Chapter - II

THE ROLE OF THE GENERAL ASSEMBLY FOR PEACE AND SECURITY

The role of the General Assembly of the United Nations for promoting world peace, economic and social affairs during the last thirty years is very remarkable and significant. The intention in this chapter is not to speak about the procedure of the General Assembly as an international forum for debate but the concern is only to state its pattern of change, problems and prospects of effectiveness.

The activities of the United Nations during the last thirty years since its inception has evolved from the 51 nation association closely linked with the circumstances of the Second World War to the World Organization, which, this year with over 140 Members, will be approaching universality of membership.1

Legally speaking, the Charter describes the General Assembly as consisting "of all of the Members of the United Nations each member, however, being limited to five representatives."2

Provisions are made for regular annual sessions, and for special sessions as occasion may require, these last being convoked by the Secretary General at the request of the Security Council or of a

2. Art. 9.
majority of the members of the General Assembly. As in the case
of the Assembly of the League of Nations, the principle of the
equality of states is maintained in the provision that each member
of the General Assembly shall have one vote. The rule of
unanimity followed by the Assembly of the League of Nations has,
however, been abandoned. The Charter draws a distinction between
"important questions", in respect to which decisions are to be
made by a two-thirds majority of the members present and voting,
and "other questions", in respect to which decisions are to be
made by a majority vote. The experience of the League of
Nations appears to be responsible for the provision, which
deprives a member of a vote in the General Assembly if in arrears
in respect to the contributions due from it. The General
Assembly adopts its own rules of procedure, elects the President
for each session, and may establish such subsidiary organs as it
deems necessary for its functioning.

3. Art. 18. For comment Upon the Principle of "One
State, one vote". See L.B. Sohn, "Multiple
Representation in International Assemblies",

4. Art. 18.

5. Art. 19.

6. Art. 21, 22.

At the meeting of the General Assembly in 1947, a
resolution was adopted on motion of the United States,
calling for the creation of a "Little Assembly" to
function during the intervals between the regular
sessions. The Little-Assembly would be composed of
representatives of all of the members except those of
the Soviet bloc which declared their intention to
boycott it.
Subordinate to the General Assembly and acting as its agent in the discharge of certain of its functions is the Economic and Social Council, which is elected by the General Assembly, but once elected it exercises its functions more or less independently.7

The Trusteeship Council is, like the Economic and Social Council, a special committee operating under the authority of the General Assembly and responsible directly to it.8 Its membership is partly fixed by the Charter and partly elected by the General Assembly. It consists of members of the United Nations which are administering trust territories, those of the five Permanent Members of the Council which are non-administering trust territories and as many other members to be elected by the General Assembly is necessary to insure that the total membership is equally divided between those members of the United Nations, which administer trust territories and those which do not.9

A separate Chapter of the Charter deals with the International Court of Justice. It is declared that the court shall be "the principal judicial organ of the United Nations," and that the Statute of the Court is to form an integral part of the Charter.10

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7. Art. 61.
8. Art. 85.
10. Art. 92. And Art. 4 of the Statute.
The Secretariat of the United Nations consists of the Secretary-General and "such staff as the organization may require." The Secretary-General is appointed by the General Assembly upon recommendation of the Security Council, and he is the chief administrative officer of the organization, acting in that capacity at all meetings of the General Assembly and of the Security Council and at the meeting of the two auxiliary organs, the Economic and Social Council and the Trusteeship Council. The Secretary-General is invested by the Charter with a special political function to enable him to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of world peace and security.

As the General Assembly is considered the central body of the whole organization, it has the power to discuss all matters which come within the scope of the Charter. Briefly speaking, the functions of the General Assembly are classified into three:

11. Art. 97.
12. Art. 98.
13. Art. 99. Last action the Secretary General had taken under this Article was about the Civil War in the Republic of Lebanon in March, 1976. But owing to the protest of the Government of Lebanon which considers the conflict an internal affair of the Lebanon no meeting of the Council was taken place.
(1) International Policy-making functions.

(2) Administrative and organisational functions.

(3) Supervisory functions.

Article 10 of the Charter provides the General Assembly with the power to discuss any questions or any matters within the scope of the Charter or relating to the powers and functions of any organs of the United Nations and make recommendations to the members of the United Nations or to the Security Council or to both on any such questions or matters. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security and make recommendations with regard to such principles to the members or to the Security Council or to both. The General Assembly may also invite the attention of the Security Council to situation which may endanger world peace.14 However, the General Assembly shall not make any recommendations in respect of any dispute or situation which is under the consideration of the Security Council.15 But, if the Security Council because of veto fails in its primary responsibility in maintaining peace and security, then the General Assembly is able to take up the matter at once in an emergency special session called on 24 hours notice if necessary and recommends collective measures including the use of armed force.


15. Art. 12 para 1.
Under Article 13 of the Charter, the General Assembly is authorised to initiate studies and make recommendations for the purposes of promoting international cooperation in the political, economic, social, cultural, educational and health fields, and assisting in the realisation of human rights and fundamental freedoms for all without distinction to race, sex, language or religion.

It is significant to state that the General Assembly can not make any legally binding recommendations. The value of the recommendations bears very important weight by creating a world public opinion either in favour or against a particular state. The Assembly has received the greatest impact from the increase in the number of sovereign states since the war. Most of these new and emerging States owed their very existence to the United Nations. The former Secretary General Hammarskjold often referred to the important role of the United Nations during this transitional stage:-

"The United Nations is now, or will be their Organisation. The United Nations can give them a frame work for their young national life which gives a deeper sense and a greater weight to independence."16

The new members on their part, like the older ones, aspired to use the United Nations to achieve their national motives. However, those motives have been different from, and sometimes in opposition to, the interests of the great powers. The new states concentrated their attention on economic development, decolonization and racial equality. They began to play a much more central role in the life of the Assembly, some of these states as India played a very sound role in the affairs of the General Assembly and the Security Council. India continues to play its role as a defender for freedom and a helper for every new state in the United Nations, and its policies command wide respect. For these reasons it continues to be, and will remain, one of the more important members of the General Assembly. India's preponderant position within the Asian and African groups is the most important factor which made the new States always seek the support and assistance of the Indian delegation in which Krishna Menon took a leading part among the Indian diplomats and statesmen.

The Assembly now has a preponderance of newly formed Third World states. The General Assembly becomes the centre of bloc conflict, facing frequently two types of question: those concerning relationships between the two great-power blocs (cold war issues) and those primarily affecting the relations between established, economically developed states and economically less developed states. On both sets of issues, the United States and the Soviet Union have usually found themselves opposing each other.
Within the framework set by frequent East-West opposition, however a good deal of variation has occurred; different issues produce different voting coalitions. Thus the United States and its European allies are pro-western and relatively unsympathetic to African and Asian demands, whereas the USSR and some African and Asian states stand in favour. Others African and Asian states though pro-western but remain sympathetic to the aspirations of the developing states, whereas as certain European States, such as the Scandinavian countries, are less pro-western on cold war issues, they at the same time are less sympathetic to African and Asian draft resolutions.\(^{17}\)

However, the bipolar aspects of the General Assembly politics are strengthened. The United States and the Soviet Union possess such great economic and military resources that many states must carefully evaluate statements and actions of the super powers before deciding on their own policies. But, certain states in the Assembly are very susceptible to bilateral pressure, no matter how subtle its application may be. It would be remarkable, for example, if Poland, Malaysia, and Israel did not defer somewhat to the positions of Soviet Union, the United Kingdom and the United

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States respectively. But one can say that bilateral pressure is probably not as important now as it may have been in the past, though it still exists to some extent in the General Assembly and in the Security Council in matters which are supposed to be very crucial and controversial. 18 Such a situation is no doubt the cause of the inability of the General Assembly to pass strong resolutions favoured by the great majority. But the condition in 1950 was quite different where the Western bloc was enjoying the support of the General Assembly. The practical consequence of this has been to leave the Assembly all the freedom it wants in making recommendations without looking over its shoulder at what the Security Council may be doing. The original Charter assigned to the Security Council "primary responsibility" for maintaining world peace and security, even though the council is able to act effectively only if the Permanent Members are in agreement. 19 Before 1950, the usual way was for one or more Member States to ask the Assembly to consider a question, and then for the Security Council to delete the matter from its agenda, a decision is taken by procedural vote. The adoption in


1950 of the Uniting for Peace Resolution provided a specific procedure for transferring responsibility to the General Assembly should the Security Council find itself unable to take action because of the veto. By this, the Assembly proved its ability and competence to act in cases where the Council, because of lack of unanimity of the Permanent Members, fails to exercise its primary responsibility, and to make appropriate recommendations of collective measures to restore international peace and security. For this purpose the General Assembly if not in session can be called within twenty-four hours if requested either by a vote of any nine members of the Security Council or by a majority of the members of the Assembly.

Thus, the United Nations resorted in this respect to take collective action to restore peace and security through the General Assembly. Concretely, this was the plan for enabling the United Nations to react in future situations as it had in Korea. While the Uniting for Peace plan could not succeed to get full-fledged collective security system, notably in its failure to provide for obligatory participation by states in sanctions, it was clearly put forward as a device for transforming the United Nations into an agency of universal collective security.


See: Rose Berks, op. cit., pp. 105-139.
In adopting the Uniting for Peace Resolution, members of the United Nations showed willingness to develop an international enforcement system applicable even to violations of the peace in which great powers might be directly or indirectly involved. It is, of course, an ambitious plan though legally it is not in the charter. But, as it is said the "flood receded rather quickly and, apparently, irreversibly," the later stages of the Korean conflict engendered second thought about the desirability of repeating the experiment. The Members began to disengage themselves from active fighting in Korea, they had developed a renewed appreciation for the prudence of the founding fathers who had decreed that the Organisation ought not to attempt collective action in the face of great power opposition. Some states were careful not to use the United Nations as an instrument of one side against the other in cold war conflicts.

The United States which played a good role for making the General Assembly to pass the Uniting for Peace Resolution as a device primarily for legitimising and mobilising support for western action to resist the Soviet expansion, gradually lost confidence that the General Assembly could be both counted on to put the plan to that use, and began to doubt the wisdom and the utility of the ventures in enhancing the idea of collective security through the General Assembly. Member states were hesitant to respond positively to the suggestion that had addressed to themselves in the Uniting for Peace Resolution, as
in case to set aside definite military units for possible use in United Nations enforcement actions. This recommendation produced nothing except a vague affirmation that armed forces might under certain circumstances be supplied in effect, this intention for establishing a military arm of the United Nations was soon ended to the dead letter office along with Article 43, which it had been meant to be in its place.

In the Hungarian and Suez crisis of 1956, the Uniting for Peace Plan was invoked and was operative to the point of bringing about condemnation by the General Assembly of the Soviet Union in the one case, and of the United Kingdom, France, and Israel in the other. The latter three states involved in attacks upon Egypt, were induced to withdraw and thus to spare the Assembly the necessity of deciding whether it should attempt to organise collective compulsion. The Soviet Union, having ruthlessly suppressed the Hungarian Revolution, defied the General Assembly, which showed its inability to impose military sanctions. These two events revealed the decline of collective security since the adoption of Uniting for Peace Resolution.

However, one can say that in spite of limitations on its authority to take binding decisions, the General Assembly has assumed a leading position in the United Nations system and has interpreted broadly its powers under the Charter. In the Suez case it created an important precedent by authorising the establishment of a United Nations Emergency Force composed
exclusively of military elements from states other than the
great powers to function as a stabilizer of the dangerously
tense situation in the Middle East.22

The 1950 atmosphere in the General Assembly
which was in favour of the United States and its Western
allies, was to some extent changed in 1960 when new sovereign
states became members of the United Nations. Most of these
States along with a number of others are proud of their
independence, with no strong ties to either of the great powers.
These states exploited to their advantage the great powers' conflict and succeeded in developing policies of Non-alignment.
The doctrine of Non-alignment has gained great prestige in
Africa and Asia. The leading advocates of this doctrine were
then Pandit Jawaharlal Nehru, President Nasser, President Tito
and others were also looked upon as leaders of the newly
emergent states in Asia and Africa. The stated leaders
succeeded to trace the lines for their countries and others in
Asia and Africa concerning the policy of Non-alignment.23 Thus
a number of African and Asian States along with Yugoslavia, have
formed a "Non-alignment" group in the United Nations in order to
work together within a frame work of common interests and

    Foreign Policy (Boston: Little, Brown, 1961),
    See: 1951 Annual Review, United Nations Affairs
    of Interim Committee of C.N. for 1950.
23. Peter Lyon, Neutrality (Leicester University Press,
    1946) p. 27.
attitudes. The Non-aligned States in the General Assembly can resist great power blandishments with the argument that acquiescence would cause it to lose prestige and authority within its own region. The Non-aligned States succeeded to avoid any pressure exerted on them by the great powers at the time of voting on controversial matters which are not important to them. In the debate in 1960 on a proposal for United Nations capital development fund, only a few western powers, including the United States, were actively opposed to the plan in the face of overwhelming majority sentiment for it. It is said that the establishment of such a fund was only accepted "in principle" was a triumph for the United States and its allies. Since the capital development fund depended on the support of economically developed states, economic power becomes an affective substitute for voting strength in the General Assembly. The debate in 1962 on the proposed United Nations Trade, and Development, revealed the great powers' differences. The joint African-Asian-Latin American resolution, calling for a conference to meet by September was adopted by a vote of 73-12-2 in the Second Committee, (Economic and Social) after the western amendments were defeated.

The great powers are, therefore, important in the General Assembly, yet their influence is not all determining. Each super-power must work within the content of bipolar conflict, which may reduce its influence, each must also use tactics and maneuvers within the confines set by the attitudes of other states including those which are small. The super-powers failed in most cases to get the General Assembly pass resolutions intended to serve their imperialistic aims and aspirations. They could not induce the Assembly to adopt a resolution favouring colonialism or opposing economic development even if they were ever inclined to do so. This is a very remarkable turn in the life of the General Assembly, though some of the western critics, as Inis Claude, Thomas Hamilton, Robert Keohane and Sydney Bailey think that politically the effect has been a multiplication of the cleavage that divides the membership and a near revolution in the substantive concerns that pre-occupy the Assembly. They further stated that proliferation of speeches, documentation, subsidiary committees, meetings and conferences has brought the organization uncomfortably close to an institutional paralysis. 27 It might

well be argued that because of the majority-rule principle, the smaller and poorer states have an incentive to band together in the United Nations that they do not have elsewhere. Indeed, the outstanding fact about the way states associate in the General Assembly is their intention to come together for fulfilling the common aspiration. Thus such a group or a bloc which has developed in the General Assembly since the majority of the developing countries sought membership in the United Nations after 1960 is, in fact, informal and un-official, meets with the help of facilities provided by the Secretary General at the United Nations. The exercise of the group is recognised in statements made on their behalf or with their authority. Even the schedule of meetings used to be adjusted according to the wishes of the groups. It is a normal part of diplomatic practices for states to consult each other on issues of common interests and the General Assembly provides easy and constant meetings especially during its session every year.


29. See the 'joint statement by the Latin American countries on the financing of UNEF', GAOR, 11th Session, 5th Committee, 547 meeting (10 December 1956) para 1-12, the statement in 1961 concerning the agreement of the Western group to the distribution of seats on the Economic and Social Council, GAOR, 15th Session 1967 Plenary meeting (18 April 1961), para 69. And the statements made at the end of the 18th Session of the Assembly 'on behalf of the African group', 'on behalf of the Arab delegations', 'and on behalf of a certain number of delegations of socialist countries', GAOR, 18th Session, 1285 Plenary meeting (17 Dec. 1963).
Dag Hammarskjold, the former Secretary-General of the United Nations once described the United Nations as an "institutional system of co-existence" which might evolve towards a federative social system with its own public law if it is entrusted with new tasks which it alone can carry out, and if new environmental challenges are met by growing autonomy and delegated power, including the revitalization of portions of the charter which have not yet been used.

Membership in the United Nations has caused drastic changes in the work and function of the General Assembly since the inception of the United Nations in 1945. During the period of 30 years the scope and scale of the activities of the General Assembly in particular and other UN organs in general have evolved dramatically to reflect the changing circumstances of the times and the interests and preoccupations of the membership. The evolution of the post war world including the introduction of nuclear weapons, regional military pacts and establishments, the accelerated pace of decolonization, the extra-ordinary advances of applied science and technology, rapid increase in population and the emergence of a large group of independent developing nations has inevitably created a new geo-political structure, which cause a radical change in the political and economic power basis. This drastic change no doubt reflects itself in the General Assembly, where

delegates from more than 140 countries meet, consult each other and adopt resolutions dealing with daily events and affairs of the whole world.

**DECOLONISATION AND HUMAN RIGHTS:**

The Year 1963 marked the start of the campaign against colonisation. At the fifteenth session, the Soviet Union introduced a draft resolution favouring immediate independence for all dependent territories, with Premier Nikita Khrushchev himself opening the "Great debate."31 The resolution ultimately adopted, however, was the one sponsored by forty African and Asian members. It is known as the Declaration on the Granting Independence to Colonial countries and peoples, it contains sweeping introductory expression proclaiming the "end to colonialism in all its manifestations." The declaration was adopted by overwhelm majority with none against but nine members abstained.32

The adoption of the Declaration by the General Assembly signalled a new phase of anti-colonial agitation in the United Nations. The increased number of states which joined


the United Nations in 1961 pressed for the creation of a new subsidiary body to follow up the implementation of the Declaration. The creation of the Committee of 24, as it has come to be called, has succeeded in pushing vigorously the United Nations' authority to expand for forwarding help and assistance morally and economically to the peoples of the colonial territories. The committee's role was especially crucial in bringing the question of Rhodesia before the General Assembly.

At its Eighteenth Session the General Assembly requested the Special Committee to examine the situation with regard to the implementation of the Declaration in each of the Non-Self-Governing Territories and to undertake any special study and prepare any special report it might consider very important.

33. General Assembly Res. 1514 (XV), 14 Dec. 1960. Those abstained states were: Australia, Belgium, Dominican Republic, France, Portugal, South Africa, Spain, United Kingdom, and the United States. In view of colonial power to the claim that the domestic-jurisdiction reservation made the Assembly's action ultravire, it is curious that not one of them voted against the resolution. Their failure to do so obviously strengthened the authority of the anti-colonial states position in subsequent controversies.

34. The official name "special committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples." It was established, originally with 17 members, by General Assembly Resolution 1654 (XVI), 27 Nov. 1961. The membership was to 24 the following year. (Official Records of General Assembly, 17 Session, Annex Addendum to Agenda item 25 (A/5238).

At the same session, and at each subsequent session, the General Assembly, after considering the report of the Special Committee, adopted a resolution renewing the committee's mandate. 36

At its Twenty-seventh session, 37 the General Assembly following its consideration of the report of the Special Committee (A/8723 and Add. 1-7), approved that report and appealed to the committee to continue to strive for the immediate and full implementation of General Assembly resolutions 1514 (XV) and 2621 (XXV) in all territories, which have not yet attained independence and, in particular, to formulate specific proposals for the elimination of the remaining manifestations of colonialism, and report thereon to the General Assembly at its Twenty-eighth Session (Res. 29/18 (XXVIII). At the same session, the General Assembly adopted a number of other resolutions relating

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37. For the reports of the Special Committee submitted to the General Assembly at its Eighteenth to Twenty-sixth Session, see Official Records of the General Assembly, Eighteenth Session, Annexes, addendum to agenda item 23 (A/5446/Rev. 1) Ibid., Nineteenth Session, Annex No. 8 (Part I) (A/5811/Rev. 1).

Ibid., Twentieth Session, Annexes, addendum to agenda item 23 (A/6333/Rev. 1) Ibid., Twenty-First Session (A/6333/Rev. I), Ibid., Twenty-Second Session, item 23 (Part I to III) (A/6703/Rev. 1).

to decolonisation. The General Assembly decided to postpone consideration of the question of British Honduras, the Falkland Islands, French Somaliland and Gibraltar to its Twenty Eighth Session.

During the Twenty Eight and Twenty Ninth Sessions, the Special Committee continued to discharge the mandate entrusted to it by the General Assembly in resolution 3163 (XXVIII) of 14 December 1973. A full account of the Special Committee's activities during 1974 is found in its report to the General Assembly.

38. Agenda item (22):
(b) Reports of the Fourth Committee: A/8954, A/8955, see Also A/8869.
(c) Report of the Fifth Committee: A/8867.

   " 2983 (XXVII).
   " 2984 (XXVII).
   " 2985 (XXVII).
   " 2986 (XXVII).
   " 2987 (XXVII).
   " 2988 (XXVII).
   " 2989 (XXVII).
   " 2990 (XXVII).
   " 2991 (XXVII).
   " 2992 (XXVII).
   " 2993 (XXVII).
   " 2994 (XXVII).
   " 2995 (XXVII).
   " 2996 (XXVII).
   " 2997 (XXVII).
   " 2998 (XXVII).
   " 2999 (XXVII).
   " 3000 (XXVII).
   " 3001 (XXVII).
   " 3002 (XXVII).
   " 3003 (XXVII).
   " 3004 (XXVII).

40. The new designation of the Territory is French Territory of the "A fars and the Iissas" (see Terminology Bulletin No. 240 (ST/CS/SER. F./240) issued by the Secretariat on 15 April 1968.)
In organising its work for 1975, the Special Committee decided to retain its subsidiary bodies and referred to them specific items for consideration and report. Details on the Special Committee's activities during 1975 appeared in the committee's report to the General Assembly at its Thirtieth session. 41

The Committee adopted five resolutions relating to visiting missions; Montserrat, Seychelles, Comoro and Papua New Guinea, Brunei, Tokelau, Cocos (Keeling) islands, New Hebrides, Bermuda, Gibbert and Ellice islands, Pitcairn, Solomon Islands, St. Helena, British Virgin Islands, Cayman Islands, Turks and Caicos Islands, United States virgin islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, administered by the United States. 42

HUMAN RIGHTS:

The question of Human Rights, especially racial discrimination in South Africa, have come to dominate the activities of the General Assembly. In the beginning, the question of human rights was treated primarily as a legal

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42. Ibid., Thirtieth Session, Supp. No. 23 (A/10323/Rev. 1)
question, as is reflected in the Universal Declaration of Human Rights which the General Assembly adopted on 10 December 1948. Efforts in the General Assembly were exerted to develop the Declaration by supplementary covenants that would specify the rights in detail and make them binding. However, in 1966 the Assembly successfully adopted two draft covenants on civil and political Rights and on Economic, Social and Cultural Rights but the process of ratification of these covenants was very slow. 43

The political approach to the question of human rights attracted the attention of the General Assembly when in 1946 India complained against the discriminating treatment of Indian citizens in South Africa. Thus, in 1952, the general problem of apartheid was added to this particular case, with the charge that racial conflict also threatens international peace and security. 44

In 1960 when the Declaration on Decolonisation declared colonialism "a denial of fundamental human rights" and reaffirmed that "all people have the right to self-determination", the issues of self-determination (group equality.


and individual rights (racial equality) were brought together. The connection of human rights with the colonial issue received further attention due to anti-colonial states' success in relating it to political security concerns of the organisation. The United Nations made a very remarkable development by using enforcement action to meet "threats to the peace" to be considered exclusively in the context of self-determination in Southern Africa. The General Assembly declared the termination of South Africa's mandate for South West Africa (Namibia) in 1966 followed by establishing the Council for South West Africa to administer the territory "until independence." The Assembly continues its efforts by making pressures to get the Security Council to undertake enforcement action against Portugal and South Africa, nevertheless, the Portuguese colonies are now no more a problem to the United Nations after the former reactionary regime in Portugal had turned out by the revolution in 1974, but the South Africa racial policy is still a world issue in the General Assembly and the Security Council. South Africa was suspended from attending the Twenty-nine session of the General Assembly because of its continuous defiance of the United Nations Charter and United Nations General Assembly and Security Council resolutions.

STRENGTHENING OF INTERNATIONAL SECURITY:

The question of the strengthening of international security was first included in the agenda of the General Assembly at its Twenty Fourth Session at the request of the Soviet Union. At that session, the General Assembly invited Member States to inform the Secretary General of their views and suggestions as well as of any measures they took for the purpose of strengthening international security. At the Twenty Fifth Session, the item was considered on the basis of a report of the Secretary-General, following which the General Assembly adopted the Declaration on the Strengthening of International Security.

At the twenty sixth session, the Secretary-General presented to the Assembly a report on steps taken by Member states in pursuance of the Declaration. At that session, the General Assembly, while solemnly reaffirming all the principles and provisions continued in the Declaration, inter alia,

47. Official Records of the General Assembly, Twenty Ninth Session, Annexes, Agenda item 3, document A/9647. See also Resolution 3206 (XXIX) and 3207 (XXIX).


requested the Secretary General to submit to the General Assembly at its Twenty-Seventh session, a report on measures adopted in pursuance of that Declaration. 51

In pursuance of paragraph 8 of the General Assembly resolution 3185 (XXVIII) of 18 December 1973, the Secretary-General submitted to the Assembly a report on the implementation of the Declaration on the Strengthening of International Security. 52 The substantive parts of replies received from 17 Member States, giving their views on the subject were reproduced in the report, to which was annexed a list of additional documents.

On 17th December, 1974, the General Assembly adopted resolution 3332 (XXIX), in which it reaffirmed the principles and provisions contained in the Declaration on friendly relations among States as the basis of relations among all States, reaffirmed that all States have the right to participate on a basis of equality in the settlement of major international problems, reaffirmed that any measures or pressure directed against any State while exercising its sovereign right freely to dispose of its natural resources constituted a flagrant violation of the right of self-determination and the principle of non-intervention, as set forth in the Charter of the United Nations; reaffirmed the legitimacy of the struggle of Peoples under alien domination to achieve self-determination,


52. Res. 2880 (XXVI).
appealed to all States to implement the United Nations resolutions on the elimination of colonialism, racism and apartheid, and required the Secretary General to submit to the Assembly at its thirtieth session a report on the implementation of the Declaration on the strengthening of International Security.

**DEFINITION OF AGGRESSION:**

On 14 December 1974, the General Assembly adopted without a vote a definition of aggression, the result of efforts which started over fifty years ago in the League of Nations and twenty five years ago in the United Nations. 53

The Assembly called the attention of the Security Council to the Definition and recommended that it should as appropriate, take it into account. The preamble to the Definition reiterates that the Council, under Article 39 of the Charter, shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall decide what measures should be taken, whether of a military or non-military nature. Since aggression is the most serious and dangerous form of the illegal use of force possibly leading to a world conflict, the Assembly decided aggression should be define


For other relevant documents, see Official Records of the General Assembly, Twenty Ninth Session, Annexes, Agenda item 36.
at the present stage. In doing so, it was convinced that the adoption of a definition ought to have the effect of deterring a potential aggressor, would simplify the determination of acts of aggression and would also protect the rights and interests of the victim.

Recalling the duty of States to settle their international disputes by peaceful means, the preamble states that nothing in the definition shall be interpreted as in any way affecting the scope of the provisions of the Charter with respect to the functions and powers of the organs of the United Nations.

On issues of peace and security in which both super powers may have strong direct interests, the current trend, with exceptions, for both to turn to the Security Council rather than the General Assembly. The development of the General Assembly has been "a continuous struggle between the advocates of conflicting purposes or between those whose conceptions of the proper order of priorities are different, a struggle to determine which purposes and whose purposes the United Nations will serve."54

The great task confronting the General Assembly in the meantime is to better equip itself to be, in the words of the Charter, "a centre for harmonizing the actions of nations." While the complexity of this task has increased

54. For the Text of the Definition, see Appendix B.
through the life of the Assembly, it is also possible to say that the very complexity of the contemporary world creates new opportunities for conciliation and compromise of differences among states.

Political issues concerning world peace and security as Middle East, Cyprus, peace keeping operations, disarmament and related matters, decolonisation, human rights, apartheid, Korea, with other economic and social matters, are every year placed in the agenda of each session of the General Assembly in which delegates of Member States come to the United Nations headquarters to debate, adopt resolutions or recommendations to the Security Council or their countries for implementation. But this is of course not enough because not every resolution passed by the General Assembly ought to be implemented by all the Member States. The United Nations in fact, is not a world government possessing a power to enforce its resolutions and orders and the General Assembly resolutions have no binding legal force on the Member States. Its resolutions, are only moral recommendations.

It is clear that the revitalisation of the General Assembly is essential, it depends on the attitudes and policies of its members. But one cannot deny that "the General Assembly occupies a key position in the network of organs of the United Nations. Some of its main procedural problems have arisen from the fact that it has had to do things for which it
is not fully equipped, legally or politically.\textsuperscript{55} In recent years, the United Nations Organisation is equipped to deal with international problems that come before it, the General Assembly in its turn can possibly come to acquire the legitimacy and value which are very essential for its effectiveness. However, this matter of "institutionalisation" is very important for reform process.\textsuperscript{56}

As the United Nations grows older and is expanding, it requires more efforts to be exerted for making its capability in solving world issues, otherwise the consequence will be more frustration and disillusionment which may produce "a dangerous tendency increasingly to take drastic short-term measures regardless of their long term consequences."\textsuperscript{57}

\textbf{TOWARDS EFFECTIVENESS AND EFFICIENCY:}

Thirty years ago, when the representatives of 50 countries met in San Francisco to create the United Nations, their intention was to adopt a new rule of internationa


decision-making, the rule of the majority, a new rule of consolidating peace and security by making the Security Council strong enough to stop aggression anywhere in the world, a new economic and social system in order to enhance the standard of all the people of the world, a new rule of law and justice in order to preserve human rights of mankind. The United Nations truly speaking achieved much and served so much but still require reforms in order to do its responsibility effectively and efficiently. The General Assembly, in this respect considers the priority to be reformed. The twenty-fourth Assembly Session adopting the report of its preparatory Committee on the celebration of the Twenty-fifth Anniversary, declared that the commemoration should be "an occasion to strengthen the United Nations and make it more effective by reaffirming the faith of Governments and peoples in the purposes and principles of the Charter ... and renewing their endeavours to give them full effect." In renewing the committee's mandate, the Assembly


requested it to coordinate plans for the observance, including the consideration of proposals and suggestions .... for increasing the effectiveness of the United Nations."\textsuperscript{59}

In response to the appeal of the General Assembly, suggestions for improving the Organisation have been made by governments, scholars and private organisations. The evolution of any of these suggestions or proposals will determine how far procedural changes are likely to result in a more effective United Nations.\textsuperscript{60}

\textbf{THE CHARACTER OF UN:}

The first requirement for effective reform of the General Assembly is a recognition of just what type of institution it is. Its limitations and potentialities are shaped and illustrated by factors that must be understood if proposals for reform are not to be wide of the mark. Some recommendations for "strengthening" the United Nations betray some fundamental misconceptions about its nature. Recommendations bear in mind that the Organisation is an embryonic world government are unrealistic if not superfluous and may harm the United Nations than to improve it.

In fact, the United Nations is not a world government, nor the General Assembly a world Parliament. It

\textsuperscript{59} General Assembly Res. 2499A (XXIV) 17 Dec. 1969.
\textsuperscript{60} Ibid.
is an international society, whose primary factors are still sovereign nation states. The real power in this respect lies with the hands of the Member States. Therefore, it is very essential to dispose at the outset to think about the United Nations with some sort of world federation. It is therefore unnecessary to consider further radical type of proposal for changing the entire system of the World Organisation. It is proved a failure with no general impetus even to convene, under Article 109 "a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter."

The 48 member committee set up by the Assembly to discuss observations received from Governments might wish to make for enhancing United Nations effectiveness, failed to make any

61. General Assembly Res. 3073 (XXVIII) of 30 November 1973. See also Report of the Secretary General, "Strengthening the role of the United Nations with regard to the maintenance and consolidation of International peace and security, the development of cooperation among all nations and the promotion of the rules of international law in relation between states" (A/9695).

See also, General Assembly Res. 3282 (XXIX) and 3283 (XXIX) of 12 Dec. 1974. For other relevant documents, see Official Records of the General Assembly, Twenty-ninth Session, Annexes, Agenda item 20.

62. See, for example, many of the recommendations in the twentieth report of the commission to study the Organisation of Peace. The United Nations: The Next Twenty-five years (New York, 1969).
**MEMBERSHIP:**

The goal of universality of the membership in the United Nations has always been accepted in principle by most Member States but this is of course not sufficient while the question of membership in the United Nations remains disputable between the two superpowers which in its turn marks some of the most dangerous conflict in the Security Council and the General Assembly between East and West. Issues concerning China, Germany which were matters of conflicts among Big Powers since 1949 in the United Nations are now solved when in 1971 the General Assembly voted with more than two-thirds of its Member States in favour of People's Republic of China to resume its legitimate rights of membership in the General Assembly and the Security Council in place of Taiwan which had expelled from the United Nations. The two Germanys now accepted for membership after they agreed to ease the isolation of West Berlin owing to detent policy which was adopted by the former West Germany's

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63. The twenty-fourth Assembly agenda included an item "Need to consider suggestions regarding the review of the Charter of the United Nations." Not having had time to examine the question adequately, it deferred the item till twenty-fifth session. General Assembly Res. 2552 (XXIV) 12 Dec. 1969.
Chancellor Willy Brandt. But, the issues concerning membership of Korea and Vietnam remain a disputed matter between the two super powers, in which the veto, usually used either by the United States or by the Soviet Union, as it happened last time in August 1975 when the United States of America voted against the admission of South Vietnam and the Democratic Republic of Vietnam. The vote on each draft resolution was 13 in favour to 1 against (United States), with 1 abstention (Costa Rica). The United States used the veto power on a procedural decision which the council took on 6 August not to include in its agenda an application for United Nations membership from the Republic of South Korea. The decision was taken by a vote of 7 in favour to 6 against, with 2 abstentions. The then Permanent Representative of the United States to the United Nations ambassador Daniel Moynihan said in the Security Council that there are three applications of three nations wish to be members of the United Nations, "The United States had been prepared to vote for the consideration of each of them. The essential trust of the Charter towards universality required nothing less." 65

64. See UN Chronicle (August-September 1975) Vol. XII, Number 8 (United Nations Office of Public Information), p. 3.

The case of the divided halves of Korea and Vietnam is complex, although the question of their representation in the United Nations has not been debated as extensively as that of China. The Communist countries have annually raised the issue of North Korea participation in the First Committee's discussion of the report of the United Nations Commission for the Unification and Rehabilitation of Korea. However, the United States has so far been able to muster enough votes not to let these two states to take part in the Committee. On their part, both North Korea and North Vietnam have persistently denied that the United Nations has competence on questions concerning reunification of Korea and Vietnam respectively. However, owing to the victory of the communists in South Vietnam, and announcement of reunification of both North and South Vietnam, the question of their representation in the United Nations might be easily resolved in the forthcoming session of the General Assembly after the United States declared that it would cease to oppose the membership of the Republic of Vietnam in the United Nations.

Another issue which brought a radical change in the membership of the United Nations is the increase in the number of small states in the General Assembly that widened the gap between real power and voting power and has thereby undoubtedly contributed to the decline of support for the Organisation on the part of large powers. The one-state, one vote system, becomes always a controversial aspect of General Assembly procedure has increasingly been called into questions by some of the larger states (though not by the communist
powers), which warn that viability of the Organisation is threatened by an influx of states unable to assume effectively the responsibilities and obligations of membership. 66

The small states do not consider themselves any less important than the great powers. They consider their weakness caused by the imperial domination of their lands. Having fulfilled their political independence, they feel entitled to the full exercise of that "sovereign equality" guaranteed in the Charter of all members. Nothing in their opinion dangerous to the United Nations by their joining its membership. 67

66. See UN Chronicle op. cit., p. 5.

67. In his concluding remarks to the Twenty Third Assembly, the Late Assembly President Emilio Arenales Catalan of Guatemala criticised the "unrealistic and emotional approach of a majority of delegates." "The delegates", he declared, "had concentrated on passing resolutions that failed to cure "the evils of this world", rather than on developing good faith and greater political will to solve problems, and had often placed emotion before reason, regardless of the consequences for the Organization or for the World. UN Doc. A/PV. 1752, 21 Dec. 1968, pp. 213-216.

The following year, the president of the Twenty Fourth Assembly, Mrs. Angie Brooks of Liberia, cautioning her fellow delegates against "complacency" pointed out "the gradual decline of the United Nations in the eyes of public opinion". UN Doc. A/PV. 1753, 16 Sept. 1969, pp. 28-30. For further discussion see, pp. 42-57.
The big powers are aware of the General Assembly domination in recent years by the developing countries that they are obliged to call for a reappraisal of the "open door" policy on membership which has been prevalent since the late 1950s. The French and the United States delegates openly raised this issue in the Security Council, where actions on membership normally commence. They questioned whether "some agreed standards - some lower limits - (should not) be applied in the case of future applicants for United Nations membership." Nothing, however, resulted by such a move and in the period since 1965 eleven new countries all but two with population under one million have become members of the United Nations. Neither the United States, France nor any other big power of the Security Council vetoed the admission of any applicant.

Again in August 1969, the United States did efforts to raise the issue when it suggested that the Security Council may establish a committee to study at greater length

68. The former Secretary General the late Dag Hammarskjöld once stated "I cannot ... share the view of those who regard the possible influence of smaller powers as a danger ..." Press Conference, Note to correspondence No. 1983 (30 April 1959).
the question of creating a category of associate members. 69
The Council set up a Committee of Experts consisting of all
Council members. The committee held a series of meetings between
12 September 1969 and 10 June 1970. In an interim report
submitted on 15 June, 70 the committee failed to come up with
any conclusions, in fact, "a number of members" had not even
made any statement on the substance of the matter. However, the
majority of the developing countries have been against the
establishment of standards for admission of new applicants as
they are intended to create a category of second-class membership
within the organisation. They clearly see the establishment of
criteria (whether of territory, size, population, financial
capacity, or almost any other) for new members as but a prelude
to the extension of such criteria to small states already member
of the Organisation. 71 The British delegate thinks that the

69. See United Nations Security Council Official
Records: 1243rd. Mtg. 20 September 1965 para
90, members of the Council, however, China
did not think smallness lessened the will of
the people to independence; the Soviet Union
declared that the 1960 Declaration on de-
colonisation applied to all colonial territories
of any size or geographical location; and the
Ivory Coast felt that the states, "the more they
need the United Nations." Ibid., para 52, 62, 42.

70. Submission of item for Council agenda: UN Doc.

category of associate memberships might be acceptable if the small states voluntarily renounce certain rights while otherwise enjoying the privileges of membership. This could be done without amending the Charter by having the new state file a declaration in its application for membership stating 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, on the basis that the assessment of its financial contribution would be at a nominal level. 72

However, the fact is no solution can be reached and even the acceptance of associate membership by all future new states will not solve the existing problem that the larger states complain about. The new Member states have learned how to manipulate, with Soviet support, Assembly procedures to their advantage, in a manner reminiscent of the tactics used by the United States in the early years of the Organisation. Thus, even with two types of membership, a change in the voting system still be needed to meet the basic political problem to the satisfaction of the larger states in the General Assembly. 73

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RESOLUTIONS:

The general debates apart, Assembly discussions and consultations among delegates normally have as their goal the adoption of a resolution. Thus, the result of each Assembly session is the array of resolutions passed. The great number of resolutions which the General Assembly adopted since 1960 caused what it is called in the United Nations "crisis of confidence" which undoubtedly provided incentive to re-evaluate this aspect of the activities of the General Assembly. The study based on 363 resolutions which the General Assembly adopted in its Ninth, Fourteenth and Seventeenth regular sessions (1954, 1959 and 1962) showed the following facts:

1. Since the increase of membership in 1954 there has been an increasing trend towards overwhelming majority decisions or unanimity in the General Assembly.

2. For those decisions which are contested, there is an imbalance in decision power in the General Assembly even after allowance for informal sources of influence, it favours the emerging countries as against the older, developed countries of both East and West.

3. Over half of all General Assembly resolutions which require implementation are internal decisions, carried out by UN Organs and not directly dependent on individual states for compliance.
4. While there are conspicuous exceptions, the Assembly's recommendatory decisions achieve a greater measure of compliance than is generally recognised.

5. Out voted minority members have responded with a variety of equilibrium-seeking actions depending on the content of resolutions. The most damaging to the authority and resources of the organisation are the responses evoked by internal decisions and assessment decisions. Inbalance in decision power is therefore most serious with respect to decisions in these categories. 74

Resolutions can more fruitfully be conceived of as a method of defining a community interest. Their moral and practical impact depends on how successfully they fulfil this legitimising functions. 75 This self legitimising


function of voting suggests that attempts to strengthen "majoritorinism" in the General Assembly may be misconceived. Procedures enhancing the conciliatory and consensus building aspects of resolutions to keep with the Charter conception of the United Nations as a "centre for harmonising the actions of nations." Would be more constructive than procedures enhancing the ability of a majority to prevail over a minority.

A corollary to the argument favouring resolutions to express community of interest is that in many instances resolutions are simply not called for. It has become rather indiscriminate Assembly habit to pass a resolution at the end of most substantive debate. But where there is an absent consensus, or where consensus extends only to the principle involved (e.g. on apartheid) and not in action to implement it, pressing a divisive resolution to a vote may only intensify the atmosphere of dissension. It seems at this stage, that consultation is useful if the members show good spirit to reach a consensus. When it is simply not possible to collect a majority for a resolution, a statement of consensus made by the presiding officer may be acceptable to all members because each one of them can still say that he did not actually commit himself to every word of it by casting a formal vote. 76 It may be not

that this same process increasingly attaches to resolutions themselves through extended use of "explanations of vote" by members. The consequence is to weaken the resolution in question and minimises the credibility of the resolution process in general. The developing countries resist this line of reasoning. The question of voting remains as it is and persistent use of confrontation tactics may alienate greatly the very powers whose cooperation they need to achieve their aims, with a resultant tendency for those essential powers to bypass the Organisation. Western disenchantment with sometimes strident and inflexible anticolonialism of the committee of 24 is a case in point. Australia has withdrawn from the committee, and the United States delegate was moved to ask "whether a committee of this type has a role to play in the United Nations framework which is dedicated to the peaceful settlement to disputes."

Finally, while the question of "one Member, one vote" caused a problem of majority and minority, it is desirable to state that the larger countries, now in the minority, must for their part, recognize that substantial concessions on questions of concern to the smaller states will be required if the latter are to be persuaded to forego some of the advantages of majoritarianism. The price of more "responsible" behaviour on the part of the majority will undoubtedly have to be more

responsive behaviour on the part of the minority. There is
probably little to be gained by putting initial responsibility
for changed attitudes on the majority of smaller powers, since
political pressure is almost their only weapon against the great
powers and the General Assembly is practically the only place
where they can exert it collectively. But it is equally
imperative that constructive initiatives by the leading powers
be supported and reinforced by the majority, which much likewise,
in the words of the Secretary General "subordinate their ancient
quarrels" (and their modern ones) in the interest of creating
that "global partnership" so essential to the future of the world
as well as of the world Organisation.78

The United Nations is essentially an inter-
governmental organisation based on the concept of the sovereign
equality of nations. As such, the reality of world politics is
bound to be mirrored in the work of the Organisation. When the
World is divided, such a division is sharply reflected in the
United Nations. It is in fact easy to deplore the weaknesses and
limitations of the United Nations of today, but it is difficult
at the same time to bring an alternative to it. The best is to
keep the United Nations working and evolving itself to the

See also Secretary General U. Thant, UN Press
constantly changing requirements of International society. As the President of the Twenty-Ninth General Assembly Session Mr Abdul Aziz Bouteflika expressed it when he addressed the General Assembly on 17 September 1974, "The United Nations could still be improved. It was progressively reforming itself." 79