -

In this chapter we want to analyse the attitude of the third
world states to various world issues. The issues are -
Uniting for Peace Plan, Domestic Jurisdiction, Asian
Representation, Recognition of a member state, Red China's
admission and Non Self Governing Territories. It will be
seen that there was interest aggregation of the third world
states in some cases; there was division in other. Thus the
impact of the interest aggregation was not very significant
or effective always.

Dredging the UNCIO (United Nations Committee on Internation
Organization) Volumes we found that right from the San-Francisco
parleys, the toddling nations were treated like country cousins
whose entry was forbidden in the elite Council. The self-
imposed superiority of the Big Powers in steering the world
out of any future apocalypse created a sense of distrust
among the castaways. Bolivia, for instance, declared that
the small nations had come to the conference to show that
they trusted the Big Powers. Therefore, the Big Powers should
trust the small nations. Incidentally, the absence of that
kind of mutual trust eroded the confidence of the small nations
in the efficacy of the Security Council. The micronations
tried to bolster up the other organ, the General Assembly, in
order that their grievances were felt and voices heard. This
attempt of the small nations to bring the General Assembly
at par with the Security Council was adroitly maneuvered and
capitalized by the US which found the Security Council stymied
with Soviet "nnet". The USSR in those days looked more like a "nattering nabob of negativism" by its profligate use of the veto. By incorporating the Veto, the framers of the Charter seemed to have erred on the side of caution. The result was the passing of the historic "Uniting for Peace" resolution. The US took the small nations almost for a ride. But the move soon boomeranged in the 1970s. Because of protracted Yankee backing of the Colonial Powers, its unabashed support for Zionism and apartheid, Moscow successfully played the General Assembly off against the First World. Washington soon started grumbling against the "tyranny of the majority".

Another unifying factor was the incorporation of the Veto in the Charter. It was a kind of a divine right which the privileged powers, were, as if, born to enjoy much to the chagrin of the Third World. It was a major hurdle to world peace. Its indiscriminate use hamstring the world organization and its cancerous growth contributed to deification of the General Assembly. All the small nations were dead against it. But unfortunately the veto survived the vitriolic vituperation of the Third World. Their aggregative stance had to bow down before the "diktak" of the Big Powers.

As a part of the move to strengthen the General Assembly, the idea of the Interim Committee was sold to the Third World by the US. But it was not universally accepted. If it had functioned as intended it would have gone far to rob the Security Council of the advantages it enjoyed by reason of its compact membership and continuous functioning. Unfortunately, once again, the committee was "adjourned sine die" since 1955.

The General Assembly adopted draft resolutions on United Action for Peace on 3.11.1950 by 52 votes to 5, with two abstentions. The countries abstained were India and Argentine.
Indian and Argentine abstention seemed to be motivated more by conviction than by political opportunism. The Uniting for peace plan, a collective security measure usually belonging to the domain of the Security Council was necessitated by the inaction of the Security Council. Because of the paralysis of the Security Council the problem of peacekeeping was transferred from the Security Council to the General Assembly. The Third World countries voted for the Uniting for peace plan in a body. The plan was conceived by the U.S. but could not be carried through the Security Council because of Soviet boycott. The reason why most of the Third World countries voted for the resolutions sponsored by the U.S. was that they felt that an aggression had taken place in the Korean peninsula. It was their bounden duty to contain aggression at any cost. It was an opportunity to wrest peace keeping powers away from the Security Council, a chance of righting a wrong, of giving a rebuff to the exclusive and elite body. Destiny of the Security Council was buried in the syllables of the Veto. More often than not Soviet "nyet" stymied the Security Council. The adoption of the plan marked the ascendency of the General Assembly over the Security Council. The old Yankee doodle pride of the U.S. was puffed up for the time being but soon to its consternation it realized that by mining a popular vein of resentment against the Security Council it created a Frankenstein's monster. The Assembly did not award itself any such Mandatory powers as the Council enjoyed under Article 25. It merely equipped itself with a specific procedure for exercising its own undoubted right, under Article 11, to recommend action.

A year later Venezuela observed in the 345 Plenary Meeting dated 15.11.51, that when in July 1950, the aggression against the Korean Republic occurred, Venezuela reacted by condemning that flagrant attack, as did various other
Members of the U.N. The reason for that reaction was obvious, since such an attack was clearly inconsistent with the purposes and principles which Venezuela undertook on signing the Charter at San Francisco. Collective Security action by the Organization, which was put to the test for the first time, was evolving in Korea in a spirit of unshakable and evergrowing determination ......... (1)

Only an unshakable determination to repel the aggressor made it possible for the system of co-operation which had to be hastily improvised in Korea, to yield practical results. To that end, in order to obviate any need for improvisation in the future, the G.A. adopted, at its fifth session, the resolutions 377 (V) entitled Uniting for Peace. That resolution set up the Collective Measures Committee, of which Venezuela had the honour to be a member.

Turkey felt that the veto and spirit of distrust continued to paralyse the efforts made for an effective resolution of armaments and the creation of the armed forces provided for in Chapter VII of the Charter. (2)

In spite of these obstacles, the majority of the U.N., refusing to be discouraged, sought and found in the Charter itself ways and means of making the Organization work more effectively and suitable methods of strengthening collective security. The resolution 377 (V) entitled Uniting for Peace, adopted by the G.A., was an encouraging example in this direction. Members must endeavour to make the machinery thus created in 1950 more effective and, in this connexion, the indications were given in the report of the Collective Measures Committee.

1. Official Records Page:139. 3.45 Plenary Meeting
There were some who thought that the action under the Uniting for Peace resolution was a departure from the path expressly laid down in the Charter, but to Nepal there was nothing in the resolution itself that would interfere with the effectiveness of the action of the S.C. if only the Council showed itself capable of action. That was an oblique Nepalese dig at the impotence of the Security Council as well as the travesty of the Veto.

As a result of the Uniting for Peace resolution, the G.A. had been given a say also in matters of using collective machinery for maintaining and restoring international peace. It was true that the Assembly decisions were not binding on the Member States in the same way as the decision of the S.C. was, but the Assembly could make recommendations to Members, in the case of an armed attack, to rescue the victim, even by means of military assistance. The importance which even the Big Powers attached to this possibility was best demonstrated by the fact that when a resolution was vetoed in the S.C., it became customary for one of the other of the permanent members themselves to have the matter referred to the G.A. Despite this it might also be regarded as one of the few really encouraging features, because so far as the effectiveness of the U.N. as a world organization was concerned, it showed the increasing importance of moral factors.

Other Third World states who aired their views on this score held same sentiments. None voted against the resolution. This was the beginning of Assembly supremacy aided and encouraged by the First World but incidentally the process bounced back like a boomerang and the leader of the First World referred to the "tyranny of the majority" in disgust.

in the 1970s. The US media mocked the proceedings in the G.A. as those of a Kangaroo Court. Moynihan called the G.A., "the theatre of the absurd".

U.S.A. took initiative in getting the uniting for peace plan adopted as it wanted to shift the centre of gravity from the S.C. (where there was Soviet Veto) to the G.A. where there was majority at that time of Pro-U.S.A. members. Later when the Third World states in the G.A. increased in number and started taking independent stands on world issues without following the U.S. line, U.S.A. complained of "tyranny of the majority." On this issue there was a kind of interest aggregation among the Third World states for various reasons, as explained by different Third World states. But the interest articulation was not very vocal nor effective. Had it been so, the uniting for Peace Resolution might have had a more creative and -- constructive role leading to the establishment of supremacy of the G.A. over the S.C. even in matters of peace and security. In the context of the present world politics this may be a distant goal. Still the interest aggregation of the Third World states on such an issue may be viewed as humble but healthy beginning of a process which might sow the seed of a new world order.

**Article : 2 (7) - Domestic Jurisdiction**

By and large the Third World was very sensitive on the domestic jurisdiction issue. It was a kind of the sacred cow that everyone venerated and jealously guarded against any possible international assault. The reason for its deep-seated fear might be the interference syndrome. The Third World nations, militarily as well as economically weaker than their First or Second World counterparts, felt that they were prone to be victims of external interference in their domestic jurisdiction, so long as the doctrine of non-intervention was not consecrated
and honoured. In fact many of them would not have signed the Charter if Article 2, paragraph 7 was not inserted. It was a kind of poor man's insurance against the Strongman's bullying or arm-twisting tactics.

This clause was a "must" for the Latin American Banana republics in order to insulate the Big Brotherly habit of Uncle Sam propping up puppet regimes in that region. They were not scared of any other intervention. The US took Latin America for granted—ignoring it when possible and otherwise treating it with the arrogant condescension usually reserved by big brothers for uppity younger siblings. South of the border Mexico lost half its territory to the US in 1848. But the Afro-Asian nations were not only frightened by the ex-colonial metropolitan Powers but the Super Powers as well. Incidentally, the domestic jurisdiction clause could hardly prevent intervention. The Super Powers tempted to intervene wherever the geopolitical stakes were great.

In a sense the domestic jurisdiction clause could be compared to the veto, non-inclusion of which (veto) would have balked some Big Powers from signing the Charter. Since the doctrine of non-interference seemed to be a vital condition for the defence of sovereignty of the weaker nations, interests of the Third World states got aggregated and articulated in the retention of the Article 2, paragraph 7. They of course did not mind in parting with a slice of their sovereignty, the things that were Caesar's over which they wanted to hold exclusive sway, to the General Assembly, in matters of Fundamental Human Rights or of situations that might have international repercussions. Interesting to note in this connexion is the fact that South Africa took refuge under Article 2, paragraph 7 for its apartheid policy while other nations denounced and demanded the abrogation of the clause on the ground of violation of Human Rights and of creation of
situations that would have International bearing. The G.A. authorized economic sanctions against South Africa in the 1960s for its apartheid policy which South Africa repudiated on the ground that the G.A. had no competence to deal with matters domestic. S. Africa even successfully flouted the 1971 decision of the International Court of Justice when it ruled that S. Africa had no right to rule Namibia.

To El-Salvador a guarantee against interference with the free exercise of sovereignty in its internal affairs by any state, was written into the Charter in Article 2, paragraph 7. This was a most emphatic acceptance of the principle of non-intervention which was first recognized by twenty-one American Republics in the convention on the rights and duties of the states, signed at Montevideo in December 1933.

The El-Salvadorian delegation would not have signed the Charter unless its text contained a most precise recognition of the principle of non-intervention in the internal affairs of States. It felt that this principle, as embodied in paragraph 7 of Article 2 of the Charter of the U.N. was a guarantee of the freedom and independence of the smaller nations which they did not surrender to any international Organization, or to any foreign State.

El-Salvador maintained that peace could not prevail without justice; therefore, the principle to which it referred should not only be applied to the States that were Members of the U.N. but to all States without exception. The Christian principle of "do unto others what you would have others do unto you", should be strictly applied. The principle of non-intervention in the internal affairs of States would henceforth be respected by the U.N. and that no undue interference in the internal affairs of any sovereign nation might ever be consummated.

Meeting
The Indian delegation felt concerned about what appeared to be an excessive eagerness on the part of some Member States to invoke the domestic jurisdiction clause of the Charter (Article 2, paragraph 7) whenever a certain type of question was raised. This was an oblique reference to South Africa which used the domestic jurisdiction clause in its defence against the Indian charge of maltreating people of the Indian origin in South Africa. India had no desire or power to dispute the sovereignty of a Member State or to attempt to interfere, through the U.N. medium or in any other manner in their internal affairs. It knew the meaning of interference and would resent and resist as firmly as any other country.

It must be recognized, however, that every international question might be regarded as having a national aspect, and nobody could afford to permit a Member State to evade its obligations, remarked India.

Chile did not find any text defining what was meant by a question falling exclusively within the jurisdiction of States, but of one thing the Chilean delegate was certain that the State concerned could not itself be the sole judge of whether a given situation was within its exclusive jurisdiction, for that would enable any state to evade the fulfilment of its international obligations.

It was not possible, to say precisely what matters were within the exclusive jurisdiction of States. On the other hand, it was possible to know when a matter was not within the exclusive jurisdiction of States; it was when the matter in question was the subject of an international agreement, whether bilateral or multilateral. The international law created by conventions and agreements among countries, removed a number of questions from the exclusive competence of States. In the past, the slave trade, the white slave...
traffic and the traffic in narcotic drugs were regarded as questions falling exclusively within the domestic jurisdiction of States, but agreements of an international character brought these matters within the competence of international law.

Since the adoption of the Charter, all fundamental human rights formed part of international law, since they were included in that multilateral treaty, the Charter. For the idea of respect for fundamental rights and freedoms and the idea of non-discrimination on grounds of race, sex or religion, were to be found in the Charter.

Chilean delegate continued that in 1949 the Assembly recommended by more than 50 votes that the Soviet Union should put an end to a situation which involved an infringement of fundamental human rights in respect of the right of married women to leave the country with their husbands. The text of that resolution had been submitted by his country and was supported by the U.K. delegation before the Assembly. The U.K. was at the head of the movement, initiated by the Economic and Social Council to discuss the question of forced labour in a number of countries. Incidentally, the Soviet Union considered in 1970s the matter of allowing people of Jewish origin to migrate to Israel as one falling within the domestic jurisdiction of that country.

Chilean delegation wished to speak on this matter of competence, first, because it thought it was entitled to do so, considering that, ever since 1946, and even in cases in which his country was involved, it maintained that the Assembly had competence in cases of infringement of fundamental human rights.
In Mexican opinion there could be no doubt that all matters which were part of the substance of an international covenant such as the U.N. Charter had by that very fact ceased to be essentially matters within the domestic jurisdiction of States. (1)

Lebanon felt that questions of international peace and security should override every question of domestic jurisdiction and that no nation could create with impunity, even within its own internal jurisdiction, a "situation which might lead to international friction or give rise to a dispute", and then take shelter under Article 2, paragraph 7 of the Charter. Thus the domestic jurisdiction clause was limited not only, by the enforcement measures of Chapter VII of the Charter, but also by the provisions of the pacific settlement of disputes under Chapter VI, and in particular by Article 34. No nation could do just what it pleased under its own laws of such action really endangered, or was likely to endanger, the maintenance of international peace and security. (2)

From the very outset the U.N. had included in the Charter the defence of human rights as one of its primary objectives, and human rights could not exist unless the principle of non-discrimination were defended. (3)

It had been argued, in contesting U.N. competence in the issue of racial discrimination, that it involved the risk of a loss of sovereignty for member States and that the organization would be introducing into the reserved field of domestic jurisdiction. The reply to that argument was that

3. Official Records 35th Meeting, Date 27.11.1953, Page:176
the U.N. was neither a super-State nor an organization based on a federal power and problems were resolved by the legislative or judicial organ empowered to deal with them by the federal covenant or constitution.

Colombia opined that the very principle of national sovereignty was that each people was free to conduct its own affair as it though fit. Such matters like the form of government, the conduct of elections, the collection of taxes, or the regulation of sales of alcoholic beverages were exclusively within the jurisdiction of state. There could be no doubt that the question of racial conflict in the Union of South Africa was not a dispute between two or more States; it was essentially a national problem. The observations submitted to the Commission might have been prompted by purely humanitarian motives, but that was not the point at issue. The question was whether the U.N. could be transformed into a tribunal which, in one way or another, would hear unauthorised spokesmen who were solely representative of political minorities. The question was of concern to all Member States and more particularly to Small States which did not play a leading part in international events, since they might one day be the victims of external interference which would limit their sovereignty. (1)

The only point at issue was the racial situation in the Union of South Africa, which was a nation organized along constitutional lines and having independent international status.

South Africa reminded that there were spheres of national activity into which this organization could not legally intrude. This was the clear injunction inscribed in Article 2, Paragraph 7, and it was because of this injunction

that the smaller countries found it possible to accept the Charter in its present form ...(1)

Yet the U.N. at the instance of a voting majority, consistently intervened in matters in which it was enjoined by the Charter not to intrude.

Ecuador recalled that there was scarcely any matter of international law which did not at the same time involve the domestic jurisdiction of Member States. The reason for that was that it was in fact in the exercise of its national sovereignty that a State accepted or contracted international obligations. By doing so, it voluntarily limited its sovereignty. If that were not the case, international treaties would have no value, for respect for the obligations arising out of them would depend on the arbitrary will of the signatory States.

Respect for human rights was one of those questions which, while within the domestic jurisdiction of States, was equally a matter of international law. It had been dealt with in a multilateral treaty, the U.N. Charter; and consequently any attack on human rights was within the competence of the U.N.

What are matters within 'domestic jurisdiction' - is a controversial issue. Most of the Third World States' emphasis on this clause was to protect their sovereignty from foreign interference. They tried to specify what were not matters within domestic jurisdiction. Colombia apprehended that by laying its hand on matters domestic the U.N. one day might grow into a tribunal and patronize political minorities.

1. Official Records 442nd Plenary Meeting
Dated : 23.9.53
Page : 103
The awful growth of the U.N. might also spell disaster to the non-leading small nations. S. Africa's steadfast support for the domestic jurisdiction was a ploy to defend its vexing apartheid and racist policies.

Similarly by invoking article 2(7), many countries, mostly Third World nations, keep their doors shut in matters of child labour. According to an I.L.O. report in 1979 more than 55 million children under 15 were being exploited as workers in violation of the minimum age of 15 set by a 1973 I.L.O convention that has been ratified by 15 countries. In the vast majority of cases working children are either unpaid or receive negligible wages. It is time the Third World should stop this horrendous practice.

Domestic jurisdiction issue is a highly controversial one. What are matters within domestic jurisdiction and what are not should be clearly indicated. Third World States are afraid that without this clause their sovereignty may be in peril. On the other hand, this clause may be a plea or an excuse for violation of international law and human rights. A balance or harmony between the two should be achieved and the Third World states should take initiative in the matter.

Asian representation in U.N. bodies

Peculiar moral shibboleths were peddled at the time when the new world organization saw the light of the day. It was the historical and consequential prerogative of the Big Powers to devise ways and means to run the U.N. effectively. In a subtle political rub out, smaller nations were kept outside the periphery of its peace-keeping organ. In order to ensure world peace and alay their own mutual distrust
and fear, the veto became institutionalized. But veto soon virtually stalled all U.N. activities and the Security Council looked like an obsolete contraption. The impasse was averted somehow by adopting the historic Uniting for peace resolution which released the nagging necessity of peace-keeping from the S.C.'s flint-hard tentacles. Destined once to play the second fiddle role, the General Assembly seized the opportunity to stretch itself. Like a self-winding adult it grew with the new responsibility. With the swelling of its membership the festering resentment against under-representation finally broke into a shrill serenade of verbal roasting in which glaring unequal and discriminate representation surfaced ominously. The G.A. became a volatile political dynamite, proved difficult to be defused while the S.C. seemed off to a hybernation. But the question of Asian representation in the S.C. soon became mired in muddy loch of contiguous issues like geographical representation, particularly of Africa, and representation in various other U.N. bodies like the ECOSOC, ILO, WHO, IMF etc. Concession of any of these demands or all of them meant revision of the Charter. On persistent pressure the Charter was revised to make it broad-based, more progressive and down to earth. On the representation point the Third World stood on a solid plank of solidarity and proved that it could do an awful lot better than hitherto anticipated by aggregating its disparate members' interests. But that kind of synergistic action was born out of interest aggregation only. The inveterate interest of all the smaller countries was to strengthen the U.N. structurally because it provided a kind of shield against naked aggression and also a kitty for technical and financial aid. Since the S.C. was out of bounds to them, the G.A. and its subsidiaries were their preserve.
India sought to draw the Assembly's attention to the position of Asia in regard to the U.N. Asia had a population of 1,275 million. It occupied an area of 9,423,000 square miles, and the whole of this territory, with the exception of less than 500,000 square miles, and some 14 million people, was represented in the U.N. \( ^{(1)} \)

If Asia was regarded as strictly excluding the Middle East and restricted to East, South-East and Northern Asia, there was no Asian representation. But, of course, if the Middle East was to be included in the geographical definition of Asia, then it would become necessary to include Eastern Europe in the definition of Europe. It would also be necessary to include Latin America in the definition of America. \( ^{(2)} \)

But, out of the twenty new Members, eleven came from these areas - the unrepresented areas. Therefore, if there was an enlargement, the whole of this enlargement must go to that area.

When the U.N. was considering questions of security, when it was considering the functions of the S.C., just as geography could not be brushed away, so a large weight of population could not be brushed away. 1,304 million people lived in Asia in 1951 out of a total world population of about 2,300 million. There was Africa, with a population of 200 million, and from which there were four Members in the U.N.

Western Europe had three seats: the U.K., France and one non-permanent seat. There were three seats for 161 million people: that is, one for 53,600,000 people. It would be very difficult to adopt the argument of the nineteenth century that one European was equal to ten others. The Netherlands was elected twice, Belgium was elected twice.

which meant there were more seats there, comparatively speaking, than people to contest them, otherwise no country would be elected twice, where in every other part of the world the difficulty was to make it go around once.

There were 319 million people, including the nearly 200 million in the Soviet Union, for whom there were two seats provided. On the continent of America, there were 348 million people and there were three seats, and four when Canada gave a seat to the Commonwealth. So the representation in the S.C. was very disproportionate. There were 505 million people in the Commonwealth nations, for whom there was one seat. That was excluding the U.K. seat, which was permanent.

If India were, for example, to seek election through a group of Asian countries, then it would be there, under existing calculations, once in twenty-six years. Furthermore, in view of the political changes taking place, in three years' time India would be here once in thirty-six years.

Therefore, to sum its position, India thought that any such amendment should take into account geographical distribution as one of the factors. Secondly, any changes must correct the present imbalance and maintain the proper balance of populations, not necessarily mathematically, but taking this factor into account.

Thirdly, it was necessary that countries which, by and large, could be said to be able to express the views or the sentiments of groups of countries, or through which those sentiments could be channelled - should be represented in the S.C.

Fourthly, the existing representation, which ignored the 525 millions of China, must be rectified.
Without including Chinese representation in the S.C. out of eleven places, Asia had two places. In E.C.O.S.C. out of eighteen places Asia had three places. On the international Court of Justice, out of fifteen judges, two were Asians. In the Secretariat, out of a very large number of persons, taking all grades and excluding the personnel of Nationalist China, there were 150 Asians. That was the position of Asian representation in the Assembly. It was not possible to bring about equilibrium with a background of disproportionate representations.

Philippines protested that it was the anomaly that Asia was not represented among the non-permanent members of the S.C. and it was an injustice to the people of Asia who achieved independence since the drafting of the Charter.

In San Francisco, the great Powers arrived at an understanding according to which Latin America was awarded two non-permanent seats and Western Europe, Eastern Europe, the Middle East and the British Commonwealth, one seat each. No place was reserved for Asia. Indeed Asia at that time, in the eyes of the representative in San Francisco, did not exist as a separate geopolitical entity.

Philippines wanted the U.N. to give them their rightful place in so important a body as the S.C.

Ceylon observed that the whole Middle East was represented by one Member, while Africa was unrepresented altogether. Africa was on the march, and there was a number of self-governing, independent units like Egypt, Ethiopia, Liberia - and the number was increasing. The whole of South Asia was unrepresented. The only part of Asia that was represented was the Far East, and that was represented by
the Nationalist Government of China. (1)

In the case of the Asian or African region, it was no good to let the Western Powers decide who should represent them. There must be a gentlemen's agreement according to which the Asian or African countries would decide the matter.

Sudan argued that it was worth mentioning that when the S.C. was formed and when seats were allotted in the Council there were some continents which had barely any independent Status and therefore any membership in the U.N. Therefore, they were not taken into consideration when the allocation of seats in the S.C. was agreed upon by the Member States at that time. For carrying out the purposes of the U.N. and for ensuring world peace and security, the seats in the S.C. after the increase in membership, should be distributed on a geographical basis, and more than that, on a prorata basis according to the Member States in each geographical area.

According to Syria Western Europe was too heavily represented, and this at the expense of Asia, Africa and Eastern Europe. The Commonwealth countries always got a seat. It was not easy to locate geographically where the Commonwealth was. Geography sometimes could lose some of its real meaning. For example, at one time Turkey sat in the S.C. as a country from Eastern Europe and at another time as a country belonging to the Middle East; at least that was how its election was understood. Perhaps its election could also be understood as that of a member of the North Atlantic Treaty Organization, since the North Atlantic - if not geographically, at least in other respects - was extended far and wide to cover the Taurus mountains North of Syria. (2)

   Page: 701
2. Official Records 622nd P.M., Date: 17.12.1956
   Page: 713
Indonesia noted that in the ten years since the conclusion of the so-called gentleman's agreement, no fewer than twenty-nine countries, including seventeen from Asia and Africa, were admitted to the Organization. In this respect, this re-emergence of Asia and Africa brought about a change, if not a shift, in the relations of various States with one another, just as it brought about a change in the appearance of the Organization itself. (1)

Certainly, in the light of this, the role of new Asia and new Africa in world affairs could no longer be ignored. The effective functioning of the U.N. demanded that they be given their due and indeed realistic representation in all its organs.

After San Francisco, Iraq heard about a gentleman's agreement. It had no idea who the gentlemen were who had made the agreement nor did it know the terms of that agreement. There were exactly eleven Arabic-speaking Members of this Organization out of eighty Members. Should there not be a gentleman's agreement that one or the other of these eleven States should always have a seat in the S.C., asked Iraq. (2)

It wanted to know, what countries were included in Eastern Europe and what countries were included in Southern Europe, because the seats according to the amendment were divided according to Southern Europe, Eastern Europe and Western Europe? In what category did Greece, for example, fall? Was it an Eastern European country or was it a Southern European Country? To what continent did Turkey, for example, belong? Did it belong to Asia or did it belong to Europe?

While favouring to establish a Committee to look into various aspects Nepal demanded that if the non-permanent membership of the S.C. was increased from six to eight. African States should have three seats; Latin America, two seats, and Western Europe, Eastern Europe and the British Commonwealth, one seat each. That would be the only logical way of increasing the membership of the S.C. (1)

According to Guinea, in 1945, Africa was represented on the international scene in a purely symbolic manner. Only three African States took part in framing the U.N. Charter at the San Francisco Conference. With the recent admission of Sierra Leone, there were now twenty-six independent African States in the U.N. (2)

It was vital to ensure equitable representation of Africa and Asia in the S.C., the Economic and Social Council and all that could be achieved by two methods which it considered complementary: by redistributing the existing seats - this could be done at any election - and by increasing the membership of those organs. Such an increase would of course require amendment of the Charter as provided in Article 108.

If Africa and Asia were to make their fullest contribution to the activities of the U.N. a fundamental revision of the Charter would of course be necessary. Such a revision would have to take into account emergence of numerous States from the ruins of the old empires, the existence and vitality of the Socialist countries, and the great awakening of a large number of States that were non-aligned but were fully dedicated to the realization of the noble aims of justice, equity and co-operation, which were the essential basis for the maintenance of international peace and security.

2. Official Records 1020th P.M., Date: 2.10.1961 Page: 168
The trusteeship system should simply be abolished, since in practice it proved less conducive to the rapid emancipation of subject peoples than did the classical system of colonization by individual powers.

As regards the S.C., Guinea continued, account should be taken of the fact that the concept of greatness, as it was defined in 1945, was to some extent obsolete. It was well known that, at that time, certain countries were considered great mainly on account of their colonial empires, which had since collapsed. If the veto must be preserved, then Africa and Asia must be made full associates, so that they could bring their votes and the immense weight of their intact moral authority to bear on the settlement of major international questions.

With regard to the functioning of the organization it was extremely important that Africa and Asia should have equitable representation in the Secretariat, and that the latter, in order to play its full part should at all costs cease to be at the service of any bloc, any group of powers, or any particular policy within the Organization. Naturally, this involved the responsibility of all Members of the Organization, and of the S.C. and the G.A. in particular, concluded Guinea.

The stand taken by the Third World States on the issue has been given effect to by the amendment of the Charter in 1965 when the membership of the S.C. was raised to 15 (10 non-permanent and 5 permanent). Out of the 10 non-permanent members the representation is follows:

Five from African and Asian States.
Two from West European and other States.
The point of expanding Asian representation in the U.N. bodies raised by Third World states in 1956 thus became effective in 1965. That means that the Third World states, if they can make effective interest aggregation, can have a solid say on vital organizational issues. The amendment also extends the Asian and African representation in the E.C.O.S.O.C. - originally E.C.O.S.O.C. was composed of 18 members (Article 61) elected by the G.A. - there was no provision for geographical representation. The amendment lays down that the number of members of the E.C.O.S.O.C. be raised to 27 (18 + 9) - one third to retire after three years - out of these additional 9 members, 7 members will be from African and Asian states, one from Latin American States and one from Western European and other States. It follows therefrom that on non-vital issues interest aggregation among Third World states may yield fruitful results. But where vital questions of power politics and Big Power involvement are concerned, Third World states, even if they can have interest aggregation and articulation, cannot make their say effective. Nevertheless it can create a kind of world public opinion which may -- ultimately be genuine weapon for peaceful change.

Recognition by the U.N. of the representation of a Member State:

The central theme of the debates on representation and recognition of a member state by the U.N. was hewed to -- substance and procedure. Stated in clear terms they meant the essential ingredients of statehood that the G.A., the most representative organ of the U.N., should acknowledge. The African wing of the Third World did not join the organization in those days. The handful of countries that took part in the discussions and later on became known as Third World nations were mostly Latin. There was divergence
of opinion as to what criterion should be applied to
determine whether a particular nation had achieved
statehood and therefore was eligible for U.N. recognition.
The idea of effective authority, though sold to many of
them, was not unanimously favored as Costa Rica pointed
out the case of Manchukuo in the League era. Countries
like Bolivia and Paraguay demanded expulsion of de-facto
governments. Argentina wanted to disqualify the govs.
in-exile. The reason for the Latin outcry against de-facto
regimes and govs. in-exile seemed to be the frequent
changes of governments, often by military coups or putschs
in that part of the world. Also the Latin Americans often
resented the paternalistic hegemony of the "Colossus of
the North". If every a region was born and bred for Yankee
scare it was S. America. India, on the other hand an
exponent of effective control, was supported by El Salvador
among others when it reiterated that observance of Human
Rights and other charter obligations was an integral part
of recognition. Brazil doubted the desirability of framing
a set of recognition rules. Similarly Thailand preferred to
deal with each case on its merits rather than to establish
a set of criteria. In fact there was no consensus reached
afterwards. Each application was viewed from the Super
Powers' interests and many countries found the door of the
U.N. slammed against their face for no fault of their own.
Red China for a longtime was denied recognition. The way
the deadlock in the S.C. stymied admission in the cold war
days seemed to suggest that the world organization would
remain an elite body for sometime beyond the pale of the
most of the Third World nations. Gradually the diplomatic
chill turned into a spring thaw and recognition became a
matter of routine. As for procedure, the Third World
unhesitatingly endorsed the G.A., the Central authority,
to judge and review the recognition question. Creation of another organ for this purpose would likely to complicate things and give rise to instances of over lapping and non-coordination. This was another effort at equipping the G.A. with recognition powers so that their newly independent brethren did not stumble into the oublieette of bi-polar estrangement.

In the 18th meeting of Ad-hoc Political Committee, dated 20-10-1950, Cuba submitted a draft resolution on Recognition by the U.N. of the representation of a Member State, underlying three fundamental aspects:

i) it was necessary to determine the Criterion according to which the U.N. would decide questions which might arise with regard to the representation of a Member State;

ii) a procedure, or method must be established which would permit the Organization to apply the Criterion to specific cases that might arise and to solve them properly;

iii) the effects resulting from the decision taken on the problem would have to be determined and delimited.

The conditions to be met by the Government holding or claiming such representation would make possible an objective decision regarding the capacity or right of that Government legitimately to represent the Member State in the U.N.

The first condition concerned the Government’s effective authority over the national territory. That condition was complemented by the second, which was the general consent of the population. A third was the government’s ability and willingness to co-operate with the U.N. and to observe its principles; was an obviously essential condition for any
government claiming to represent any Member State. However, the government should also be capable of such co-operation and capable of fulfilling the State's other international obligations. The final condition was that in the exercise of its authority the State should respect human rights and fundamental freedoms. (1)

Uruguay, like the majority of Latin American States, regarded respect for international law as an essential prerequisite. No government established with the illegal intervention of another State could be accepted by an international organization. That proposition was a logical consequence of the universally accepted Stimson doctrine on the non-recognition of situations arising from the violation of international law. The establishment of a government with help from abroad would be a violation of the purposes and principles of the Charter, which proclaimed the right of self-determination and prohibited the intervention of one State in matters within the domestic jurisdiction of another. A government so established could not be accepted by the U.N. (2)

Many attempts had been made to establish a body of rules to govern decisions determining whether or not a government fulfilled the conditions on which recognition depended, and many writers had asserted that such a question should not be left to the discretion of governments; observed Uruguay. (3)

The Brazilian delegation considered that the Committee should decide the preliminary question of whether it was desirable to establish rules regarding the legality of the representation of Member States in the U.N. and then seek further guidance to enable it to solve the problem. (4)

   18th Meeting dt.20.10.50 P.112
   19th Meeting dt.21.10.50 P.121
   dt.21.10.50 P.121
India insisted that any government sufficiently stable to continue to function as the permanent and established government of a country was the spokesman for that country's people and could therefore claim to represent it on outside bodies. A change of government need not break the continuity of a State. Through a stable government, the U.N. could come into contact with the people of a State and vice versa. Consequently, the questions which arose were whether the government of a State seeking admission to the U.N. was sufficiently stable, exercised effective authority over the territory, and was obeyed by the majority of the population. Those were questions of fact. If the prerequisites of stability and permanence existed, the question of the recognition of representation should ultimately be decided by the G.A.

A further question was whether it was necessary to prove that a government was able to fulfil the purposes of the Charter and to carry out the consequent international obligations. In Indian view, if the previously mentioned prerequisite of stability was present in a particular state, the government of that State was entitled to recognition by the U.N. If it should later be established that the Government in question was violating the provisions of the Charter and failing to observe human rights and fundamental freedoms, the Charter laid down the steps to be taken. (1)

Bolivia maintained that changes of government were by no means unusual. There were de facto governments in Latin America, the existence of which had given rise to local and regional problems, but there had been no need to bring those problems before the U.N. because they had not had world wide consequences.

Bolivian delegate felt that establishing a list of criteria for the recognition of the representation of a Member State was a negative method which would limit the future development of the U.N. There was also the question of what organ of the U.N. would be competent to take a final decision in case of a conflict regarding the representation of a Member State. There might be a conflict between the S.C. and the G.A. The G.A., however, had the right to delimit the competence of another organ of the U.N. observed, Bolivia. (1)

Costa Rica debated that the criterion of the exercise of effective authority over the national territory raised a fresh problem. Although it was an equitable idea the application of that principle alone might well be inequitable. There were many examples of governments effectively controlling the national territory whose authority would be attributed either to the people's inability to revolt or to the support assured them by a foreign State. One such example had been that of Manchukuo. The government of that country had certainly exercised effective authority over Manchu territory, but it had been able to seize power only by violating the provisions of the Convenant of the League of Nations, an organization analogous to the U.N. If the criterion suggested in the Cuban draft resolution were to be applied, a government such as that of Manchukuo would have to be recognized by the U.N. and could be admitted to membership - an unthinkable situation. Thus, the criterion of physical control of the territory alone applied with no regard for the principles of justice, of the legitimacy of the government and of the effective participation of the people in the administration of their territory, was inadequate. Thus Costa Rica differed with the Indian stand that pleaded effective control alone could be the criterion of recognition. (2)

2. Official Records Ibid Page 130
El-Salvador observed that it was in fact quite normal that before recognizing the representatives of new government, the U.N. should make sure that the government in question exercised effective authority over the national territory and that its authority was based, not on the obedience of the population, but upon its general consent. The delegation of El-Salvador shared the Cuban delegation's view that the "ability and willingness (of a government) to achieve the purposes of the Charter, to observe its principles and to fulfil the international obligations of the State" must also be taken into account.\(^1\)

If, under Article 6 of the Charter, a Member which had persistently violated the principles of the Charter could be expelled, then logically the G.A. had the right not to recognize the representatives of a new government which was unable or unwilling to co-operate in that task of U.N., observed El-Salvador.

Venezuelan delegation felt that it would be appropriate to establish a criterion for determining whether a given government was qualified to represent a Member State, and that the G.A. was the appropriate organ for doing so.\(^2\)

Mr. Chaves (Paraguay) felt that the problem might be summarized as follows: what should the U.N. do when one of its organs or specialized agencies challenged the right of a State with a new de facto or revolutionary government, established as a result of internal developments, to representation on that body?

Two questions were involved: first, the question of competence, in other words, the question as to which organ of the U.N. was competent to consider the problem; and

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1. Official Records 21st Meeting, Date: 25.10.1950 Page: 139
secondly, the question of the criteria to be applied in determining the government's right to be represented.

With regard to the first point, his delegation felt that it would be advisable to leave the solution of the problem to the G.A., in that way, the procedure would be centralized. Generally speaking, it was difficult to draw up a list of criteria which would be universally acceptable and applicable. If the Committee succeeded in drafting such a text, the delegation of Paraguay would support it. If that were not possible, it would merely uphold the argument that the G.A. was competent to take an appropriate decision in each particular case. (1)

Argentina demanded that the criteria must be very general; de facto governments must be excluded from consideration except in special cases; individual recognition of the government by another lay within the sovereign jurisdiction of each State and was therefore not dependent on action of the U.N. The case of governments-in-exile was to be excluded. (2)

Chile remarked that the Cuban draft resolution differed from the U.K. draft resolution in its enumeration of the criteria for recognition by requiring, in addition to effective control, the general consent of the population, rather than the obedience of the bulk of the population, Mr. R. Frei would have liked to support the more idealistic terms of the Cuban proposal. On the other hand, very complicated machinery would be required to verify the degree and nature of such consent even in countries where governments had been established as a result of elections or plebiscites.

In those respects, the U.K. proposal was more practical as it spoke of effective control rather than incomprehensible general consent. (1)

According to Ecuador, there were two questions to be considered; one of procedure and the other of substance. With regard to the question of procedure, namely, what organ could settle a difference of opinion regarding the representation of a Member State, there was no need to stress the advantages of centralization. The final decision must rest with one organ and, under the Charter, it had the right to make recommendations to the other organs of the U.N. (2)

The delegation of Ecuador did not believe that the decision should be taken by other organs, even if the G.A. did not settle a difference of opinion at its regular session or if a difference of opinion arose many months before the regular session.

With regard to the question of substance, in other words, the criterion for determining which government was to represent a Member State, Mr. Correa felt that the decision must be based on the contractual obligations laid down in the Charter. All Member States were required to fulfil certain obligations and enjoyed certain rights under the Charter, including the right to be represented by their effective governments. It would be a mistake, however, to recognize the right of a Member State to representation without requiring that State should fulfil the duties laid upon it by the Charter. A proper balance must be maintained between that right of a Member State and the right of the other States to have the provisions of the Charter observed and carried out.

Thailand saw no difference between the recognition of the representation of a Member State and the recognition of the government of that State. The legitimacy of a government could certainly not be overlooked during the examination of credentials. Whatever the many experts on international law might have said, the act of recognition of a foreign government remained in the practice of States an essentially political decision. The representative of Thailand thought it preferable to deal with each case on its merits rather than to establish a right set of criteria...

In fact the Thai attitude was adopted and recognition extended or withdrawn as it suited the convenience of the Big Powers. Rules of the game were expediency. Thus Red China for a long time was denied admission although it held effective control and sway over the mainland. Similarly, North Vietnam and North Korea also became victims of non-recognition. The Third World felt maligned and chagrined but could do nothing more than counselling wisdom and flinging verbal punches at them. With utter disregard of the opinion of the G.A. thinktanks, recognition was turned into a dirty political ploy. The same nations that were once denied admission were inducted into the U.N. fold on the dictates of what is called "situational ethics". The G.A. possibly was biding its time for an opportunity to pay the First World back in its own coin. A kind of a rebuff was in its sleeves. In 1974, like a devout moslem on his obligatory hadj, Yasser Arafat, the PLO leader went to the Assembly podium to represent the Palestine people in spite of the fact that there was no state of Palestine. PLO was a kind of political untouchable in the First World and its acceptability to Israel was zero.

because through it manual it vowed to obliterate the Jewish state. This was a precedent created out of sheer perversity, according to many U.N. observers, that might in the future give rise to serious complications. If that precedent is followed, any guerrilla group, representing a section of disgruntled political riff-raffs, can be recognized by the U.N. For its asinine action, a section of the First World media, derided the G.A. as a Kangaroo court. The G.A. in its defence spouted the old theory of Government in - exile. In fact, the PLO was recognized by many Third World states. For good or ill whether this action would invite trouble in the future remains to be seen. But the fact remains that political lightweights if they can pool their strength together can knock out the giants sometimes.

By and large the Third World countries supported effective control and the observance of the U.N. obligation as preconditions for recognition. There were, however, differences of opinion as regards effective control based on the general consent of the governed and the laying down of set rules to be applied universally irrespective of cases. Since many of them apprehended foreign interference that might result in emergence of puppet governments or defacto regimes, they urged the G.A. not to extend recognition to such regimes. But the differences seemed to be differences of degrees and not of kind, of shades and not of colours. As a result more liberal views of recognition were taken by the G.A. in subsequent years while extending recognition to the strings of states who sought it. By professing liberal standards in matters of recognition, the Third World was promoting its own self-interest. It wanted to reach numerical superiority over the Big Powers so that the General Assembly transcend the Security Council. Greatest division in the Third World was created by the admission of China. The Third World States in the G.A. through interest aggregation on the issue had surely a definite role to play in the matter.
Red China's Membership:

There was a great division in the Third World on the question of admission of China. Countries like Nepal, Ceylon, Burma, Sudan and India pleaded for Red China's membership while others like Iraq, El-Salvador, Philippines, Colombia, Guatemala, Thailand, Laos, Cost Rica, Rwanda, Gabon, Central African Republic, Cameroon opposed its membership.

India in the 686 P.M., 24.9.1957 quoted the definition of a State as enumerated in the Convention that was signed between the U.S. and other break-away American Republics from the Spanish Empire. There it was laid down that a state should possess a defined territory and it should be able to perform international obligations. The government of such a state was a legitimate government. India contended that the central government in China had more authority over a defined territory than the government of China as represented in the U.N. That the Peoples Republic of China was able to perform its obligation was evident from the fact that 68 countries had trade relations with it.

Indian altruism or political wisdom reached the high watermark when even after the Chinese aggression in 1962 it advocated Chinese admission to the U.N. True that the Chinese forcibly occupied by unilateral action more than 12000 sq.miles of Indian territory in the Ladak region of India, in the Western sector of the Indo-Chinese boundary, the Indian delegate -- insisted that membership would make China more responsible. That was the only effective way to contain Chinese military adventurism and to make it accept its responsibilities as a member of the world organization. There is a sensible rule in human affairs: Never make a paranoid feel like a pariah; it renders him more dangerous. The rule did apply to People's Republic of China.

The protagonists of communist China contended that the
People's Republic of China was the true representative of
600 million people and it controlled a definite territory
and was willing to fulfil the obligations of its U.N.
membership. The Soviet draft resolution, however, regarding
Red China's admission to the U.N. was rejected by 56 votes
to 42 with 12 abstainion on 30.10.1962 in the Plenary
Meeting.
Philippines, a well-known antagonist, accused China of
committing aggression in Korea. The G.A. condemned Red
China as an aggressor in Korea. And China did nothing to
purge itself of that condemnation after that. It reminded
the Assembly of the rape of Tibet. It also did not believe
the assertion that the People's Republic had authority over
600 million Chinese. The People's Republic might have the
Chinese people in the grip of their power, but they could
not prove that they had an authority that emanated from
the sovereignty of the people. Thousands upon thousands
of Chinese people from the main land of China fled to the
safety of Hong Kong because they could not stand the
brutalization of the Chinese people on the main land. It
begged to make a distinction between a naked power that
held people in its grip and the authority which arose from
the free consent of the governed. Philippines also apprehended
that as soon as the U.N. gave its sanction to the communist
regime on the main land the 1 million people of Chinese
origin in the Philippines might be encouraged by the Peking
regime to indulge in acts of sabotage and subversion. It
would be as good as having a Trojan horse within their
midst...(1)

1. Official Records 1156 P.M., Date: 22.10.1962, Page:558
Central African Republic opposed Red China's admission on the ground that the government of Nationalist China representing the island of Taiwan constituted a distinct political entity, recognized as such by a quite large number of States Members of the U.N. Under Article 23 of the Charter, it was a permanent member of the S.C. right from the day when the Charter was signed. It always conformed to the purposes and principles of the Charter, faithfully carried out its obligations under the Charter. Its behaviour was always above reproach. Its place in the U.N. was therefore a lawful one, and being lawful it could not be challenged. In other words, there could be no question of excluding Nationalist China from the U.N. in order to make room for the Peoples' Republic. Precisely that was done in the 1970s by jettisoning the former one.

Cameroon alleged that the moral and material help received from Beijing China by the rebellious group of the Union des populations du Cameroon (U.P.C), whose subversive aims were well-known, demonstrated that Beijing China's intentions and aims with regard to that country were far from peaceful, and that, on the contrary, they tended to foment and maintain within its borders, a permanent state of disorder and instability. This murderous activity carried on and directed from Beijing, constituted beyond all question an infringement of its national sovereignty, interference in its Republic's domestic affairs and a constant threat to international peace and security.

Cameroon complained that every day at about 9 P.M. the People's Republic of China broadcast from Beijing, a programme beamed on Cameroon, containing incitement to open revolt against its

institutions and Government. Guerrilla weapons, many pamphlets and other propaganda materials were being seized which enabled it to establish, without shadow of a doubt, that the Beijing Government was responsible for leading and equipping the localized "underground" groups still existing in Cameroon. Many young Cameroonians, attracted and led into China under false pretexts, received psychological and military training there for the sole purpose, after their return to the country, of engaging in subversive agitation and serving as leaders and rank-and-file in a possible general rebellion. (1)

For the Cameroonian people, for its Government and for its delegation, such activities sufficed to convince everybody of the non-existence of the peaceful intentions which certain brilliant speakers ascribed to the Beijing Government to take and which, according to them, should enable that Government to take, within the world organization, the place currently occupied by the delegation from Formosa.

In spite of divergent and antagonistic views, majority of the Third World States wanted mainland China's membership and on their insistence and U.S. expediency - when the U.S. woke to the geopolitical realities of the 1970s - it was admitted to the U.N. replacing Taiwan in the S.C. Geopolitical necessity edged it out. The US thereafter worked on its so-called "China Card" in order to contain the Soviets in the new geo-political arrangement of the 1970s. It should be noted that the godless interlopers as the Soviets are called in the Moslem World would depend more on the Middle East Oil in the 1980s according to a CIA study. Therefore, Kremlin would likely try to spread its tentacles around the great oil fields of the area. China and USA would likely to join hands

more in the future to balk the Soviet Bear. It is said "whoever controls the Middle East's Oil, or the areas' Strait of Hormuz (40 miles wide at its narrowest) between Iran and the Sultanate of Oman through which most of its passes, acquires a stranglehold on the world's economy." The USSR could well become a major net importer of oil in the 1980s and thus be in direct competition with the west for the crude pumped out of the desert sands. The communist Leviathans, USSR and People's Republic of China, have developed over the years poor relations with each other. Washington and Beijing have a common interest in blocking Soviet design in Asia and elsewhere. Therefore, the admission of Red China in place of Formosa, spearheaded subsequent Sino-US ties - possibly by establishing diplomatic relations, giving China the sought after Most Favoured Nation clause in the US and ultimately a formal security treaty under pressing circumstances. Really politics makes strange bed-fellows. But such a competitive line-up is not congenial for world peace. Anyway, a vintage majority demand of the Third World was conceded and peace on earth insured. In the 1970s admission of new states became a matter of formality, albeit routine. Veto for the timebeing was put in the cold storage.

China after becoming a permanent member of the S.C. and of the U.N. gradually softened and sobered down its once hard core no compromise attitude, modified its disturbing habit of inciting and feeding communist groups or insurgents in other low pressure areas of the Third World. It tried to win over allies by giving technical or financial assistance and thus reduced tension and dissension inside the Third World. True to the Indian belief membership instilled a tremendous sense of responsibility and China became aware of its role of a Super Power as well as the balancing factor in the U.S. Soviet detente.
Thus it may be said that partly, if not wholly, on account of the demand and interest aggregation of a majority of the Third World states Beijing China was admitted into the U.N. An issue of tension in world politics has thus been solved and the fabric of peace solidified. The Third World states through interest aggregation and interest articulation may thus generate a constructive world public opinion on important international issues and compelling desirable decision of the UN thereon can lay the foundations of stable peace.
N.S.G.T. CHAPTER XI. (Non-Self Governing Territories).

The UN Charter mounted a two-pronged offensive to the colonial problems. The Trusteeship systems, as enumerated in Chapter XII and XIII, inherited (a) mandated territories (b) territories detached from enemy states as a result of the Second World War & (c) territories voluntarily placed under the system by states responsible for their administration. As an appendage to the trusteeship system, Chapter XI contained a commitment by Members controlling territories not placed under the trusteeship system to "accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of these territories" ... (1) According to David A. Kay... (2), it is from this acceptance of international responsibility that the assertion of institutionalized international accountability has developed. To India as well as the Third World, the division of dependent areas into non-self governing territories and trust territories was merely an accident of history; the former were the possessions of the victors of the two world wars and the latter those of the defeated... (3)

The all pervasive drive of the anti-colonial forces endowed the Committee On Information with the trappings of the Trusteeship Council. Salient procedural difference between the Trusteeship system and the NSGT has been (i) acceptance of petitions (ii) dispatch of visiting missions (iii) attendance of special representatives from the territorial administrations at Trustee Council sessions - the concessions denied to the NSGT. The demand for right to make recommendations by the Committee on Information in 1955 was threatened with UK's withdrawal from participation in

1. Art. 77(1).
the committee... (1) As a matter of fact, UK and other colonial powers used this threat to block proposals that the committee be given permanent status. But the substantive recommendations of the Trusteeship Council and the committee on Information have been strikingly similar... (2) In the case of Trust Territories, the UN has had immediate access to both colonial administrators and the indigenous population; its absence in NSGT led the anti-colonial forces to urge the administering powers to include delegations of native population and functional specialists. To the Third World nations in general the colonial powers co-operated with an enterprise of dubious legality, dragged their feet and violated the spirit, if not the letter, of Article 77 by not supporting the work of the committee on Information more fully... (3)

In the debates on Chapter XI, the interests of the Third World countries seemed to have aggregated on the limitation of Article 2, Paragraph 7, so far as it concerned the well-being of the inhabitants of the N.S.G.T. They were also unanimous in declaring that the Administering Countries were not the exclusive masters of the N.S.G.T. The fate of those people living in N.S.G.T. was the concern of mankind and as such the interests of the Administering Powers should not transcend those of the UN. From their own bitter experience with the colonial powers, the Third World countries felt that the NSGT should not be left to the mercy and whims of the Administering Powers whose past was not all that clean and assuring. The gnawing sense of distrust drove and banded them together to urge the General Assembly to keep its vigil on the doings of the Administering Powers. That is why they advocated the right to petition, transmission of

information and abrogation of Article 2, paragraph 7. They also criticized inadequate information supplied by the Administering Authorities, imposition of alien western culture on the native population and neglect of children and women's education for political reasons.

The Trust Territories and the NSGT who gradually gained independence were all underdeveloped countries whose poor inhabitants diseased, illiterate and starving shared the same over-riding experience and fate of their counterparts in other Third World countries. On the other hand, the Administering Countries were the members of the First World and many of whom as imperialists had a colonial sway over the Third World Region. The Third World countries knew their erstwhile masters well, their plundering habits, imperious instincts and the pride of racial and cultural superiority. Only way to keep them in check was the suspension of Article 2, paragraph 7 and the establishment of authority of GA over the NSGT. Here on this score there was a kind of role reversal. The Administering Countries, great exponents of anti domestic jurisdiction clause, for the time being defended themselves by invoking Article 2, paragraph 7 while the Third World countries, patented champion of the same, demanded its suspension. This volte-face action was prompted by opposite interests on both sides. The principle of international accountability was raised in three of the resolutions of the fourth session on NSGT. The final text of Resolution 327, which expresses the hope that political information will be transmitted, was adopted without a roll-cal vote, 33-9-11... (1) On the future status of the special committee on NSGT, the Indian draft resolution calling for the re-creation of the Special Committee for three years was adopted 41-4-2 while the Czech amendment to make it a permanent subsidiary organ of the UN was rejected 13-23-12. (2) The Third draft -- resolution, introduced by Egypt and designed to give Assembly the power to decide at point an obligation to report on former NSGT should cease to exist, was carried through the fourth committee 30-10-7 and the Plenary Session 30-12-10. The line-up here was basically one of colonial powers and administering authorities against the rest... (3)

3. Ibid - Page: 188.
Philippines struck the chord of the Third World mayhem. No educational programme could be successful without simultaneous attempt to stabilize the economy of the territory. (1) Burma enunciated three fundamental points: first, the training of the local inhabitants for positions requiring skill and business ability, together with the provision of improved means of production; secondly, the encouragement of the accumulation of local capital and its investment in local undertakings; thirdly, the increasing shares of the local inhabitants in the economic policy of their countries through participation in government boards of management, committees of economic policy and the like. (2)

MR. ESPINOSAX Y PRIETO (Mexico) said that his delegation had always attributed the greatest importance to the Trusteeship System, which was the logical continuation of the Mandates System and constituted one of the outstanding achievements of the U.N. He could not help feeling that, if the success which had accompanied the Trusteeship System could have been foreseen in 1945, there might not have been any opposition to the suggestion that the system should be applied to all territories that had not achieved self-government. (3) The only difference between the Non-Self-Governing and Trust Territories lay in the fact that the powers that had formerly administered the Trust Territories had been defeated in the First World War and that those Territories had consequently come under international control.

What was, however, most impressive was the fact that the Trust Territories were beginning to achieve the main objectives of the system. The former Togoland under British administration was now part of an independent State. Somaliland under Italian administration, which had to contend with so many drawbacks, became independent in 1960; indeed, Italy was to be congratulated on the way in which it was carrying out its mission there. The future of Togoland under French — administration was to be discussed as a separate item on the agenda.

1. 337th Meeting dt. 14.10.53 Page: 132
2. Ibid - Page: 137
3. 776th Meeting, Dt. 29.10.1958, Page: 161
Western Samoa was on the verge of achieving the objectives set out in the Charter. Nevertheless, there remained one outstanding item in the report of the Trusteeship Council (A/3822) - the question of the Cameroons. The Trusteeship System was disintegrating, not indeed in failure but as a result of the achievement of the goals which had been set.

The authors of the Charter had probably not foreseen that in little more than a decade the objectives of the International Trusteeship System would have been fulfilled in the case of six Trust Territories. (1)

Colombia remarked in the 1045th P.M. dated November 14, 1961 that the then Secretary General, Trygve Lie was right when he declared that International Trusteeship System was not a mere continuation of the Mandates system of the League but a new system of international supervision, broader in scope with greater power and with potentialities infinitely more vast than those of the Mandates System (2).

The Charter established two distinct categories of territories whose peoples were not fully self-governing: the so-called Non-Self-Governing Territories governed by Chapter XI of the Charter, and the Trust Territories governed by Chapters XII and XIII. Article 75 of the Charter gave the U.N. powers of administration and supervision over the Trust Territories. The U.N. delegated the powers of administration to the Administering Authorities but retained the supervisory powers. It was in exercise of its power of supervision that it was entitled to accept petitions and examine them, in consultation with the Administering Authorities. According to Ecuador, the right of petition of the inhabitants of the Trust Territories was legally unassailable and had indeed never been questioned. (3).

The provisions from which the states administering Non-Self-Governing Territories derived their obligations and powers had

1. 13th Session - 4th Committee, 784th Meeting, Date: 4.11.1958, Page: 204.
3. 8th Session, 4th Committee, 321st Meeting, Page: 30, Date: 30.9.1953.
given rise to some controversy. But the Ecuadorian delegation was convinced that the system was based on multilateral contract and not simply on a voluntary declaration by the administering states. (1) It quoted Prof. Kelsen who maintained that although the administering states had, in signing the Charter, accepted an obligation, the right of the inhabitants of the Non-Self-Governing Territories to insist on the fulfilment of that obligation — which would presumably include the right of petition — was not laid down by any provision in the Charter. It was because the Charter did not grant the inhabitants of the N.S.G.T. the right of petition under the system laid down in Chapter XI and because there was no provision to authorize the G.A. to deal with petitions from those territories that the Ecuadorian delegation had decided to vote against the request from the Independence Party that moved the resolution. (2)

Most Members of the U.N., including some Administering Members, had agreed that matters relating to N.S.G.T. were questions of international interest. In the opinion of Guatemala the restriction in Article 2, paragraph 7, of the Charter did not apply to them. (3) Existing conditions in those territories were matters of international interest. Question relating to the future destiny of the peoples inhabiting them were also of international interest. Moreover, Chapter XI, like the entire Charter, was a multilateral contract, duly signed and ratified by all Member States. Thus the U.N. as a whole was competent to decide whether a N.S.G.T. had achieved a full measure of self-government.

The Iranian delegation strongly contested the claim that the Administering Members alone were competent to decide whether a territory had attained a full-measure of self-government. The provisions of Chapter XI proclaimed that the obligation to

1. Page : 31. 8th Session, 4th Committee, 322nd Meeting
2. — — Ibid
promote the well-being of the N.S.G.T. was a sacred trust assumed by the international community (1)

While conceding that the provisions of Article 2, paragraph 7, could not be invoked in matters of decisions affecting the fate of a N.S.G.T. by the Administering Authorities unilaterally, Cuba held that even cessation of the transmission of information on any territory required a previous agreement within the international community. (2) The U.N. as a whole, and not merely the Administering Members, should be guided by the list of factors in determining whether a territory had attained a full measure of self-government. The Cuban Government indicated that while cessation of transmission of information on a N.S.G.T. could, if necessary in given cases, be decided upon unilaterally by an Administering Member if its security so required. In no case could it be admitted that the transmission of such information should cease as a result of purely unilateral decision taken for "constitutional considerations". The G.A. was competent to decide whether Chapter XI of the Charter was applicable to a given territory.

In the Indonesian delegation's view the General Assembly ought to decide whether the population of a N.S.G.T. was fully in charge of its own administration. (3) Pakistan opined that transmission of information in N.S.G. Territories should not be discontinued without the U.N.'s consent. (4) According to Egypt, just as in private law contractual obligations were interpreted as a voluntary restriction on individual freedom, so international commitments constituted voluntary restriction on the sovereignty of states, with reservations of course as to the objects of those commitments. Restrictions contained in Article 2, paragraph 7 were valid only for questions not dealt with in the Charter.

1. 8th Session, 4th Committee, 323rd Meeting, Date: 1.10.1953
   Page: 41
2. Ibid Page : 42
3. Ibid Page : 43
4. Ibid
That was not the case for N.S.G.T. since they were dealt with in Chapter XI. The General Assembly had, therefore, the right and indeed the duty of ensuring that all states which had signed the Charter fulfilled the commitments. (1) Iran also held same views when it declared that it was incorrect to argue that the Administering Members possessed exclusive jurisdiction; the provisions of Article 2, paragraph 7 were applicable to matters not dealt with by the Charter. (2)

Lebanon listed a number of factors for determining the attainment of full-measured self-government. First, the opinion of the inhabitants of the N.S.G.T. should be the deciding factor. Secondly, in accordance with the list, if a N.S.G.T. qualified for full-measured self-government and the General Assembly supported the claim but if the Administering Powers were not ready to respect the decision of the General Assembly what course of action would be taken by the General Assembly enquired Lebanon. That appeared to be of paramount importance to Lebanon. The apprehension of Lebanon in case of defiance turned out to be true when S. Africa refused to grant admission to Namibia in the 1960s. The G.A. censured and imposed sanctions against the obdurate S. Africa but could not compel it to honour the G.A. decisions. Lebanon felt that a complete final definition of the notion of full self-government was difficult but the list of factors was merely an indication and guide available handy to the General Assembly for consultations. (3) To Syria full measure of self-govt. could mean independence only. (4)

That the Third World countries were unanimous on the special obligation with which the General Assembly was endowed towards the N.S.G.T. was evident from the views expressed on the limitation of Article 2, paragraph 7, curtailment of the paramount

1. Page : 45. 8th Session, 4th Committee, 328th Meeting.
2. 8th Session, 4th Committee, 328th Meeting, Date: 8/10/1953, Page: 77.
3. 326th Meeting, Date : 6/10/1953, Page : 64
4. Ibid Page : 142
powers of the Administering Authorities. India (1) and Iraq (2) indicted Administering Powers that western education and culture, alien to the native population was being imposed on the inhabitants of the N.S.G.T. Similarly women's and children's education was neglected, alleged India, Iraq, Indonesia, Philippines. Mexico complained that inadequate information in respect of Gambia, Northern Rhodesia, Uganda, Nyasaland, Papua, Kenya and Morocco was given. (3) Iraq also demanded recruitment of more nationals of N.S.G.T. in the various U.N. agencies. (4)

Eulogies were showered for the successful attainment of independence by the Trust Territories and sanctions issued to those recalcitrant powers who declined to grant independence to N.S.G.T. That the General Assembly became virtually impotent and helpless was evident in the case of Namibia, formerly known as South West Africa, the UN territory S. Africa has run since 1920. The South African refusal to honour its mandate obligations in respect of South West Africa led the General Assembly in 1967 to set up an eleven member Council. Only Portugal and South Africa cast negative votes, but thirty states, including all major Powers abstained. The territory was re-named Namibia and June 1967 was set as the target date for independence. S. Africa, of course, refused the Council admission to the territory and the Council which proceeded as far as Lusaka, had to make an ignominious return to New York. The Security Council despite the General Assembly urgings, declined to enforce compliance with the General Assembly resolution though it went so far as to demand the withdrawal of S. African administration by October 4, 1969. The deadline came and went and S. Africa remained in control even today. Though the aggregated interests of the Third World did not bring about the intended results, their incessant criticism kept the First World countries, empowered to administer

the NSGT, somewhat restrained. Intoxicated by the earlier heady successes, the Afro-Asian caucus of the Third World took things for granted, underrating the powerful levers that the First World countries wielded in international politics. They seemed to have forgotten that there were more things in heaven and on earth than were dreamt of; that there was a world outside, beyond the pale of the General Assembly and the UN where power and influence superseded righteousness and propriety; that the voting majority inside the General Assembly did not constitute or make it the arbiter of things in a world where the last word was someone else's. According to John Scali, a former US Ambassador to the UN, unenforceable and one sided resolutions damaged the credibility and destroyed the authority of the UN. To the First World, the mass of UN resolutions passed each year (about 150) is an invitation to mindless voting. Many resolutions do not give decent consideration to the interests of nations directly affected, and are thus fictitious solutions to serious international problems. The General Assembly is not a legislature. It can pass no laws; its effectiveness is measured by consensus. The Namibia incident heralded the fall and decline of the General Assembly in spite of Third World solidarity. The General Assembly resolutions, hitherto sacrosanct, were not respected by those delinquent nations who had the blessings of the First World. Thus South Africa and Rhodesia practiced racial discrimination well against the wrath and chagrin of the Third World and braved the pious economic sanctions slapped by the General Assembly. True, Rhodesia and South Africa were holding the inevitable and living on borrowed time but mere sanctions or resolutions without the sword, to quote the Hobbesian flourish in another context, could not coerce them to compliance. The role played by the Third World in this respect was cameo in nature. The General Assembly seemed to have over stretched itself without giving adequate consideration to other factors. Without equipping and arming itself properly its action looked more like Quixotic and the Messiah stood ridiculed and bruised.
But one must admit that the successful forging of new nations between 1960 and 1966 roused international moral consensus against the continuation of Western colonialism. The Special Committee of Twenty-Four maintained a constant surveillance of the remaining colonial areas while its anti-colonial directorate kept up a steady stream of reports and recommendations to other organs of the UN... (1) Because of the new nations, the UN performed a validating function at the liquidation of colonialism. It is once again because of the Third World there was a perceptible shift after about 1955 in the primary emphasis of the organization away from collective security to decolonization. Third World States' Interest aggregation and Interest articulation on the issues have thus achieved a lot. Decolonisation is the rule now; colonisation, if any, is an exception. South Africa and Rhodesia, if they do not see reason will be swept away and drowned in the world public opinion. Urge for anti-colonisation was generated by Third World Stand. This lesson, the pigmy enemies can ignore only at their own peril.