

United Nations

Nations Unies

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UNRESTRICTED

GENERAL
ASSEMBLY

ASSEMBLEE
GENERALE

A/C.1/212
11 October 1947

ORIGINAL: ENGLISH

FIRST COMMITTEE

ADMISSION OF NEW MEMBERS

LETTER FROM THE CHAIRMAN OF THE SIXTH COMMITTEE ADDRESSED
TO THE CHAIRMAN OF THE FIRST COMMITTEE, DATED 8 OCTOBER 1947

Dear Mr. Bech,

In accordance with the letter of the President of the General Assembly dated 26 September 1947, I am pleased to advise you of the report of the Sixth Committee with respect to the legal problem raised by the representative of Argentina in connection with the question of the admission of Pakistan to membership in the United Nations.

The legal problem raised by the representative of Argentina and considered by the Sixth Committee was set forth in your letter of 25 September 1947 as follows: "What are the legal rules to which, in the future, a State or States entering into international life through the division of a Member State of the United Nations should be subject". It was understood by the Legal Committee that the First Committee had agreed that the opinion of the Legal Committee was to be for use in future cases, and would have no application to the case of Pakistan. After having considered the problem, the Sixth Committee agreed on the following principles:

"1. That, as a general rule, it is in conformity with legal principles to presume that a State which is a Member of the organization of the United Nations does not cease to be a Member simply because its constitution or its frontier have been subjected to changes, and that the extinction of the State as a legal personality recognized in the international order must be shown before its rights and obligations can be considered thereby to have ceased to exist.

"2. That when a new State is created, whatever may be the territory and the populations which it comprises and whether or not they formed part of a State Member of the United Nations, it cannot under the system of the Charter claim the status of a Member of the United Nations unless it has been formally admitted as such in conformity with the provisions of the Charter.

"3. Beyond that, each case must be judged according to its merits."

It was agreed by the Sixth Committee that these principles are to be transmitted to the First Committee as suitable to give general guidance to the United Nations in connection with future cases, with the understanding that each case will be considered in accordance with its particular circumstances.

Yours sincerely,

Faris el-Khoury
Chairman of the Sixth Committee

His Excellency
Mr. Joseph Bech,
Chairman of the First Committee
