

The next proposal to be put to the vote was that of *Australia* recommending members to act in accordance with the Advisory Opinion in voting on applications for admission. In opposing this resolution the delegate of the *Soviet Union* (Mr Vyshinsky) roundly declared that in fact there was no such Advisory Opinion. Since two of the nine members who subscribed to it (Judges Alvarez and Azevedo) had submitted additional opinions expressing a different view on the crucial issue of whether political considerations could be invoked in addition to the legal conditions expressed in the Charter, and since six other Judges dissented from the Opinion, it was really a minority opinion and could not be accepted as a decision of the Court. Eight Judges had denied that there was any contradiction between the legal and political standards involved. This opinion was not merely that of Soviet lawyers; among the eight were eminent jurists representing most of the major legal systems of the world. The Soviet Union went further, indeed, holding that law in the last analysis was nothing but a tool for the implementation of policy; political considerations therefore could not be divorced from strictly legal conditions in deciding important questions like the admission of new members.

A number of delegations pointed out in reply that the Judges were the sole judges of their vote, and nine of them had voted for the conclusions of the majority. From the legal point of view there was therefore no question that the opinion of the majority constituted a judgment of the Court. It was recalled also that the opinions delivered by the Permanent Court had never in practice been disregarded, and the hope was expressed that this, the first Advisory Opinion of the reconstituted Court, would be complied with by the Security Council.

The resolution was adopted by 32 votes (N.Z.) to 11, with 6 abstentions.

Two amendments were introduced during the discussion of the *Swedish* resolution, which came next in the order of voting. A number of delegations had objected to the reference to "the principle of universality," which is not recognized by the Charter. The delegation of *India* therefore introduced an amendment (which was later withdrawn and reintroduced by the *United Kingdom*) substituting for "the principle of universality" the words "the opinion of the International Court of Justice." This amendment was defeated by a tie vote, New Zealand voting in favour. A *Bolivian* amendment deleting the reference to universality in the operative part of the resolution, and inserting instead a clause in the preamble noting "the general sentiment in favour of the universality of the United Nations," was accepted by the *Swedish* delegation. The amended resolution was adopted by 33 votes (N.Z.) to 3 with 8 abstentions.

After the vote the *Soviet Union* representative said that since a recommendation for the reconsideration of all applications had been adopted, there was no need to consider applications individually. He