

Admission of New Members

The Security Council reported to the Assembly that in April, 1948, it had reconsidered the applications for membership of Albania, Austria, Bulgaria, Finland, Hungary, Ireland, Italy, Mongolian People's Republic, Portugal, Roumania, and Transjordan. A proposal to admit Italy received 9 votes in favour and 2 against. In consequence of the Soviet Union's negative vote, however, the proposal was rejected. Since it appeared that none of the members had changed its view on the remaining applications, the Council decided to adjourn its discussion and report the position to the General Assembly.

In August the Council considered the application of Ceylon. The representatives of the Ukraine and of the Soviet Union cast doubt on Ceylon's independence and sovereignty and proposed that consideration of the application be deferred until sufficient proof of Ceylon's independent statehood was received. This proposal was rejected, and the proposal to admit Ceylon, which received nine affirmative votes, was again rejected as a result of the negative vote of the Soviet Union.

The Assembly had also to consider an Advisory Opinion of the International Court of Justice submitted in accordance with an Assembly resolution of November, 1947, on the question whether a member is juridically entitled to make its consent to the admission of a State to membership dependent on conditions not expressly provided by Article 4, paragraph 1, of the Charter, and in particular on the condition that other States be simultaneously admitted. The answer given by the Advisory Opinion, to which nine¹ of the fifteen Judges subscribed, was "No": the five conditions laid down in Article 4 were exhaustive, and extraneous political considerations—*i.e.*, factors which it was not possible reasonably and in good faith to connect with the Charter conditions—could not be superimposed so as to prevent the admission of a State which fulfilled them. The dissenting Judges reached the opposite conclusion. Article 4 in their view prescribed no more than certain preliminary and essential qualifications and left the question of admission to the good faith and good sense of the Security Council and the General Assembly; members participating in a political decision, such as the admission of new members, were legally entitled to make their consent dependent on any political questions which seemed to them relevant. Judges Alvarez and Azevedo, while concurring in the majority

¹ Judges—Alvarez (Chile), Azevedo (Brazil), Badawi Pasha (Egypt), de Visscher (Belgium), Fabela (Mexico), Guerrero (El Salvador), Hackworth (United States), Hsu (China), and Klaestad (Norway). Two of these, Judges Alvarez and Azevedo, submitted additional individual opinions. A collective dissenting opinion was submitted by four judges (Basdevant of France, Winiarski of Poland, McNair of the United Kingdom, and Read of Canada), while Judge Zoricic of Yugoslavia and Judge Krylov of the Soviet Union submitted individual dissenting opinions.