

MINISTATES  
AND THE  
UNITED NATIONS

A Thesis  
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The opinions and conclusions expressed herein are those of the individual student author and do not necessarily represent the views either of The Judge Advocate General's School, U. S. Army, or any other governmental agency. References to this study should include the foregoing statement.

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## SCOPE

An examination of the smaller countries of the world and their relationship, past, present and future to the United Nations to include an explanation of the existing membership requirements and their application. To be covered is an investigation into the necessity for full U. N. membership with the advantages and disadvantages thereof and possible alternatives thereto, and recommendations for modification and improvement to the present system of representation. As a vehicle for this study, several of the smaller countries and territories due independent status in the future will be utilized as examples, to show the possible impact upon the present structure of the United Nations.

## TABLE OF CONTENTS

<u>CHAPTER</u>	<u>PAGE</u>
I INTRODUCTION	1
II HISTORY AND PROCEDURES OF THE UNITED NATIONS	6
III FACTORS LEADING TO THE PROBLEM OF EXPANDED MEMBERSHIP	14
IV EFFECT OF EXPANDED MEMBERSHIP UPON THE UNITED NATIONS	21
V ADVANTAGES AND DISADVANTAGES OF U. N. MEMBERSHIP	29
VI POSSIBLE ALTERNATIVES TO FULL U. N. MEMBERSHIP	32
VII SOME EXAMPLES OF FUTURE MEMBERS OF THE U. N.	37
VIII ALTERNATIVES TO UNITED NATIONS VOTING PROCEDURES	41
IX CONCLUSIONS	49
X RECOMMENDATIONS	53
APPENDIX A	60
BIBLIOGRAPHY	65

CHAPTER I  
INTRODUCTION

Since the United Nations was formed in 1945 with fifty-one members it has expanded to such an extent that presently 126 states are included. These range in population and area from the giants such as India and the USSR to the other extreme such as the Maldine Islands with a population of nearly 100 thousand persons and an area of approximately 115 square miles. As a result of the expanded membership a problem has developed in the past few years which becomes more important as additional states emerge onto the international scene: What is the part that these smaller states will play in relation to the United Nations and the international community?

There are presently approximately sixty small territories in the world with populations of less than 300 thousand persons.<sup>1</sup> Some of these now claim to be independent states and others will become independent in the near future. The question of the future of these areas provides two important and associated questions for the United Nations: (1) "Should full sovereignty be advocated, or might something less than independence afford them greater security, given their characteristic lack of resources?"; (2) "Should any independent state in this category be given full United Nations membership, or should some intermediate arrangement be the rule?"<sup>2</sup> The practice in the past has been to grant full membership to

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<sup>1</sup>See Appendix A.

<sup>2</sup>569 Int. Concl. 83 (1968).

any territory that is "independent" and which applies for admission. As a result, almost any criteria used to determine eligibility for membership would be breached by some states that are already members.

In her article for the Carnegie Endowment for International Peace on this problem, Miss Blair used a combination of factors including population, area, revenue, exports and per capita income in arriving at a definition for ministate and for an admissions formula.<sup>3</sup> This is an admirable plan, but it tends to lead to unnecessary complexities where there is a great imbalance in one or more of the factors being considered. Perhaps a better method that could be employed would be to consider only population and independent status as the deciding factors for admission. Although this theory will also have its imperfections, it would provide an easily defined set of conditions that must be met before admission into the United Nations could be considered. Another advantage that would be gained is the automatic removal from consideration of all dependencies and other related non-independent territories, and limit membership to those countries which are sovereign states in the international sense.<sup>4</sup>

An entity which considers itself and which is considered by other nations to be a state in the international law sense and which also meets a certain level of population according to definite pre-established standards could apply for United Nations membership. If membership were allowed,

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<sup>3</sup>Blair, "The Ministate Delimma" (revised edition), tables 1 and 4 (1968).

<sup>4</sup>This requires a permanent population, a defined territory, a government and a capacity to enter into relations freely with other states. (Montivideo Convention on the Rights and Duties of States, 1933).

that state would then be entitled to full association and the accompanying benefits and activities, to include automatic membership in the General Assembly and the Statute of the International Court of Justice. Also available would be the opportunity to become a member of the Security Council if such were the desire of the other members.

Traditional international law has long demanded that before an entity can be acknowledged as a state it must possess independence and sovereignty. This requirement has been one of the most debated topics in regard to membership, even more so than the need for fixed frontiers and a stable government.<sup>5</sup> Whether one looks at "legal" independence or "actual" independence as a criterion for membership is a matter of much discussion and disagreement.<sup>6</sup> An example of the discussion took place in regard to the admission of South Korea into the United Nations, which the Soviet Union claimed was merely a "puppet" government of the U. S. , imposed on the people of South Korea by the 1950 "intervention".

An example of a country that is legally but not actually independent is found with Liechtenstein, located in Europe between Switzerland and Austria. Although founded in 1719 and independent since 1866, it is closely tied to Switzerland which manages the telegraph and postal services, as well as all foreign affairs. Absolute independence is virtually impossible in modern-day society, due to the increasing interdependent relationships

<sup>5</sup>Cohen, "The Concept of Statehood in United Nations Practice", 109 U. Penn. L. Rev. 1127 (1961).

<sup>6</sup>Id., at 1152.

that have by necessity evolved, although the "actual" independence test is seemingly the more recognized standard as far as the United Nations is concerned. Necessarily, the political implications have to be considered in such an instance but the mere usage of requirements for actual independence as opposed to legal independence must be given great weight in future applications and developments.

A related question that must be asked is at what stage the population level impairs a nation's true independence, due to the necessity for a member-nation being able to carry out the Charter provisions as required by Article 4. This stipulation allows the widest discretion to the Organization and is similar to the provision of Article 1 of the Covenant of the League of Nations. An exception to the similarity is that the Charter makes no mention of the right of the Security Council and the General Assembly to call for specific undertakings to prove ability, as was required by the League Covenant.<sup>7</sup> Mere desire and willingness to cooperate cannot suffice to allow full membership if the entity is not really independent, although it might be enough for limited participation through some of the inter-related international organizations. Some examples of these are the World Health Organization and UNESCO which list San Marino, Monaco and the Holy See (Vatican) among their membership.

Due to the admission of the Maldives Islands, a population requirement of over 100 thousand persons could not be made in good faith;

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<sup>7</sup> Goodrich and Hambro, Charter of the United Nations, at 81 (1949).

the decision was made to admit a nation with this population and should be followed in the future. To raise the minimum requirements in regard to population would only cause ill feeling among the remainder of the smaller nations when admission is brought up in the future. To insure that the figure goes no lower in the future, I suggest a minimum population of 100 thousand persons. This provides reasonable size, while at the same time setting a definite standard to be followed in the future. As shown on Appendix A, this would decrease the number of areas now able to achieve admission to eighteen, with a possibility of three more within a reasonable amount of time. At the same time the admission of over forty other territories is precluded, thus greatly reducing the possibility of a problem in the future.

The 300 thousand population level was selected as a dividing line for the defining of this problem primarily because it has been used in the past<sup>8</sup> with adequate foundation, and because it provides a reasonable figure with which to work. Our problem is not "how large" is a ministate, but how small can they be, and still be in a position to claim U. N. membership without harming themselves or the U. N. itself.

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<sup>8</sup>Blair, supra note 3.



CHAPTER II  
HISTORY AND PROCEDURES OF THE UNITED NATIONS

The United Nations was established as a successor to the League of Nations with a stated purpose of maintaining international security and was dedicated to the development of friendly relations among nations. The basic principle underlining these ideas was for all peoples to have equal rights and a chance for self determination. Also intended was the achievement of international cooperation in solving problems of an economic, social, cultural or humanitarian character, and the serving as a center for harmonizing the actions of nations in the attainment of these common ends.<sup>9</sup> States which are not members of the organization are expected to act in accordance with these principles as far as is necessary in order to maintain international peace and security. There is also a prohibition against intervention by the United Nations into the domestic jurisdiction of any state, except for the purpose of enforcement measures.<sup>10</sup>

The United Nations is composed of six major sections, including the Trusteeship Council, the Secretariat, the Economic and Social Council, the Security Council, the International Court of Justice, and the General Assembly. In addition, there are in existence many specialized committees, agencies, boards, and commissions which were formed to aid the major organs in a particular field of inquiry. Because the General Assembly is the section of the

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<sup>9</sup>U. N. Charter, Art. 1.

<sup>10</sup>Id., Art. 2.

United Nations' most likely to be affected by the continued emergence of the ministates, this organ will be concentrated upon.

The General Assembly is the plenary organ of the United Nations, made up of all the member States, each with one vote but entitled to five representatives. It is this organ which therefore reflects the extent to which the U. N. has become truly universal and thus an effective sounding-board for world problems and world opinion.<sup>11</sup> The conditions for membership in the United Nations and thus the Assembly are set out in Article 4 of the U. N. Charter. These are:

- "1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council."

The applicant for membership has to satisfy the Organization that it is "peace-loving", that it "accepts" the Charter obligations and additionally is "able and willing" to carry them out. It was obviously the intention of the framers of the Charter that mere Statehood per se was not sufficient to acquire membership.

The criteria expressed in the Charter provide a general basis for admission conditions, and are capable of being examined subjectively

<sup>11</sup> Bowett, The Law of International Institution, at 37 (1963).

by the states engaged in the discussion on an application for membership. The problem that developed early in the U. N. 's history was that the East-West tensions precluded the admission of all but a few new members. Because of the failure of each side of the continuing disagreement to concur in the admission of states sympathetic to the other side, the Security Council found itself unable to make the recommendations required by Article 4(a). Because of the concern of the Assembly over the Council's failure to make recommendations on admission of new members, an Advisory Opinion from the International Court of Justice was requested. This opinion was in reply to the question whether a State, in voting upon an application for membership could make its vote dependent upon conditions other than those contained in Article 4(1). The Court advised that such was not permissible, nor was a State legally entitled to base its vote upon the condition that other states also be admitted.<sup>12</sup> Because the Council showed no indication of abandoning its prior practices, the Assembly requested a second Advisory Opinion on the legality of proceeding without the recommendations of the Council. The Court replied that such action could not be done, as the Assembly was without authority to act on membership applications in the absence of a favorable recommendation of the Council.<sup>13</sup>

The second opinion had little more effect upon the Council than the first, as it was not until 1955 that the problem was resolved. At this

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<sup>12</sup>I. C. J. Reports, (1948) 65 (Advisory Opinion of May 28, 1948).

<sup>13</sup>Ibid., (1950) 10 (Advisory Opinion of March 30, 1950).

time, as a result of a political compromise, 16 new members were admitted out of a proposed group of 18. Since that time the membership has grown to such an extent that at present there are 126 states in the United Nations.

The voting procedures for the General Assembly are set out in Article 18, providing in effect for one vote for each member. Decisions in regard to "important questions" are decided by a two-thirds majority of the members present and voting. Decisions on other matters are determined by a simple majority of members present and voting.

The distinction between "important questions" and "other questions" tends to be vague, but it has not resulted in any insurmountable difficulty. The fact that there is a non-exhaustive list of important questions does, of course, help in making the distinction, just as the phrase "present and voting" helps to avoid the problems of abstentions and absence which have plagued the Security Council.<sup>14</sup> The Assembly has tended to decide specific questions on an ad hoc basis rather than create new categories of important questions, as they could by a simple majority vote.<sup>15</sup>

Although the General Assembly is a deliberative organ which proceeds via recommendations rather than binding decision, one cannot deny the considerable political, moral and persuasive effect which such a recommendation can have. Although as a general rule the Assembly recommendations can have no legally binding effect on its members,

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<sup>14</sup>Bowett, supra note 11, at 41.

<sup>15</sup>Kerley, "Voting on Important Questions in the U. N. General Assembly", (1959) 53 A. J. I. L. 324.

there are some circumstances in which a recommendation may create legal obligations. An example of this can be found in the Assembly's approval of the budget under Article 17 which creates on a state an obligation to pay its contribution. Failure to pay subjects a member to the use of Article 19, including the loss of voting power in the Assembly.

The powers of the General Assembly broadly set out in Chapter IV of the Charter, including the power "to discuss any questions or any matter within the scope of the present Charter or, relating to the powers and functions of any organs provided in the present Charter".<sup>16</sup> Although in relation to the Security Council and the International Court the power is restricted, this provides the basis for the overall authority of the Assembly. In addition to this general role as U. N. supervisor in relation to the other organs, specific powers are enumerated in Chapters IX, X and XII. These give the Assembly rights of supervision over the Economic and Social Council and the Trusteeship Council. Further right of control is given through the Assembly's power to approve the budget under Article 17 and the right to receive reports from these organs under Article 15.

A further power is "to consider the general principles of cooperation in the maintenance of international peace and security" under Article 11(1), and "to discuss any questions relating to the maintenance of international peace and security" under Article 11(2). This provides the basis for the Assembly's political power which overlaps to a great extent with that given to the Council. So also does the power to make

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<sup>16</sup>U. N. Charter, Art. 10.

recommendations with regard to "the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations" under Article 14.<sup>17</sup>

To preclude a conflict between the Council and the Assembly on areas of apparent concurrent powers, the Charter contains Article 11(2) which provides that "Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion". This underlines the distinction between the intended purpose of the Council to make decisions and take action, and the right of the Assembly to deliberate and make recommendations. If the Council desires the Assembly to deal with a matter it generally removes the item from its agenda or makes a decision to defer consideration, with an appropriate notice to the Assembly.

Because of a reaction of Assembly members to the frustrations brought about in the Council due to the East-West rivalry and the resulting inaction in that organ, there has been a tendency for the Assembly to assume a larger role than the Charter would suggest. This has led to a clash in competency between these two organs because of the resolve of the Assembly to carry out the purposes of the Charter when the Council cannot do so.

Evidence of this resolve can be demonstrated by an examination of the "Resolution on Uniting for Peace"<sup>18</sup> passed by the Assembly on

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<sup>17</sup> Bowett, supra note 11, at 43.

<sup>18</sup> Resol. 377 (v).

November 3, 1950. This resolution was passed over the strong protest of the USSR, to insure that action can be taken in response to threats to the peace, breaches of the peace or an act of aggression, in the event that the Council was unable to act due to the veto power of the permanent members. It is primarily the assertion of secondary responsibility in this area, but includes the right of the Assembly to take any steps they deem necessary, to include the use of armed force, "if the Security Council, because of lack of unanimity, fails to exercise its primary responsibility for the maintaining of international peace and security". To put this resolution into effect, there must be a request by seven members of the Council that the Assembly take jurisdiction over the problem.

The USSR raised the issue, as a result of referral of the Hungarian question in 1956, whether the Assembly had the power to establish a U. N. Force, even by recommendation. The Congo question in 1960 was also referred to the Assembly, again as a result of Soviet veto in the Council. The right to establish a force became one of the principal Soviet contentions before the International Court in the proceedings on the request for an advisory opinion on Certain Expenses of the United Nations.<sup>19</sup> In the arguments, the Soviets took the view that they were under no obligation to contribute toward the U. N. Expeditionary Force since it was illegal under the Charter.

Although not required to do so by the particular question presented to them, the Court examined the respective functions of the Assembly

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<sup>19</sup> Advisory Opinion of July 20, 1962.

and the Council with respect to the maintenance of international peace and security.<sup>20</sup> In its majority opinion, the Court advised that the Council had primary but not exclusive jurisdiction and that their powers under Chapter VII did not preclude the Assembly from making recommendations under Articles 10 and 14. In addition they said that the provisions of Article 11(2) did not apply, as that section referred only to "enforcement" actions, whereas the U. N. Force was engaged in "measures" under Article 14. Whereas the Court did not explicitly hold that the Resolution on Uniting for Peace was a lawful assumption of power by the Assembly it so implied.<sup>21</sup> As a result the Assembly is definitely empowered to make recommendations which do not envisage "enforcement action" against States, and the resolution may now be treated as justifiable on the basis of the purposes and principles of the organization.

Although it appears possible for East-West relations to improve so that the Security Council will be able to re-claim its primary responsibility, there remains the potential need for action by the Assembly as an alternative. Whether affirmative action can be taken, such as occurred in the Congo and the Suez, will depend greatly upon the temperament and composition of the General Assembly.

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<sup>20</sup>L. C. J. Reports, (1962) 163.

<sup>21</sup>Bowett, supra note 11, at 47.



### CHAPTER III

#### FACTORS LEADING TO THE PROBLEM OF EXPANDED MEMBERSHIP

Before delving into the factual application of the minimum standards for membership decided upon, it is advisable that we examine just what the problem is and why all of the relatively sudden interest and worry in regard to the ministates.

That there has been a modification in ideas among the leadership of the United Nations in this area can be shown by the views expressed by two Secretary-Generals of the organization. In 1959, Mr. Hammarskjold said:

"I do not believe that the small nations have less of an understanding of central political problems of concern to the whole world than those who are more closely related to them and who traditionally wield greater power in the international councils. For that reason, I cannot . . . share the view of those who regard the possible influence of smaller powers as a danger . . ."<sup>22</sup>

Although this was a referral to countries of larger populations and generally with greater wealth than those here under discussion, the statement remains applicable to this problem.

In 1967, Mr. Thant observed in the introduction to his annual report that:

"It appears that a distinction be made between the right to independence and the question of full membership in the United Nations. Such membership may, on the one hand, impose obligations which are too onerous for micro-

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<sup>22</sup>Dag Hammarskjold, Press Conference, "Note to Correspondents" No. 1983, (April 30, 1959).

states' and, on the other hand, may lead to a weakening of the United Nations itself."<sup>23</sup>

He called at the same time for a study to establish the necessary limitations on full membership while also defining other forms of association which would benefit both the 'microstates' and the United Nations.

That these opinions can be partially distinguished due to the time frame and the persons involved will not be argued. The fact remains that in recent years more attention has been given to the problem of membership in the U. N. for the smaller nations.

For years, and in some instances for centuries, no one has been particularly worried about places such as Cook Island, St. Helena or Nauru except those that live there, and the nations which claimed them. There are many examples that would lend strong doubt of the interest of the latter group, although this primarily resulted from the immense size of the empires involved.

The trend towards change began many years ago, as the overseas empires began to break up or be broken up, primarily as a result of the World Wars. To demonstrate that the change has come slowly, however, is the fact that at the end of World War II, almost one quarter of the world's population still resided in dependent territories of one type or another. Because of an international expression of interest in the welfare of these people special provisions were included in the

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<sup>23</sup>22 U. N. GAOR, Supp. 1A, paras, 164-165 (1967).

United Nations Charter.<sup>24</sup> These provisions recognized that the political, economic and social advancement of these people and their countries was of grave concern to the world community.<sup>25</sup> Basic principles and obligations of the administering nations were set out in order that these dependencies could eventually become independent members of the international community. Also included was the necessity of considering the interests of these peoples in accomplishing their political aspirations, and the necessity of promoting their development and well-being.

Progress was made, and in 1960 seventeen new members were admitted to the United Nations, all of which had been former dependent territories.<sup>26</sup> This trend has continued in the last decade, and will no doubt be carried on in the future.

At the same time as this first group of former colonies were being admitted to the United Nations, the Assembly gave further impetus by the adoption of the "Declaration on the Granting of Independence to Colonial Countries and Peoples".<sup>27</sup> This declaration proclaimed the necessity of bringing a speedy and unconditional end to all forms of

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<sup>24</sup>U. N. Charter, Chap. XI.

<sup>25</sup>Everyman's United Nations, at 370 (1968).

<sup>26</sup>Cameroon, Central African Republic, Chad, Congo (2), Cyprus, Dahony, Gabon, Ivory Coast, Madagascar, Niger, Somalia, Togo, Upper Volta, Mali, Senegal and Nigeria.

<sup>27</sup>G. A. Res. 1514 (XX), (December 14, 1960).

colonialism and stated that inadequacy of political, economic, social and educational preparedness should never serve as a pretext for delaying independence. Also stated was the theory that immediate steps should be taken to grant independence to all existing trust and other non-self-governing territories, and to transfer all powers to the peoples of those territories without distinction as to race, creed or color in order for them to enjoy complete independence and freedom.<sup>28</sup>

To aid in the accomplishment of these highly desirable but often unrealistic ends, a "Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" was established.<sup>29</sup> Known as the "Special Committee of Twenty-four", its purpose was to conduct investigations and present reports and recommendations to the Assembly.

This Committee of 24 was asked "to pay particular attention to the small territories" in order to implement the Independence Resolution, and has taken steps to do so. Among the action taken was the consideration of pertinent questions in full debate for the first time, in addition to the required investigations and reports. Unfortunately, the discussions in regard to the Trust Territories demonstrated a wide gulf of views between the ideas of the Committee and those of the Trusteeship Administrators.

The Administrators (predominantly the United States and Great Britain) expressed the feeling that the Committee was showing narrow

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<sup>28</sup>Everyman's United Nations, at 371 (1968).

<sup>29</sup>G. A. Res. 2105 (XX), (December 20, 1965).

thinking and a lack of realism in insisting upon complete independence as the only workable solution.<sup>30</sup> In the words of the U. S. delegate,

"the Committee has tried unsuccessfully to squeeze all the small territories into one world and to prescribe the same medicine for all, regardless of symptoms, and in the process has unfortunately made no real contribution to advancing the peoples of these small territories toward the desired goals."<sup>31</sup>

The representative of the United Kingdom, somewhat more hopeful than the United States, expressed the view that "the wishes and interests of the inhabitants must always be the paramount concern".<sup>32</sup>

As a result of the actions taken by the Committee of 24, several areas of disagreement have developed. Among these are included the failure of certain countries to allow visiting inspection teams into their territories, as Britain has done in regard to many of its possessions, and the existence of economic and strategic relationships that could possibly create obstacles to self determination.

In regard to the latter area of disagreement, considerable criticism has been voiced on the presence of United States and British military bases in these dependencies. The Assembly has termed the establishment of these bases "incompatible with the purposes and principles of the Charter"<sup>33</sup>, but the United States replied that "it

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<sup>30</sup>574 Int. Concil. 88 (1969).

<sup>31</sup>U. N. Doc. A/AC 109/PV. 669, at 29. (April 25, 1969).

<sup>32</sup>U. N. Doc. A/AC 109/PV. 670, at 6 (April 28, 1969).

<sup>33</sup>G. A. Res. 2430 (XXIII), (December 18, 1968).

makes no apology for maintaining . . . military installations necessary for international peace and security".<sup>34</sup> (It should be noted at this point that U. S. bases in the Pacific Island Trust Territory, designated a "strategic trust", are authorized under a special arrangement with the Security Council.)

As a result of their work in this area, the majority of the Committee of 24 appear to have become willing to recognize the diversity of these territories, and even to accept under some circumstances some status for them less than full independence when the latter is not appropriate for the time being.<sup>35</sup> Alternatives such as association or integration into an already independent state may also be acceptable forms of self-determination, so long as done freely and without prejudicing the right to future full independent status.<sup>36</sup>

This does not mean that the primary goal of complete independence has been changed as the Committee of 24 persists in the view that this solution must eventually be accomplished. It merely means that the Committee, like many of the people of these territories, has begun to acknowledge the special problems that do exist. Once these problems, primarily in regard to a lack of human and material resources, are overcome independence must be granted.

Notwithstanding the evidence and argument to the contrary, the desire persists by a large percentage of the membership of the

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<sup>34</sup>U. S. Mission to the United Nations, Press Release USUN-60 (69), (June 13, 1969).

<sup>35</sup>G. A. Res. 1514 (XV), December 15, 1960).

<sup>36</sup>574 Int. Concil. 88 (1969).

United Nations for independence for these territories. This feeling becomes stronger as each succeeding state, themselves previously a colony, becomes independent and is granted U. N. membership.

The United Nations thus finds itself involved in a delimma, and in a position of supporting both sides of the problem. On one side is the announced policy of self-determination of all peoples of the world. On the other side is the need to insure that these territories are not put into a position or status that neither they nor the United Nations can resolve. A distinct balancing of the interests of these two supporting yet at the same time conflicting premises is the real foundation of the problem.

## CHAPTER IV

### EFFECT OF EXPANDED MEMBERSHIP UPON THE UNITED NATIONS

The one most often discussed prospective problem that would be brought about by an unrestricted increase in U. N. membership is the effect such increases would have on the United Nations' ability to accomplish its work. As this area will be most felt in the General Assembly, that organ will be concentrated upon. The same principles can be applied to the Council and the other organs, but to a lesser extent due to the size and complexion of those groups.

The principle of sovereign equality of the members of the United Nations is the basis for giving equal voting rights, irrespective of size, power or wealth of the member-nation involved. It is actually possible, although not likely to happen, for a two-thirds majority of the Assembly to be attained by a group of nations who pay less than twenty percent of the costs of operating the organization, or who represent approximately the same percentage of the world's population. The principle of one-member-one vote may occasionally allow for anomalous results, but this is true of almost any system of voting.

There are a great variety of opinions in this area, ranging from ideas of impending disaster to those of an actual strengthening of the Assembly, and therefore the United Nations as a whole. In his excellent treatise on the problem, Mr. Arthur Larson expresses the view that the "one nation-one vote" theory is not only the most logical, but that it provides an extremely beneficial awareness in the newer nations of



their importance and of the need of loyalty to the organization.<sup>37</sup> To these newly independent nations the real badge of their national and international integrity and position is U. N. membership. Through this organization the representatives can express their views and arguments, meet with the representatives and leaders of the other countries, and generally enjoy all the advantages of full international statehood. If these same nations were relegated to second-class membership and/or vote their interest in the organization could conceivably be lost. Their very presence in the U. N. makes one of the strongest guarantees of effectiveness.

As a result it is unlikely that any major power would withdraw from the United Nations, as such an act would probably arouse the ill feelings of these newer nations to whom membership in the U. N. is irreplaceable. In his book on the General Assembly, Mr. Baily states that the only alternative to equality of voting would be inequality of voting based on such factors such as population, area and financial assistance to the U. N. budget.<sup>38</sup> He feels that such a formula would not be too difficult to devise but that the resulting damage to personal feelings, national pride and international good will would certainly outweigh any benefit to be gained. Mr. Baily is a strong supporter of the theory that international responsibility is not a monopoly of the powerful, rich or large countries of the world.

<sup>37</sup>Larson, "A Future for the United Nations", (1960).

<sup>38</sup>Baily, The General Assembly of the United Nations, at 8(1964).

In spite of the limits on its authority to make binding decisions, the General Assembly has assumed in recent years a leading position in the United Nations system, and has interpreted its powers broadly. As previously explained, the Assembly has met on several occasions in special emergency sessions to consider matters regarding which the Security Council was unable or unwilling to act. These actions provide a very strong precedent for future decisions, and allow a great deal of flexibility in case of vacillation by the Council. Unfortunately, the larger the Assembly becomes the more difficult it will be to act when circumstances require immediate attention to an important matter.

On the other hand as a result of past actions taken by the Assembly there is a real possibility that instead of being weakened it may not have the ability to deal positively and properly with all the power that could be acquired or a result of present trends. If the power of the veto held by the larger nations can be circumvented, as it has in the past, unfavorable action could not be prevented if the requisite percentage of the Assembly decided to vote the other way. It is to the advantage of the U. S. and our allies that most of these newer States, dependent after long difficult struggles, value their accomplishments and their U. N. membership very highly. It is hoped that increased maturity will bring an even greater awareness to these peoples of the responsibilities that they share, and the power which they control.

As it presently exists, the General Assembly is beset with a great number of restrictions, in spite of the expanded position which this organ has taken in recent years. Among the most obvious restrictions

are the absence of a continuing center of leadership and authority or of control, the lack of exclusive jurisdiction in important areas of daily operation,<sup>39</sup> and the lack of authority to take binding decisions in most matters affecting world peace and security. The fact is that the size of its membership tends to produce a large and homogeneous body that is sometimes slow-moving and clumsy and nearly always extremely volatile and impetuous.<sup>40</sup> Any great increase in the membership of the Assembly would add to the problems that presently exist, and could easily result in this organ again finding itself limited in effectiveness.

In the same area, the problem of the possibility of a "bloc" vote comes to mind when one looks at the composition of the Assembly from a geographic sense. Approximately one half of the present membership is made up of African or Asian nations, and over one third of the territories under consideration also fit into this same classification. The voting system is most suspect when one considers the concentration of political influence that could be obtained within the Assembly by such a method, in comparison with the real political influence which these States hold in the world at large.

It must be remembered that many of these nations, although located in the same area of the world, frequently have dissimilar national interests. In addition there are many differences in religion, race, politics, ideology and historical background, not to mention the

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<sup>39</sup>U. N. Charter, Arts. 16, 17, 23, 61, 86 and 101.

<sup>40</sup>Baily, supra note 38, at 10.

many simmering disputes that seem to continue without much possibility of settlement. As a result there have been very few indications of automatic bloc action, although there are some exceptions that bear noting.

The Communist states will invariably be found on the same side, and the Arab countries often vote as a unit, particularly with respect to Israeli-Arab problems and resolutions having to do with dependent areas. There is no great illumination provided by the vote on the dependent areas or colonialism matters, however, as these generally involve such weakened resolutions that they are almost unanimous.

In almost all matters two-thirds of the Latin American States will vote the same way. On the other hand, there is little predictable solidarity among the countries of Western Europe. The Benelux states<sup>41</sup> vote together in some instances as do the Scandinavian countries. The British Commonwealth nations rarely vote as a unit. Nevertheless, during the past few years the free world countries have demonstrated a remarkable unity wherever the most vital issues are up for a vote. The 52 to 5 vote on the Uniting for Peace Resolution previously discussed is a case in point.

An example of what the small states can do when effectively organized can be found in the resolution providing for the use of Spanish as one of the working languages of the U. N. In this case, carried by a vote of 32 to 20 with 5 abstentions, the small states successfully defeated

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<sup>41</sup>Luxembourg, the Netherlands and Belgium

the larger. Latin American and the Arab countries, with a few supporting votes, out-voted the United States, China, all of Europe, and three of the British Commonwealth nations, plus Britain.<sup>42</sup>

This is only one example, but it is demonstrative of what can be done by cooperation and resolute determination by the smaller nations. Although bloc voting is at present predominantly an unpredictable pattern, the possibility of its extension caused by membership expansion must be kept in mind.

At present, facilities and personnel are at a premium in the U. N. due to the expansion that has occurred in the past decade. There is a great need for more space in which to operate and for increased administrative support to carry out existing operations. Any large increase in the present membership would almost certainly require an expansion of the physical plant and of administrative personnel and facilities. Because of budgetary pressures and limitations this increased expansion would be very difficult, if not impossible, to accomplish.

An expansion of the membership would probably also cause an increase in the time required for the various sessions, which in turn leads to a greater monetary and personnel outlay. Add to all of these expenses the travel reimbursement provided each member of the Assembly (greatly out of proportion frequently to the revenue provided) and the imbalance becomes financially prohibitive.

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<sup>42</sup>Wilcox, "Representation and Voting in the U. N. General Assembly!" at 5 (1954). Also see "Africans in U. N. Put Bite in Their Bark", The Daily Progress, Dec. 20, 1969, at 10, col. 1.

Another area that could provide distinct disadvantages to the United Nations, and particularly the Assembly, is the attempt by the representatives to express their own nation's views on various matters. Even if done in good faith this could add unnecessary confusion to what is already a troubled and over crowded organization, due to frequent lack of knowledge of or association with the problem that is involved.

Many of the smaller, although older and more advanced, nations have adopted a policy of polite silence on matters in which they are not directly involved.<sup>43</sup> This provides time for the members that are directly involved to lead in the discussions. The newer states' representatives on the other hand have adopted a policy on speaking out on almost any issue. Done frequently in an attempt to acquire notice for themselves or their nation, this procedure only adds confusion and delay to the accomplishment of topics under discussion.

In addition to the financial and facility strain that would result in the case of a large membership increase, and the slowing that would transpire in the proceedings, there are other changes of a substantive nature that could result. Among these could be a variation to the existing geographical distribution, although this would not be too serious. Although not likely to occur soon, this could conceivably result in a change in the representation in the Council, election of Assembly officers and allocation of seats on the various sub-organs.

Another probably result would be a shift in the topics and areas of discussion. Less important problems would have to be considered, re-

<sup>43</sup> "Luxembourg Envoy's Silence is Praised", Washington Post, Nov. 14, 1969, at 2, col. 3.

sulting in a decreased amount of time allowable for problems affecting international peace and security. In times of crisis this could have disastrous consequences, although there is little doubt that the petty discussions would be quickly dismissed when matters affecting international tranquility are involved.

CHAPTER V  
ADVANTAGES AND DISADVANTAGES TO THE MINISTATES  
OF U. N. MEMBERSHIP

In examining the problems that have arisen in the past and which are likely to transpire in the future it would be well advised to consider just why full membership is desired by many of these countries, especially so soon after they appear on the international scene in an independent status.

The first and perhaps major reason, and one previously considered to some extent, is the idea that membership in the U. N. is an indication of acceptance by the international community. In effect, it is the manifestation of a particular nation's coming of age. A chance is provided to be heard and to hear what others have to say on a particular problem. More important, membership provides the opportunity to be known and to be seen. The layman may not be familiar with the exact location of Guyana, Gambia or Guinea, but if he reads the newspapers or watches television he will at least know that these nations do exist. The same result would be unlikely were it not for the fact that they are all members of the United Nations.

Another reason for U. N. membership is a purely economic one. The majority of the smaller nations just do not have the resources to maintain embassies and legations around the world. Instead, only a few key embassies are established, with other international representation being carried on in New York by the United Nation representatives.



It also should be apparent that United Nations membership opens direct and immediate lines to world opinion by providing a forum where problems can be expressed. In addition it provides at least a partial counter-weight, or defense, to political or economic pressures from other nations. This is particularly important in the case of former colonies, as most of the more recent, and prospective, members are. Finally, through actual participation in the organization it would seem conceivable that more security would be available to prevent outside influence or aggression, although the Charter expresses the idea that all states including non-members will be provided security when necessary.

There are also some very distinct disadvantages in relation to United Nations membership. The one that is most prevalent is the economic drain that is caused by association with the U. N. This of course must be balanced against the economic advantages previously discussed. There are great expenses involved in sending and providing for the personnel necessary to represent a state in the United Nations. Even though partially compensated by the U. N. budget, there are very high additional costs attached to the transportation, feeding and housing of the representatives. Add to these costs the miscellaneous expenses that are always required in such an atmosphere for entertainment, and the everyday supplies that are needed to operate, and it is easy to see that the costs are not slight. In addition, due to the formula of cost apportionment used in the U. N., the smaller nations frequently have to provide a larger percentage of their budget than the larger and wealthier nations. This is true because of the principles of maximum (approximately

32% for the U. S.) and minimum (.04%) contribution percentages, even though capacity-to-pay is the major factor of cost apportionment.

There is also a very heavy personnel drain forced upon the less developed member nations, when the total number of educated and trained persons who inhabit these states is considered. When the colonial powers granted independence to these countries, in many cases the people were left much as they had been found, as far as education and ability to govern and represent themselves was concerned. Very few had been given the opportunity to study abroad and even less had been included in the governing of their own people, except for the period during transition from colony to state. By taking even the (generally) few persons necessary to function as United Nations representatives, the country is handicapped by a resulting lack of leadership at home.

A less important drawback to membership but which also bears noting is the requirement for public expression of position through the Assembly voting. To many new nations, attempting to maintain a position between the Eastern and Western blocs in order to serve their own best interests, the idea of showing a preference to either side can have obvious disadvantages. This also might explain many of the abstentions that are voiced by the African and Asian nations when votes are taken on topics involving a great difference in position between the blocs.

## CHAPTER VI

### POSSIBLE ALTERNATIVES TO FULL UNITED NATIONS MEMBERSHIP

The purpose of an international organization is to provide a forum in which all nations of the world can meet and discuss their problems and disputes on an equal basis. It is an attempt to minimize conflict and to maximize participation among the member nations, through an expression of the awareness that international order is requisite to the promotion and protection of the basic interests of the states that are involved. This is not a repudiation of national interests, but a means of accomplishing them through a redefining in light of the increasing demands of international cooperation. The view has become that world order is not more important than the national interests, but that it is important to the accomplishment of the national interest.<sup>44</sup> By being a member of, or associated with, the United Nations the states are able to work towards their national goals. The U. N. in turn is able to strive towards its goal of peaceful international association and cooperation of its members for amicable international intercourse.

The smaller states and states-to-be make up an important section of the world community and are entitled to be able to associate with it through the existing international organizations, including the United Nations. The question becomes, therefore, how can the United Nations best accommodate the admittedly legitimate interests of the ex-

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<sup>44</sup>Cohen, supra note 5, at 1152.

ceptionally small states in political, economic and social matters of general concern, without resulting in an over burdening of the U. N. and the nation itself.

In the past, the European ministates<sup>45</sup> were the subject of any discussion in this area. Because of their stage of development and wealth they generally became members of one of the lesser international organizations, and were accordingly welcomed as full members thereof. Included among these organizations are those that are sub-organs of the U. N., such as the World Health Organ (W. H. O.) and those outside of the organization such as the Red Cross and the International Relief Union. The full dues and assessments of these organizations have been paid, and some of the countries have even contributed to voluntary funds where their budgets allowed. It must be remembered that these sub-organ fees are much less than what would be required by U. N. membership, so these countries have really never considered membership appropriate.<sup>46</sup>

In the past there were three basic options available to a state. These included applying for membership, remaining outside while retaining the right to access when needed,<sup>47</sup> and appointment of an observer to the United Nations. At present the only intermediate arrangement between full and no membership is the permanent observer status, a phenomenon that has developed without formal recognition or specific

<sup>45</sup> Monaco, Liechtenstein, San Marino and the Holy See.

<sup>46</sup> Blair, supra note 3, at 17.

<sup>47</sup> U. N. Charter, arts. 32, 35, 39 and 50.

sanction from the Charter. The first permanent observer mission was established by Switzerland, but now includes other countries such as the Holy See (Vatican), South Vietnam and Monaco. Observer states, non-members and some non-self-governing territories have in many cases also gained full or associate membership in various specialized agencies and regional commissions. This action has allowed them to participate in special U. N. programs and conferences,<sup>48</sup> thus providing a foundation for future action. The observer program is rather unproductive, resulting mainly in listening to speeches and the cocktail party circuit. It does, however, provide a means of ready access to the United Nations if the need arises, and allows the formation of relations in case future admission is desired. It is a stepping stone for future activity, although rather ineffective for present purposes.

Other alternatives that have been mentioned in the place of full United Nations membership include membership in local associations, limited memberships and allowing another member country to act as a representative. By allowing some present or prospective member-nation to represent the smaller less developed states a great amount of financial savings would result. In addition the United Nations would benefit by the presence of one representative instead of several. Necessarily, extremely good relations would have to exist or this plan would never work as the need for complete trust between the represented and the representing is obvious. In the case of a dispute or loss of cooperation there still exists the option of utilizing article 35. In this manner the non-member

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<sup>48</sup>569 Int. Concl. 85 (1968).

can go directly to the organization as authorized by the Charter. Although this method of representation has possibilities, the practical application is limited by the need for complete trust and cooperation.

Intermediate memberships were first discussed before the League of Nations<sup>49</sup> based on Liechtenstein's request for full membership in that organization. A study was made, but the result was never fully resolved. The idea is to allow a somewhat limited arrangement by which the minor nations could be involved in U. N. functions, at least those that affect them directly. This method provides representation without the necessity for paying full dues, maintaining sizable staffs and a large number of representatives. It also causes less of a drain on the states' and on the United Nations' facilities. This plan has little more advantage than the observer status now used.<sup>50</sup> An obvious drawback is that this plan is likely to be much more expensive.

The plan which seems to have the most in favor of it is the use of local associations of several of the smaller states as a starting point. From this level a representative (or several, if appropriate) would be selected to represent the interests of the entire group. Instead of the need for each state to finance representatives and the accompanying staff, each member of the association would contribute a fair share of the overall costs. In this plan also there would be a need for trust and

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<sup>49</sup> League of Nations Off. J. 686 (1929).

<sup>50</sup> Mower, "Observer Countries: Quasi-Members of the United Nations", International Organization, at 279 (Spring 1967).

agreement among the members of the association, but since all will be from same general area there should be no insurmountable problems in accomplishing this end. After representatives were chosen they would provide at the U. N. a means for representing the views of all of the associates. Whether this were done through full membership or something less would depend on whether the association met the population limits as set out were met. In addition, if any of the members of the association felt that their interests were not being sufficiently represented, particularly in relation to important local matters, direct access by means of existing Charter<sup>51</sup> provisions could be resorted to.

Of all the possibilities for providing adequate representation without resorting to the granting of full membership to all applicants the theory of local associations seems to be the most logical, inexpensive and easily workable. Properly established, it would provide a means by which almost all of the smaller states could be represented without straining their financial or personnel resources. At the same time this method would put the least strain upon the operations of the United Nations. One disadvantage is that the very remote areas such as Pitciarn Island and St. Helena would be left out. This should provide no real problem as these territories, due to size, wealth and resources will no doubt chose to retain their colonial status or at least remain associated with some larger country.

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<sup>51</sup>U. N. Charter, art. 35.

## CHAPTER VII

### SOME EXAMPLES OF FUTURE MEMBERS OF THE UNITED NATIONS

At present there are approximately sixty entities of one type or another (colony, territory or independent) in the world, non-members of the United Nations, with a population of less than 300 thousand persons. These range in size from Guadelope, a French Overseas Department in the Caribbean to Pitcairn Island, a British colony in the Pacific with a population of approximately one hundred persons. Exceeding the population limit previously established in this article are eighteen<sup>52</sup> of these regions that would presently qualify for U. N. membership if the independence requirements were met. (Of the eighteen, only Western Samoa presently meets these requirements). In addition, another three territories, Micronesia, St. Vincent and New Caledonia, will reach the 100 thousand level within a very few years if present growth continues. If all were admitted to the U. N. individually, it would result in a total membership of nearly 150 members, an increase of almost twenty percent of the present membership.

Because of their location, present status and existing association, it is probable that several of the territories will not even apply for U. N. membership, as it is not in their best interest. But for each of the larger mimistates that will not apply, there are twice that number of the smaller that will. As it is the smaller (less than 100 thousand population) that provides the expected problem, several of these areas will be expanded

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<sup>52</sup>See Appendix A.



as examples. It should be noted that both of the examples have expressed great interest in United Nations membership.

The first example is Tonga, a British protectorate in the Pacific Ocean. Located east of the Fiji Islands, Tonga (also called the Friendly Islands) consists of 150 islands, of which 36 are inhabited by a Polynesian people who are members of seven Christian denominations established by British missionaries. The present dynasty was established in 1831, and the first constitution was granted in 1875. A treaty of friendship was signed with Great Britain in 1900, and Tonga became a British protectorate. In 1959 the treaty was revised, but Tonga's status remained virtually unchanged.

In 1964, King Taufa'ahau Tupou IV began his reign, and began to make plans for the eventual independence of his kingdom. It is now planned that this independence will be attained in June of 1970 and Tonga will then become the second independent Polynesian state in modern times.<sup>53</sup> In an interview in the fall of 1969, King Taufa'ahau said that it was "not unlikely" that Tonga would apply to enter the U. N.<sup>54</sup> Tonga has an area of 270 square miles, a population of approximately 81 thousand persons, and lists as its chief exports copra and bananas.

Another example is the Republic of Nauru, an island in the Pacific Ocean over two thousand miles north-east of Sydney, Australia. Only eight square miles in size and having a population of approximately

<sup>53</sup>Information Please Almanac, at 378 (1970).

<sup>54</sup>See "Tonga Said to Plan Independence June 4", The New York Times, Feb. 3, 1970, at 6, col. 3.

five thousand persons, the tiny republic is one of the world's chief phosphate producers. Nauru became an independent republic in January of 1968, and later in the year became a member of the British Commonwealth of Nations in a special relationship. Although the republic will not be represented at meetings of Commonwealth heads, it will participate at other levels and will be eligible for Commonwealth technical aid.<sup>55</sup>

On several instances in late 1968 and in 1969, rumors were passed in relation to Nauru's intention to become a member of the U. N. sometime in 1970. Due to Nauru's size and location, this caused a great deal of consternation in international circles.

These two areas differ in wealth, present ability to govern and support themselves, and somewhat in location, but they are both good examples of the type of territories that presently exist over most of the world. Some of these territories are now independent or ready for independence, whereas others which are actually able to care for themselves prefer to maintain their existing relationships. Also included are many areas that are not yet prepared for independence, but which in time and with proper training will be able to do so. All hold one characteristic in common, however, and that is prime candidacy for future admission to the United Nations if admission requirements are not changed.

Nauru and Tonga are only two of over sixty possible additions to the U. N. membership rolls, and each presents its particular problems as far as association with the organization is concerned. Nauru is wealthy with a per capita income of over four thousand dollars per person, but is isolated and very poorly developed so far. In addition, its economy

<sup>55</sup> Almanac, supra note 53, at 334.

is based on one industry, with little possibility of future expansion.

Tonga has a much greater population, but considerably less wealth. It too is poorly developed, depending almost completely on agriculture as the foundation for the economy. Any chance of changing this in the future, due to location and a lack of trained personnel, is unlikely. Nevertheless, Tonga, like Nauru, is stable, and holds much more possibility than many of the other prospective U. N. applicants.

It still must be remembered that the weaknesses of these above-average areas will be the responsibility of the U. N. to correct, if membership is granted. Add to the assistance that is necessary in each instance the conditions needing changes in the less fortunate areas, and it can be seen that the problem is indeed serious.

CHAPTER VIII  
ALTERNATIVES TO UNITED NATIONS VOTING PROCEDURES

For the moment it would be well to consider what solutions exist to which the Assembly could resort in the event it were decided that an independent state could be admitted to the United Nations without any restrictions as to size or population.

The first possibility would be to maintain all existing procedures just as the presently take place, particularly where voting on issues in the Assembly is concerned. If no size limitations were allowed to be placed on the membership requirements it is unlikely whether the same group of member nations would allow any change in the voting procedures. This is particularly true where the present members would lose some of their existing power.

Presently the voting is based on one of the underlying principles of an international organization, the legal equality of the states. In practice this has meant that Luxembourg has participated on a basis of equality with the United States. It has also meant that any small state, as well as any large one has been in a position to aid the blocking of actions of a substantive nature by casting a negative vote.<sup>56</sup>

The idea of requiring a two-thirds majority (of members' present and voting', thus not counting the abstentions) has as a principal goal the rejection of the veto as exists in the Security Council. This is a move

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<sup>56</sup>Wilcox, supra note 42, at 3.

in the direction of democracy in world affairs in that it decreases the negative power of individual states. At the same time it increases the power of groups of states who wish to band together to accomplish their objectives within the United Nations system.<sup>57</sup>

The principle of one state-one vote presents some very glaring inequalities whether considered from the standpoint of population, wealth or other factors. It is conceivably possible for a two-thirds majority to be attained by a group of states representing a small percentage of the world's population. This is only a theoretical possibility and will hopefully not arise too frequently in the future. Even though the voting power imbalance based on population is not likely to occur, it does show the lack of balance that does exist between population and voting strength. The same imbalance exists between wealth and strength, and the voting power.

In some other international organizations, such as the Universal Postal Union and the International Monetary Fund, attempts have been made and carried out to resolve what many consider to be glaring inequalities in the voting procedures. Included in these methods of voting have been the allotment of the total vote according to contribution, the number of possessions, the population and to other means of relating voting power to the interests of states in a particular organization. It has been difficult, however, to interest many of the smaller and less wealthy states to depart from the standard one vote-per-member method

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<sup>57</sup>Id., at 5.

of representation. It remains to develop a satisfactory arrangement that would be workable in the General Assembly while still being palatable to the U. N. membership.

In 1950, in his book entitled War or Peace, John Foster Dulles proposed a plan that has a great deal of merit and which was designed to fit into the present organization without major adjustment or alteration. His proposal would give each member two votes in the General Assembly. The first would correspond to the present one vote per state theory but the second would be weighted according to ability to assume the responsibilities of world peace. The affect of Mr. Dulles' proposal would not take away the existing power of the smaller countries, for so long as they maintained a simple majority (proposed in place of two-thirds majority) their interests would be protected. It would give to the larger nations a means by which actions which they consider irresponsible and unnecessary could be blocked.

The major weakness of this proposal is in determining what factors will be used to arrive at the relative strength of the second vote. This was not spelled out in the general terms used, but referred to such factors as size, wealth, military strength and population. The problem then becomes how to equitably arrive at a means of equating one state's strengths against another's without giving either an unfair advantage. The main strength of the proposal is the fact that the language used was general in nature. Theoretically, this is a good plan until spelled out in detail. When that is done the many nations in favor of the plan, seeing that they will lose power, will no doubt reduce their support accordingly.

Another proposal made was to grant voting power according to

the amount contributed by a particular nation to the U. N. budget. As the principle of sovereign equality implies equal obligations as well as equal rights there is a great deal of logic in this view.<sup>58</sup> In some organizations with relatively small budgets, such as the International Telecommunications Union, members contribute on an equal or near equal basis with no member responsible for over five percent of the total.

The United Nations, with a much larger budget than any of the other organizations presents some glaring inequalities. In 1965<sup>59</sup> only sixteen states contributed over one percent of the budget, and fifty contributed as little as four hundredths of one percent (.04) each. The five permanent members of the Security Council were responsible for almost sixty-five percent of the total, with the United States being assessed for almost thirty-two percent.

Transforming their figures into voting power, the U. S. would receive thirty-two percent of the vote and the U. S. S. R would be allotted fifteen percent (plus additional two and one-half for Byelorussian and Ukrainian S. S. R.). Add to these figures France's six percent, Great Britain's seven and China's four and it can be seen that these five members would be in a position to block any action in the Assembly, if they were in agreement to do so. France, Britain and the U. S. would almost have a simple majority themselves before the voting started.

Such a proposal would result in serious objections from the

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<sup>58</sup>Wilcox, supra note 42, at 12.

<sup>59</sup>Everyman's United Nations, at 477 (1968).

membership as it would draw a distinction between the wealthy and the poor members. It would also allow one or a very few of the members to exert undue influence over the others. Because of the large differences in ability to pay, this plan does not seem to have much of a basis for voting strength determination.

There have also been several proposals made to allow voting power according to population, either by the use of a "double vote" as proposed by Mr. Dulles, or by the formation of a bicameral Assembly such as exists in the U. S. Congress. With these plans a maximum number of votes that a country may have is limited and the minimum population that a member must have to vote at all is set out. Generally the minimum population that must be achieved is 100 thousand persons.

The most well-known and fully developed plan is the Clark-Sohn<sup>60</sup> proposal under which representation in the Assembly would be based on population alone. One vote would be allotted for each five million in population or major fraction thereof, with an upper limit of thirty votes for the largest members. Nations with populations between 100 thousand and 2.5 million would receive only one vote, and those below 100 thousand would not be entitled to vote but could participate in the discussions.

In a later proposal by the same people<sup>61</sup> the same general plan was advanced, but with some modification due to a change in the international scene. Basic changes include allowing the non-self-governing territories to be represented and for all members to have a vote. Strength

<sup>60</sup> Clark and Sohn, Peace Through Disarmament and Charter Revisions, 1953.

<sup>61</sup> Clark and Sohn, "World Peace Through World Law: Two Alternative Plans" at 399 (1966).



of the vote would still be decided by population. Although this revised plan was proposed for a General Conference of the World Disarmament and World Development Organization it could be adopted for use by the Assembly, for a new body of the U. N. under a revised Charter or for a subsidiary organ to work in conjunction with the present Assembly.

The plan takes into consideration the relative populations but it does not provide an unrealistic imbalance due to the limits used. In addition, nations of relatively equal populations and/or power are given the same voting power to insure that one does not hold an unfair advantage over the other due to a small difference in population. Although the larger and more powerful nations have individually a higher percentage of the vote the total majority still remains in the hands of the smaller members. The plan seeks therefore to achieve the utmost practical degree of fairness to all the nations as well as general acceptability by them. The latter would be accomplished when the members perceive that the plan is impartially conceived without intention to prefer or prejudice any particular nation or group of nations.<sup>62</sup>

There have been other proposals made, to include representation on a regional basis and individual voting of the representatives. The regionalism proposal was made in 1948 by the Committee to Frame a World Constitution, based on a study at the University of Chicago. It involves the use of a convention consisting of members popularly elected by the member states with one delegate for each one million in population.

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<sup>62</sup>Clark and Sohn, supra note 62, at 25.

This group would then be divided into nine regional sub-groups corresponding to the same number of regions of the world for the purpose of electing a President and the members of a world council. The council would be made up of nine members from each region, with eighteen others elected at large, for a total of 99. The voting would be carried on as individuals rather than as members of delegations.

Advantages to be gained would be the prevention of control of the Council by one or a few of the regions, and a basis for representation other than mere population figures without discrimination against a particular area of the world. Obvious disadvantages include the complexity of the plan, the need for regional cooperation, and the imbalance caused by the particular regions decided upon. There is also little attention given to the fact that few states are ready to pool their voting power on a purely regional basis.<sup>63</sup>

One common trait of the supranational proposals is the idea that all representatives to an international organization should be popularly elected, and should vote as individuals. This type plan fails to take into consideration such factors as the type government involved and the resulting effect on U. N. discipline. The latter problem would be most apparent if a delegate voted a certain way on his own and the nation he was supposedly representing failed to back him up. It is also unlikely, due to the complexity of international diplomacy, whether a member

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<sup>63</sup>Wilcox, supra note 42, at 20.

would allow their foreign affairs to be conducted by a person acting as an "individual".<sup>64</sup>

Thus all the plans proposed have certain strengths and certain weaknesses that are quite obvious, and others that are more subtle. The major advantage of each is the intention to avoid an imbalance in the Assembly due to size, strength or wealth. A major drawback is that they all fail to follow the general precept of an international organization, the legal equality of all members, as set forth in Article 2 of the U. N. Charter. So long as this is the avowed purpose of the organization, approval of any plan that would vary the present voting procedure is unlikely.

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<sup>64</sup>Ib., at 21.

CHAPTER IX  
CONCLUSIONS

Based on the best available information, there are presently in excess of sixty territories, colonies and independent areas in existence in the world with a population of less than 300 thousand persons, many of which are poor, underdeveloped and at this time ill-equipped to take a proper place on the international scene. Of this number, and applying the pre-set 100 thousand minimum population requirement, there are eighteen that could presently attain U. N. membership if they so desired. This is in addition to the countries now in existence with populations in excess of 300 thousand that could become members if such action was decided to be in their best interests. Included among the latter group are such countries as Switzerland. This group has existed without U. N. membership so far, and will probably so continue unless it appears that they will have to join the organization to protect their interests against the newly-emerged independent areas. This is unlikely to transpire but it is a possibility that must be considered.

The United Nations, and particularly the Assembly, is stretched now due to the great increase in membership of the last decade almost to the busting point. Due to the expense that would be involved in expanding the facilities and for the personnel needed to operate the expanded organization, this action is out of the question at this time. Even if expansion were possible, the greatest portion of the expense would have to be financed by the larger nations. This is an occurrence not

likely to be approved as these members already carry the brunt of the budget responsibility, and are unlikely to approve of additional increases simply for the purpose of membership expansion.

On the other hand, even though faced with the possibility of over-crowding the organization and therefore probably slowing the processes of the U. N. the fact remains that a delimma is involved. The avowed desires of the organization as spelled out in the Charter is to allow admission of "all peace-loving states which accept the obligations . . . and . . . are able and willing to carry out these obligations".<sup>65</sup> Add to this the solutions, declarations and reports that have urged the end of the colonial empires with resulting immediate independence for the colonies (almost without regard for the end product), and the U. N. has found itself on both sides of the conflict. The basic theory behind the independence movement is proper, and if carried out through a process of preparation, training and development of the peoples and areas involved should result in the emergence of some independent states prepared to take their places on the international scene. Even if this is done many, and probably most of these countries just will not have the ability to provide the basis for full U. N. membership. Conversely, the United Nations must adopt a plan that will allow representation to these smaller and poorer nations and nations-to-be without resulting in an unnecessary drain either on them or on the organization. These areas, when independence is achieved

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<sup>65</sup>U. N. Charter, art. 4, par. 1.

must be allowed a voice in the world proceedings, particularly where their own welfare and security is involved. When it is considered how quickly a local dispute can attain international proportions or needs more than local attention, there are very few problems that would not be of interest to a majority of the nations.

Various proposals have been advanced to accomplish these goals, the more important of which have been previously discussed in this paper. All seem to have obvious advantages as well as disadvantages but none seem to be completely acceptable to everyone. I feel however that the seriousness of the problem has reached such proportions that action must be taken, but in such a manner as to best represent the interests of the greatest number of the nations. This is of primary importance so that the purposes of the United Nations can be most advantageously and expeditiously accomplished.

In addition, it seems apparent that a more realistic method of representation should be considered, to be utilized if deemed advisable and necessary in the future. The idea of one nation-one vote is the foundation of an international organization, but its operational and practical benefits are limited. A vote weighted on population only, if not restricted, would be unfair and illogical when the purposes behind the U. N. are considered. As an example, if this plan were utilized India would be allotted twenty-five hundred votes for each vote allotted to Iceland. In the same manner if the vote were divided according to the percentage of contribution each member makes to the U. N. budget an unfair advantage would result. Such a plan, as an example, would allow a U. S. advantage of almost two to one over the

three S. S. R. representatives combined. As a result, the likelihood of Russian acceptance of this plan is negligible.

A fair combination of these factors to insure that no illogical imbalance were gained due to a preponderance in either or both areas by a single country would seem to be the most practical arrangement. In such a way, no great difference in voting strength would result although sufficient increased power would be allotted in order to allow a voice in the U. N. proceedings commensurate with the population represented and the contribution made to the operation of the organization. The larger and wealthier nations would be given increased voting power, but the smaller nations would still be able to maintain the overall majority so as to preclude any big power "veto" in the Assembly. All members of the Assembly would be given at least one vote, dependent upon size and contribution. Any additional vote allocation would depend upon the population and contribution factors as discussed.

It should be remembered that because the change to representation procedures is violative of the original purposes of the organization, this should be considered only as an extreme measure. It will not be popular with the smaller countries and it could lead to much dissention and injured feelings among the membership. As a result, any modification to the one nation-one vote theory must be approached carefully, and utilized only as a last resort measure, to insure continued realistic operation of the United Nations.

## CHAPTER X

### RECOMMENDATIONS FOR FUTURE ACTION IN REGARD TO THE MINI-STATES

Based on the discussions and conclusions previously presented I advance two distinct but also necessarily co-related proposals. The first proposal involves the standardizing of admission requirements for full membership with a supplemental plan for those countries unable to achieve the pre-set standards. The second proposal is for a means to modify the existing voting procedures in order to allow more meaningful and practical voicing of the member's views. For reasons already explained, this is to be carried out only in the event of a large expansion in U. N. membership.

In reference to the admission requirements for full United Nations membership, I suggest that only those countries which have a total population of 100 thousand or more persons and which have been granted or achieved independence be considered. In this age with inter-relation between states being a necessary fact of life complete "actual" independence is likely never to occur. For this reason to meet the requirements as set out all that would be required is self government and "legal" independence. In this manner membership would still be available to those countries which desire to maintain ties with the former controlling country, but which meet the other conditions. Accordingly the type of association as exists between Switzerland and Liechtenstein would not preclude membership in the U. N. for the smaller country.

In addition to the population and independence requirements as



set out, it will also be necessary for a country to meet the conditions for membership contained in the Charter.<sup>66</sup> Of greatest importance is the requirement that a state have the ability to carry out the U. N. obligations. To insure that this is actually the case, more stringent investigation of capacity must be carried out before admission is recommended by the Council. This can be accomplished either through the use of existing procedures properly applied or by a special commission assigned this task, although the former method is preferable as it would require no change in present activities.

For those countries which due to size, inability to meet U. N. obligations on their own or other reasons cannot be granted full membership, I propose a plan of regional representation through locally selected delegates. This would be particularly applicable in the Caribbean and Pacific Ocean areas, as well as some sections of the Indian and Atlantic regions. Under this plan several of the smaller countries which are connected by background, race, religion and other related factors would combine their resources voluntarily, and in a manner which they would decide select a representative to be sent to the U. N. If when the population were combined the admission requirements were then otherwise met, appropriate full membership could be granted. If observer status were desired, as opposed to full membership, its attendant privileges should be expanded sufficiently to insure that a forum for discussing local problems could be obtained. If the minimum admission population requirements were

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<sup>66</sup>U. N. Charter, art. 4.

not met the observer status as now exists would be utilized. For those small countries unable to coordinate their efforts locally, reliance would have to be made either on the representatives of the former colonial power or some other agreeable member-nation. In the event that this course of action is not applicable, then the existing Charter provisions that relate to non-member nations would have to be utilized.

This plan would allow representation in the United Nations by all independent nations either individually or collectively depending on the population level reached and local desires. An exception is posed with the very tiny and remote islands such as Pitcairn. They should present no real problem as it is unlikely, considering size, location and population, that such areas would ever be desirous of giving up their existing protected status. Even if this were to transpire the ties that would be maintained through the former colonial country would allow representation to occur, albeit indirect. If this association were not desired then one of the alternate procedures for representation discussed above would be used.

Even with this proposed plan for U. N. membership through local associations in effect, a large increase is likely to occur in the future. If the pre-set requirements regarding independence, population and the Charter provisions are met, the United Nations will have little choice but to admit the new members. Although it is hoped that most of these smaller countries will consider that full membership is not in their best interest and thus utilize one of the alternate representation methods proposed, present trends are to the contrary.

In order to cover this possible large influx of new members and

to concurrently provide a method by which voting strength will be more equitably distributed I propose a modification in the voting procedures. As previously discussed, such a proposal will not be met with too much approval at first as it is effectively violative of the principle of equality of sovereigns. In this light it must be approached carefully, and utilized only if absolutely necessary. As a result I would not recommend any changes unless an increase in membership occurs in excess of twenty percent of the present strength. This figure was decided upon as it is approximately the increase that took place in the last decade. This increase in the past was handled, admittedly with some difficulty, and the resultant experience should allow the same in the future. Once this increase is attained, the voting procedure change should be placed into effect.

The other related proposals have generally fallen on deaf ears in the past, but the problem is now much more acute. As this is recognized by most members of the U. N., approval should be somewhat easier to accomplish. There will still be problems in respect to some of the newer states, particularly in Africa. It can only be hoped that the majority will understand that any changes are for the good of the organization and not intended to belittle or prejudice a certain region or country.

My plan is effectively a combination of several of the plans previously proposed. It should provide the most fair means for adequate representation to all the members based on their respective contributions to the international community. The Assembly is the only organ that is involved, as due to size and composition of the others there is no apparent

need for change at this time.

Under this plan two factors are considered equally in determining vote allocation to the Assembly members; population and contribution to the U. N. budget. For the contribution factor the multiple would be from one to five depending on the amount contributed in the preceding year by the particular state. For members which contribute in excess of 2 percent of the total budget, 5 votes would be allotted; .75 to 2 percent, 4 votes; .50 to .75, 3 votes; .25 to .50, 2 votes; less than .25 percent, 1 vote. The requirements regarding payment as specified by the Charter<sup>67</sup> would continue to be applied, although hopefully with more force than in the past.

In a like manner the population factor would be based upon a factor of from one to five. Member-nations with populations in excess of 50 million persons would be given 5 votes; 10 to 50 million, 4 votes; 2.5 to 10 million, 3 votes; 1 to 2.5 million, 2 votes; below 1 million, 1 vote.

Computation of the two multiples would be accomplished prior to the start of each session based on the latest population and budgetary figures. Once they were computed the factors would be averaged and this would be the voting allocation for each Assembly member. With the population and contribution ranges as here included the individual members which have the most people and provide a higher percentage of the budget allocation would have a larger voice in the proceedings. This is only fair as it is these nations which bear the greater responsibility. Conversely, the overall majority would remain in the hands of the smaller

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<sup>67</sup>U. N. Charter, art. 19.

and less wealthy nations to preclude any opportunity for veto power being developed in the Assembly by one or a few of the larger nations. Although this often feared "veto" is unlikely to occur due to a decided split among the larger nations, the vote distribution here provided prevents any chance of this happening.

If adopted, a plan such as this would have the effect of rewarding those countries which bear the majority of the financial responsibility for the U. N. operations and which represent the larger percentage of the world population. At the same time the plan provides a fair means of representation for the smaller and less wealthy states which make up the bulk of the Assembly membership. Thus the authority to lead would rest in the hands of those nations which have the primary responsibility, without punishing the members who do not have the means to shoulder the overwhelming obligations of the United Nations and world peace.

The two proposals can be considered alternatives, as one can be utilized without the others. In order to best accomplish the needs of the U. N. while at the same time being most fair to those nations which have willingly accepted the burdens that the organization creates, the acceptance of both proposals would allow the U. N. to best accomplish its desired goals in the future.

The proposal relating to admission eligibility should be acted upon immediately as it relates to the most pressing problem facing the U. N. of those considered. If this is done it is quite possible that the proposal relating to voting power allocation may not be needed. If it appeared that the membership was expanding beyond the previously determined

twenty percent, then the second proposal should be incorporated. Action now could preclude the necessity for changing the voting machinery in the future, an action that is preferred due to the over-riding desire for equality of members, regardless of size or wealth.

APPENDIX A

(Dependent and Independent States with Population Less than 300 thousand)

NAME	POPULATION (Thousands)	AREA (sq. miles)	STATUS	LOCATION
Guadeloupe	300	687	French Overseas Department	N. America
Macao	280	6	Portuguese Overseas Territory	Asia
Comoro Is.	243	838	French Overseas Territory	Africa
Cape Verde Is.	228	1,600	Portuguese Overseas Territory	Africa
Netherland Antilles	210	371	Netherlands Overseas Territory	N. America
Bahrein	200	231	British-protected Sheikdom	Asia
Sikkim	180	2,700	Indian-protected State	Asia
Trucial States	180	32,300	British-protected Sheikdoms	Asia
Bahama Is.	143	4,400	Self-governing Colony (UK)	N. America
Solomon Is.	140	11,500	British Protectorate	Oceania
Western Samoa	137	1,100	Independent	Oceania
Afarsand Issas	127	8,500	French Overseas Territory	Africa
British Honduras	110	8,900	Self-governing Colony (UK)	N. America
Channel Is.	110	75	British Dependency	Europe
Brunei	112	2,200	British Protectorate	Asia
St. Lucia	108	238	British Associated State	N. America
Grenada	103	133	British Associated State	N. America
French Polynesia	100	1,500	French Overseas Territory	Oceania

NAME	POPULATION (thousands)	AREA (sq. miles)	STATUS	LOCATION
Micronesia	96	687	U. S. Trust Territory	Oceania
New Caledonia	96	7,300	French Overseas Territory	Oceania
St. Vincent	93	150	British Associated State	N. America
Tonga	81	270	British Protectorate (Independent June 1970)	Oceania
Qatar	80	8,200	British-protected Sheikdom	Asia
New Hebrides	78	5,700	Anglo-French Condominium	Oceania
Domonica	72	290	British Associated State	N. America
Guam	67	209	Non-self-governing U. S. Territory	Oceania
Sao Tome and Principe	65	272	Portuguese Overseas Territory	Africa
Antigua	62	171	British Associated State	N. America
Gilbert and Ellice Is.	57	342	British Colony	Oceania
St. Kitts-Nevis-Anguilla	56	138	British Associated State	N. America
Bermuda Is.	51	20	British Self-Governing Colony	N. America
Isle of Man	50	227	Port of U. K.	Europe
Seychelles	49	145	British Colony	Africa
Spanish Sahara	48	103	Spanish Colonial Possession	Africa
Greenland	45	840,000 (708,000 ice)	Danish Territory	Europe
French Guiana	40	35,000	French Overseas Department	S. America
Faroe Is.	38	540	Danish Territory	Europe
U. S. Virgin Is.	32	132	Non-self-governing U. S. Territory	N. America



NAME	POPULATION (thousands)	AREA (sq. miles)	STATUS	LOCATION
Gibraltar	25	2	British Colony	Europe
Monaco	23	.58	Principality	Europe
Liechtenstein	21	61	Principality	Europe
American Samoa	20	76	Non-self-governing U. S. Territory	Oceania
Cook Island	20	90	New Zealand Self-governing Territory	Oceania
Andorra	18	175	Principality	Europe
San Marino	18	24	Republic	Europe
Montserrat	15	38	British Colony	N. America
Wallis and Fatuna Is.	9	77	French Overseas Territory	Oceania
British Virgin Is.	9	59	British Colony	N. America
Cayman Is.	9	100	British Colony	N. America
Nauru	6	8	Republic	Oceania
Turka and Caicos Is.	6	166	British Colony	N. America
St. Helena	5	47	British Colony	Africa
Nieve Is.	5	100	New Zealand Territory	Oceania
St. Pierre and Miguelon Is.	5	93	French Overseas Territory	N. America
Christmas Is.	3	52	Australian Colony	Asia
Svalbard	3	24,000	Part of Kingdom of Norway	Europe
British Indian Ocean Territory	2	30	British Colony	Africa
Falkland Is.	2	4,600	British Colony	S. America
Tokelau Is.	2	2	New Zealand Territory	Oceania
Norfolk Is.	1	14	Australian Colony	Oceania

NAME	POPULATION (thousands)	AREA (sq. miles)	STATUS	LOCATION
Vatican City	1	.17	Independent	Europe
Pitcairn Is.	.1	2	British Colony	Oceania

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