

# Microstates in the United Nations: A Broader Purpose

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*. . . at this rate of growing our cotted child of yestereve  
will soon fill space and burst in systems . . .*

*Joyce, Finnegan's Wake*

The effective decolonization of many small, underdeveloped possessions has been a distinctive accomplishment of the past decade. Yet, little attention has been focused on their successful movement toward self-determination. Until recently, little thought has been given to what might happen to the United Nations if large numbers of such "microstates"<sup>1</sup> were to receive full membership. But if recent trends give any indication of what the future may bring, such an influx of microstate members could cause significant problems. At the present time, 13 per cent of the members of the United Nations have populations of one million or less;<sup>2</sup> potentially eligible microstates could eventually expand the present 126 nation General Assembly to nearly 200 members.

As a result of the increasing number of smaller members, one pessimistic commentator has observed that "confidence in the United Nations has been seriously undermined. . . . [T]he very capacity of the organization has been reduced at an alarming rate."<sup>3</sup> Others have referred to the "debasement of the coinage of membership"<sup>4</sup> and concurrent loss of prestige in the organization. The expansion of membership for microstates is said to be inconsistent

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1. "Microstates" have been defined by the Secretary-General as "entities which are exceptionally small in area, population and human and economic resources, and which are now emerging as independent States." Introduction to the Annual Report of the Secretary-General on the Work of the Organization, 22 U.N. GAOR, Supp. 1A, at 20, U.N. Doc. A/6701/Add. 1 (1968) [hereinafter cited as Annual Report 1967]. In this article, the independent or dependent territories, states, parts of federations, or states in association with populations of one million or less are treated as microstates.
2. Iceland and Luxembourg were the only microstate members before 1960.
3. Whitaker, *Mini-Membership for Mini-States*, WAR/PEACE REPORT, Apr., 1967, at 3.
4. D. WAINHOUSE, REMNANTS OF EMPIRE 133 (1964).

with the "concept of large powers" theory that prevailed at the San Francisco Conference.<sup>5</sup>

Microstates admitted to full membership in the future would have an equal vote in the General Assembly and, if elected thereto, in the Security Council.<sup>6</sup> Most of those in the United Nations who are concerned with this problem agree that the microstates have too little power and too little at stake in the international political process to justify full membership. Yet, these microstates see the United Nations as a source of individual and collective strength with real potential for restraining encroachment by large powers.

The vital question is: would cooperation between the world powers and the increasingly numerous microstates be possible in a General Assembly of nearly 200 members? The General Assembly's influence derives mainly from international prestige and the persuasive effect of a consensus reached in an international forum. But what will occur when microstates aid in the passage of budgets which not only obligate each member, but set in motion policies which, in some instances, are objectionable to the large nations which comprise only one-third of the membership but pay about ninety per cent of the United Nations budget?<sup>7</sup>

Predicting the impact of the admission to the United Nations of all the microstates is understandably a topic of considerable current discussion.<sup>8</sup> The expanded General Assembly of the future would probably result in a "multipolar U.N. confrontation" with unknown or at best conjectural consequences.<sup>9</sup> The problem raised by increased membership involves the ways in which the small

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5. To be compared with the "concert of great powers" theory which in large part was the inspiration behind the establishment of the League and its Council. *See, e.g.*, L. GOODRICH, *THE UNITED NATIONS* 12 (1959). The failure of the United Nations to support a clear position on universality of membership may be regarded "as an expression, transient in character, of the time of [the Charter's] adoption." 1 L. OPPENHEIM, *INTERNATIONAL LAW* 408 (8th ed. H. Lauterpacht 1955). *See* Plimpton, *The U. N. Needs Family Planning*, *N. Y. Times*, Sept. 18, 1966, § 6, Part I (Magazine) at 97. For a helpful study containing criticism by authorities *see* P. BLAIR, *THE MINISTATE DILEMMA* (1967) [hereinafter cited as BLAIR].

6. U. N. CHARTER art. 23, para. 1.

7. For example, in 1966 the United States, France, Britain and the USSR and other major financial contributors to the United Nations were successfully defeated by smaller nations in adopting a record WHO appropriation. Fund raising, by comparison, has proved disappointing to small states. *Cf.* *N.Y. Times*, Oct. 12, 1969, § 1, at 12, cols. 1-8.

8. Particularly useful are: H. ALKER, JR. & B. RUSSETT, *WORLD POLITICS IN THE GENERAL ASSEMBLY* (1965); L. GOODRICH, *THE UNITED NATIONS* (1959); T. HOVET, JR., *BLOC POLITICS IN THE UNITED NATIONS* (1960).

9. ALKER & RUSSETT, *supra* note 8, at 296.

states will use their collective voting strength to influence political decisions and shape policy in the organs of the United Nations.<sup>10</sup> For example, consider the possible change in regional strength and microstate influence within the United Nations if the Caribbean and Oceania, with their many island "nations," constituted, respectively, eight and nine percent of the total membership. In a General Assembly of 200 members, this would result in a proportionate loss of voting strength by Africa (five per cent), Asia (four per cent) and Latin America (six per cent).<sup>11</sup> The cumulative effect upon membership in committees and offices, election to the Security Council, interest group caucusing, regional bloc voting and vote swapping would be substantial.

This redistribution of influence could produce a swing towards an exaggerated conservatism among the larger Western states.<sup>12</sup> Their decisive economic strength might be effectively vetoed in the United Nations by the cooperative efforts of the micropowers possibly in combination with states of the third world. It has been estimated that a two-thirds majority in the General Assembly could be composed of members representing as little as ten per cent of the world's population. On the other hand experience shows that causes of far-reaching significance championed by the United States and other leading Western powers have frequently been supported by the small states.<sup>13</sup> For this and other reasons, students of the United Nations cautiously point to the net advantage for international cooperation arising from an enlarged General Assembly. The result would be an organization in which nearly all nations can bring their influence to bear upon problems of mutual concern and in turn are influenced by the policies and needs of other states.

Although the attractions of full membership are manifold, the microstates may find that lesser forms of association would serve their needs more satisfactorily and at less expense to them and to the United Nations. The question is whether forms of association below that of full membership can meet those needs of the microstates which have caused membership in the United Nations to be so attractive for them.

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10. At least one important estimate of microstate power suggests that its use will take account of the "real" power of major nations. See pp. 50-51 & notes 94-97 *infra*.

11. See BLAIR, *supra* note 5, at 16-17.

12. The major contributors are Western. See p. 46 *infra* strongly indicating that political skill may be a more valued resource than mere size in the growing United Nations.

13. See p. 45 *infra*.

The purpose of this article is to place the debate on the microstate problem into rational perspective by inquiring into several aspects of microstate membership in the United Nations.<sup>14</sup> The admission procedure will be discussed and standards for admission will be examined in light of current concepts of self-determination and independence. The advantages of membership to smaller states will be compared with the obligations imposed by the Charter and with the protections available to non-members. Finally, observership and four other principal alternatives to full membership will be considered in order to determine what alternative may offer the greatest net advantage for microstates without necessitating major structural changes in the United Nations.

### I: INDEPENDENCE AS A REQUISITE FOR MEMBERSHIP

The General Assembly, particularly in its pivotal Resolution 1514 (XV),<sup>15</sup> has encouraged self-determination and independence for all nations. Nevertheless, it is clear that independence alone will not assure admission to the United Nations. The Secretary-General and others have noted the desirability of a distinction "between the right to independence and the question of full membership in the United Nations."<sup>16</sup> In any case, microstates *are* being admitted—the latest being Equatorial Guinea—and it is arguable whether these

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14. Useful statistical data, experience of the United Nations in decolonization, and a summary of proposals for overcoming problems of micro-states, complementing the emphasis given in this article to essentially legal and political aspects of the problem, is found in a recent study, UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH, STATUS AND PROBLEMS OF VERY SMALL STATES AND TERRITORIES (1969).

15. G.A. Res. 1514, 15 U.N. GAOR Supp. 16, at 66, U.N. Doc. A/L.323 and Add. 1-6 (1960). This resolution, titled "Declaration on the granting of independence to colonial countries and peoples," has been the authority for broad United Nations activities in effecting independence. It has been called the "Gospel of decolonization." Rapoport, *The Participation of Ministates in International Affairs*, PROCEEDINGS, AM. SOC'Y INT'L L. 155, 156 (1968).

The first two paragraphs of the resolution state:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

16. Annual Report 1967, *supra* note 1, para. 164. "Such membership may, on the one hand, impose obligations which are too onerous for the 'micro-States' and, on the other hand, may lead to a weakening of the United Nations itself."

precedents preclude the United Nations from limiting further memberships. Noting that aspiration to membership is an "index of the high hopes that Member States have come to place in the Organization,"<sup>17</sup> the Secretary-General has recently advocated an "open door" policy of association through observership. In this 1967 Annual Report, he argued that broadened participation improves possibilities for effective United Nations solution of world problems,<sup>18</sup> presumably through multilateral diplomacy and the marshaling of world opinion.

### A. Procedure of Admissions

The Charter of the United Nations speaks in terms of "states" as constituent members of the Organization.<sup>19</sup> The ambiguity of that term has been a stumbling block for many microstates. Although the admissions of India,<sup>20</sup> Byelorussia and the Ukraine,<sup>21</sup> and the Philippines<sup>22</sup> may suggest precedent to the contrary, it is to be ex-

17. *Id.*, para. 169.

18. *See Id.* Shortly thereafter, in December 1967, Ambassador Goldberg addressed a letter, U.N. Doc. S/8296 (1967), to the President of the Security Council, suggesting that the time was appropriate to examine the question of microstate admissions, and suggesting that the Committee on Membership of the Security Council be called in upon the matter. In a letter dated July 14, 1969, U.N. Doc. S/9327, the American delegation again addressed the President of the Security Council, noting that "[t]he United States believes consideration is long overdue" of the problems raised by Secretary-General in his Annual Reports of the twenty-second and twenty-third sessions of the General Assembly.

19. U.N. CHARTER arts. 3-4, para. 1.

20. As a member of the League of Nations, India seems to have been granted admission to the United Nations on the basis of her membership in the League of Nations, although she did not achieve independence until August 15, 1947.

21. The anomaly of two Soviet republics (out of sixteen) being selected for United Nations membership resulted in large part from the "Big Three" Agreements at Yalta in 1945. *See generally* Timasheff, *Legal Aspects of the Grant of Three Seats to Russia in the United Nations Charter*, 14 FORD. L. REV. 180, 181 (1945). *See* A. RUSSELL, A HISTORY OF THE UNITED NATIONS CHARTER 433 (1958) [hereinafter cited as RUSSELL] for an analysis of the Russian proposal to include all sixteen republics in the United Nations.

22. In addition, the examples of Lebanon and Syria may be noted. These illustrations have been taken to mean that "a 'state,' in the sense in which the word is used in the Charter, need not at the time be in possession of full and generally recognized independence." L. GOODRICH & E. HAMBRO, CHARTER OF THE UNITED NATIONS 125 (1949) [hereinafter cited as GOODRICH & HAMBRO]. The anomalous position of India and the Phillipines, notes RUSSELL, *supra* note 21, at 351 n.3, seems to have been forgotten in the discussion of whether the 48 states or members of the British Commonwealth or the Soviet Republics were 'states.'

pected that future microstate applicants must await independence, in the traditional sense, before being approved for membership.<sup>23</sup>

Some restrictions on membership have been established on the basis of an advisory opinion of the International Court of Justice<sup>24</sup> in which the criteria enumerated in Article 4 of the Charter were declared to be exhaustive. The Court stated: "[T]o be admitted . . . , an applicant must (1) be a State; (2) be peace-loving; (3) accept the obligations of the Charter; (4) be able to carry out these conditions; and (5) be willing to do so."<sup>25</sup> The General Assembly has followed this opinion in practice and has expressly acknowledged that these conditions are the sole standards to be followed under the Charter for the granting of membership.<sup>26</sup> Nevertheless, the definition of "state" in the membership process is subject to broad interpretation because the United Nations has never adopted clear standards defining what a state is or when it comes into existence.<sup>27</sup>

23. In ten cases of the fifteen new admissions since 1960, admission has been granted on an average of only four weeks after independence was declared. A typical example is the prompt admission of Swaziland, about which the General Assembly had expressed concern in G.A. Res. 2134, 21 U.N. GAOR Supp. 16, at 67, U.N. Doc. A/6316 (1966), because of possible aggression by South Africa. Swaziland, the 125th member of the United Nations became independent from the United Kingdom on September 6, 1968; on September 9, membership was requested, and the Security Council unanimously approved the application on September 11. General Assembly concurrence was voted on September 24. It is noteworthy that no microstate application has been refused since 1960.

24. Advisory Opinion on Conditions of Admission of a State to Membership in the United Nations, [1948] I.C.J. 57.

25. *Id.*, at 62. The Court declared that:

a Member of the United Nations which is called upon, in virtue of Article 4 of the Charter, to pronounce itself by its vote, either in the Security Council or in the General Assembly, on the admission of a State to membership in the United Nations, is not juridically entitled to make its consent to the admission dependent on conditions not expressly provided by paragraph 1 of the said Article; . . . *Id.*, at 65.

26. See Admission of new Members, including the right to present proof of the conditions required under Article 4 of the Charter, G.A. Res. 506A, 6 U.N. GAOR Supp. 20, at 4, U.N. Doc. A/2119 (1952). This resolution provides in part ". . . that the judgment of the United Nations on the admission of new Members ought to be based exclusively on the conditions contained in Article 4 of the Charter."

27. See p. 30 *infra*. At the San Francisco Conference, Committee I/1, in a report later approved by the Conference, determined that sovereign equality included the following:

- (1) that states are juridically equal;
- (2) that each state enjoys the rights inherent in full sovereignty;
- (3) that the personality of the state is respected, as well as its territorial integrity and political independence;
- (4) that the state should, under international order, comply faithfully with its international duties and obligations.

Unlike the practice of the League of Nations, which permitted admission by invitation,<sup>28</sup> membership in the United Nations after 1945 has been by application only. The General Assembly has never exercised its right to "reject a recommendation [of the Security Council] for the admission of a new member."<sup>29</sup> Consequently, the five exclusive criteria in Article 4 have not been elaborated to a degree that would permit a methodical evaluation of microstate applications.<sup>30</sup>

A survey of United Nations practice, however, demonstrates that not all states can be members. In 1945 the San Francisco Conference acknowledged that universality was "an ideal toward which it was proper to aim."<sup>31</sup> However, Committee I/2 (Membership), which considered the desirability of unlimited membership, rejected the principle of immediate participation by all states.<sup>32</sup> Even though under the Charter admission was to be granted to all states that were "peace-loving" and "able and willing" to fulfill the obligations of the Organization,<sup>33</sup> Committee I/2 did not enumerate precise criteria for evaluating the content of these requirements. Rather, considerations of all kinds were to be weighed in determining eligibility for membership.<sup>34</sup>

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Doc. 944, I/1/34 (1), 6 U.N.C.I.O. Docs. 457 (1945). However the report did not enumerate the tests to be applied to those states which, like Liechtenstein, had *voluntarily* relinquished certain indicia of what had been characterized by classical theorists as "external" as compared with "internal" sovereignty. *See, e.g.,* GOODRICH & HAMBRO, *supra* note 22, at 99. Since Liechtenstein's delegation of certain administrative and defense responsibilities was arguably an act of free determination, it was consistent with the language of Resolution 1514, G.A. Res. 1514, 15 U.N. GAOR Supp. 16, at 66, U.N. Doc. A/L. 323 and Add. 1-6 (1960). Nonetheless, the United Nations continues to apply an ill-defined and inappropriate classical theory of sovereignty to admissions. *See also* note 47 *infra*.

28. Mexico, Turkey and Egypt were admitted in this manner.

29. Doc. 1092, II/1/39, 8 U.N.C.I.O. Docs. 495 (1945).

30. Advisory Opinion on the Competence of the General Assembly for the Admission of a State to the United Nations, [1950] I.C.J. 4.

31. Doc. 1178, I/2/76 (2), 7 U.N.C.I.O. Docs. 326 (1945). *See generally* RUSSELL, *supra* note 21, at 330-48.

32. The First Commission on Membership at the San Francisco Conference in its report interpreted para. 2 of Article 4 as not applying to "the States whose regimes have been established with the help of military forces belonging to the countries which have waged war against the United Nations, as long as those regimes are in power." This interpretation was adopted without dissent. Doc. 1210, P./20, 1 U.N.C.I.O. Doc. 615; Doc. 1167, I/10, 6 U.N.C.I.O. Docs. 124-36 (1945); Article 3 of the Charter, by procedural limitation, appeared to deny membership to the Axis powers.

33. U.N. CHARTER art. 4, para. 1.

34. Doc. 1178, I/2/76, 7 U.N.C.I.O. Docs. 326 (1945).

Although it now seems clear that the criteria for admission enumerated in Article 4 of the United Nations Charter are exhaustive,<sup>35</sup> the lack of any definitive elaboration of these criteria has resulted in continuing uncertainty as to their proper application.

### *B. The Question of Independence*

To become a member of the United Nations, a microstate applicant must qualify as a "state," one of the five criteria for admission under the Charter. The difficult task of defining statehood has been complicated by the use of concepts of "independence," "self-government," "self-determination" and "decolonization" in policy guidelines formulated to deal with the problems of colonial territories.<sup>36</sup> No clear definitional scheme relating these concepts has yet emerged. By its Resolution 1514(XV), 1960, the General Assembly provided a mandate for self-determination and decolonization to the world, expressing its belief in the right of all states to self-determination and complete independence.<sup>37</sup> Though the emphasis on decolonization in the United Nations had been directed at the larger territories, Resolution 1514(XV) stated emphatically that the "[i]nadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence."<sup>38</sup>

As required by the Charter, a microstate must attain statehood to be admitted to the United Nations. Many of these entities are presently undergoing decolonization but have yet to attain a full measure of self-government. Moreover, in a world that is increasingly reliant upon functional interdependence of government, these concepts of statehood and independence take on more ambiguous meanings. Once a colony has attained independence, is it a "state"? Is a fully "decolonized" territory a "state"? Must a "state" be completely self-governing? Many parties were thus anxious to arrive at an understanding of the relation between the criteria for decolonization and the requirements for membership. Both members and non-members hoped that Resolution 1541 (XV)<sup>39</sup> — passed during the same session as Resolution 1514(XV) — would resolve some of these uncertainties. Principle VI of Resolution 1541

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35. See p. 28 *supra*.

36. *Id.*

37. See G.A. Res. 1514, 15 U.N. GAOR Supp. 16, at 67, U.N. Doc. A/L.323 and Add. 1-6 (1960).

38. *Id.*

39. G.A. Res. 1541, 15 U.N. GAOR Supp. 16, at 29, U.N. Doc. A/4651 (1960).



(XV) states that a non-self-governing territory has "reached a full measure of self-government by: (a) Emergence as a sovereign independent State; (b) Free association with an independent State; or (c) Integration with an Independent State."<sup>40</sup>

However, this Principle was one of twelve promulgated to determine whether a state must continue to provide information on dependent territories as required by Article 73 (e) of the Charter. It does not purport to relate the degree of self-government required for decolonization to the membership requirement of statehood. Nor is it likely that all three conditions of Principle VI would qualify a microstate for statehood.

The continuing lack of clear guidelines and the fact that determinations are made on a case-by-case basis work to discourage the cutting of ties with colonial powers. Before venturing into complete independence by terminating completely the security of established economic and political relationships with an acceptable colonial power, the microstates would like to be assured of qualification for United Nations membership. Only thereby will they be assured of access to suitably equivalent assistance and information.

If the United Nations is to effectively influence the decolonization process, it must be free to carry out two important responsibilities. The first of these is to educate the colony as to the alternative means available for achieving independence. Second, realistic considerations require that the United Nations must take an active part in supervising elections and plebiscites.<sup>41</sup> The resistance of certain governing powers to the fulfillment of these responsibilities by the United Nations has inhibited the transition to self-government.

Thus, the United Nations Committee of 24, formed to implement Resolution 1514, recently rejected a supposedly freely adopted and strictly voluntary association between certain colonies and their governing power, under which the governing power would provide defense and diplomatic representation.<sup>42</sup> The association was re-

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40. *Id.*

41. The United Nations has been active in preparation for and supervision of elections related to independence in Togoland, the Cameroons, Western Samoa, Cook Islands and Equatorial Guinea, to name but a few. Six resolutions passed in the twenty-first Session of the United Nations envisioned similar activity in many dependent territories to ascertain the wishes of these populations.

42. The Special Committee on the Situation with Regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples (Committee of 24) placed a rigid and, for the colonial powers, unsatisfactory emphasis upon the concept of self-determination. One critic of the Committee's persevering stand on implementation

jected because it failed to meet the General Assembly's mandate for decolonization. At issue was not the *degree* of self-government accorded the colonies, but the unwillingness of the governing power (the United Kingdom) to permit the United Nations to certify that the proposed new status of six island possessions in the Caribbean (Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent) was freely adopted. Though a major step toward decolonization, the new status seemed to have been promulgated by previous legislatures and not by the people. In addition the choice was made without a genuine understanding of other options.<sup>43</sup> Nonetheless, the proposal would have allowed a full measure of internal self-government to the colonies, with freedom to unilaterally terminate the association with the former governing power through certain constitutional processes worked out with local representatives.<sup>44</sup> What further unilateral action small states must take to

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has called it "an international lobby for absolute independence regardless of the consequences." Fisher, *The Participation of Microstates in International Affairs*, PROCEEDINGS, *supra* note 15, at 168. While agreeing that the United Nations' policy of self-determination and self-government was "flexible," the Rapporteur of the Committee noted that decolonization "has a much broader meaning than independence or the exercise of the right of self-determination. . . . [D]ecolonization has come to mean *effective transfer of power*." Comment by M.S. Esfandiary, Representative of the Permanent Mission of Iran to the United Nations and Rapporteur of the Committee of 24, *Id.* at 175. (Emphasis in the original).

43. "Anguilla's status of association with St. Kitts and Nevis had been for the Anguillan people only a source of oppression from which they were trying to liberate themselves. That was proved by the fact that, on 11 July 1967, when the people had voted in a referendum to establish whether they wanted (1) to withdraw from the association and (2) to form a provisional government, their response had been unmistakably affirmative and unanimous. [But] . . . the central government had taken severe measures. In reprisal, all mail, medicines, remittances and so on intended for the Anquillans were . . . virtually frozen. The Anguillan delegation to a conference recently held at Barbados had not been allowed to raise the question of secession and had been subjected to pressure to sign the conference's report without even having read it." 22 U.N. GAOR, Special Comm. on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Agenda Item No. 23 at 184, para. 186, U.N. Doc. A/6700/Add. 14 (Part II) (1967).
44. In 1967 the United Kingdom advised the Committee of 24 that it desired to grant a new status of States in Association with the United Kingdom upon Antigua, Dominica, Granada, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent. The permission to be relieved from the obligation to transmit information regarding these six territories under Article 73(e) of the Charter (thus indicating satisfaction of the requirements of G.A. Res. 1514, 15 U.N. GAOR Supp. 16, at 66, U.N. Doc. A/L.323 and Add. 146 (1960) was denied owing primarily to unwillingness of the United Kingdom to permit a visiting United Nations mission to verify the will-

dissociate themselves to the satisfaction of the Committee of 24 thus becomes an increasingly pressing question.

In 1965, the Cook Islands (21,000 inhabitants) were deemed decolonized as a result of the election of a legislature under United Nations guidance. The government of New Zealand, the former governing power, consented to the election and cooperated fully with United Nations officials. Continuing Commonwealth citizenship, internal self-rule and dependence upon New Zealand for exterior affairs gives the Cook Islands the appearance of being a near duplicate of the rejected Caribbean islands association. Although recognizing that the degree of self-government in the case of the Cook Islands satisfied Resolution 1541,<sup>45</sup> the General Assembly explicitly noted the greater level of independence required by Resolution 1514.<sup>46</sup> This instance of willingness to accede in a less than absolute step toward independence, however, remains an isolated case. It illustrates that independence is still the standard to be used to establish eligibility for United Nations membership.<sup>47</sup>

## II: THE ATTRACTION OF THE UNITED NATIONS FOR SMALLER STATES

The functions which the United Nations performs for its members could be said to include (a) assistance in the settlement of disputes, (b) collection and dissemination of information and technology, (c) assistance in the solution of other problems through

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ingness of the people concerned to accept this new status. *See generally* 22 U.N. GAOR, Special Comm. on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Agenda Item No. 23 at 184, para. 186, U.N. Doc. A/6700/Add. 14 (Part II) (1967).

45. G.A. Res. 1541, 15 U.N. GAOR Supp. 16, at 29, U.N. Doc. A/4651 (1960); *see* p. 30 *supra*.

46. 15 U.N. GAOR Supp. 16, at 66, U.N. Doc. A/L.323 and Add. 1-6 (1960); *see* p. 30 *supra*.

47. A statistical typology of micro-states and territories strongly suggests that larger territories are more likely to be independent, in the traditional legal sense, than smaller territories. "It appears . . . that a threshold exists above which peoples perceive independence as the only proper form of political existence but below which they may be willing to work out other arrangements." Taylor, *Statistical Typology of Micro-states and Territories — Toward a Definition of a Micro-state*, STATUS AND PROBLEMS OF VERY SMALL STATES AND TERRITORIES 222 (1969), *supra* note 14. It is also true, on the other hand, that "[m]any smaller places have been able to find means of self-determination without managing all of their own affairs. Liechtenstein has its agreement with Switzerland; the Vatican and Monaco have similar arrangements with Italy and France. Each, however, is called sovereign." *Id.* at 219. Such distinctions, when applied to the mass of small, isolated microstates, may constitute an example of denial of international "equal protection."

access to United Nations agencies, and (d) the providing of an international forum and meeting place.<sup>48</sup> Each of these functions deserves brief consideration.

### A. *Settlement of Disputes*

Disputes involving both large and small states and territories continue to be a frequent threat to stable world order. This is especially troublesome in an age of vast technological developments in the production of traditional weapons, as well as the continuing refinement of methods of waging thermonuclear, biological and chemical warfare. The record of the United Nations in settling disputes has been checkered, but it is no doubt true that many conflicts have been averted without violence through diplomacy and conciliation. Arguably, the presence of small, economically and politically impressionable states in the United Nations could cause local confrontations to become unduly prominent and to escalate into regional and even world issues which would further exacerbate East-West polarization. Examples would be Cyprus, Biafra, Trinidad, or even the turmoil surrounding the issue of Tyrolean nationalism, which, while more limited in nature, was nonetheless debated in the General Assembly. However, it can also be argued that even those disputes which (like the Nigerian civil war and the Middle East conflict) are attributable to ethnic diversity, take on new dimensions and lose their potential for sparking a larger conflict when they are considered in the United Nations and less partisan nations become involved in the settlement process.

International stability is thus possibly increased by broadened membership, which produces "a more multidimensional, more pluralistic, and perhaps more realistic interpretation of UN development."<sup>49</sup> Therefore, as seen from the perspective of the arms race, the faulting of small states for their inability to carry out Charter obligations by rendering military support to the United Nations becomes less persuasive when the political environment produced by the thermonuclear age is considered.

Though the Charter also spells out certain guarantees of assist-

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48. J. HADWEN & J. KAUFMANN, *HOW UNITED NATIONS DECISIONS ARE MADE* 56 (1960).

49. An important study of the United Nations in international politics has noted that the "decline of Western power in the Assembly has been associated with the beginnings of a multipolar United Nations confrontation, in which each of the poles is especially interested in and somewhat influential on particular substantive issues before the Assembly." ALKER & RUSSETT, *supra* note 8, at 294, 296.

ance in the pacific settlement of disputes where non-members are willing to submit them,<sup>50</sup> it is almost certain that the United Nations will react more promptly to violation of the territorial integrity or interference with the internal affairs of a member than of a non-member. The microstate non-members lack "visibility" on the world stage of power-influencing nations. Britain's actions with regard to Anguilla illustrate this relative powerlessness. This conclusion is reinforced by Secretary-General Hammarskjöld's observation that it is not the major powers but rather "all the others"<sup>51</sup> that need the United Nations for their protection. In fact, they may need protection more because they *are* now independent of colonial control. Recourse to the forum of the United Nations to publicize grievances and forge public support may ultimately be the most effective tactic available when a microstate cannot defend itself, or when regional assistance is not available to limit coercion.<sup>52</sup>

The Charter pledges assistance in the maintenance of international peace and security to all states, whether members or not.<sup>53</sup> However, few if any of the microterritories would be able to request aid on their own behalf because of existing political dependency. Article 35 provides that a non-member state

may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

Aside from the informal practice of permitting non-members to speak at meetings of several of the organs and committees of the United Nations, a small nation would in most cases find it exceedingly difficult to gain access to other official bodies. Only in the event of a threat to international peace and security would the Charter assure that the mediating powers of the organization would be made available.

A non-member who is a party *must* be invited to relevant Council discussions (Article 32) though without vote, and a non-party *may* be invited under Rule 39 of the Provisional Rules of the Coun-

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50. See pp. 35-36 & notes 53-55 *infra*.

51. 15 U.N. GAOR 332 (1960).

52. Anguilla, for example, belongs to no Caribbean self-defense or economic commission nor, of course, to the Organization of American States. The deeper question raised by Anguilla is who should have access to the United Nations and how.

53. U.N. CHARTER art. 11, para. 2; art. 14; art. 35, para. 2.

cil.<sup>54</sup> Any non-member may consult the Council if it should "find itself confronted with special economic problems" resulting from United Nations security actions.<sup>55</sup>

Being a party to the Statute of the International Court of Justice would be of value to a non-member of the United Nations for its own protection only if all parties to a dispute had submitted to the jurisdiction of the Court and would wait for and abide by the ruling of the Court. Hence, the non-member state can call upon United Nations assistance only in limited circumstances, and only after an issue has taken on crisis or near-crisis proportions.

These functional advantages in dispute settlement, ease of access to United Nations organs, and increased visibility and prestige on the world stage provide considerable incentive for membership in the United Nations. Concomitant assurances of security, which are unavailable to any dependent territory and only slightly accessible to independent non-member microstates, are also provided.

### *B. Collection and Dissemination of Information*

It has been suggested that modern open societies function largely by way of abstract relations promoted by exchange of technological information and social, economic and other kinds of cooperation.<sup>56</sup> The availability of current information on global trends and developments, therefore, is critical. While considerable information on trade, investment, health, employment and diverse aspects of social welfare in the member states is compiled regularly, the continued lack of a reliable information-gathering system in non-member states has severe consequences for their development.

Because the exchange of information is necessary for the achievement of the goals of the United Nations, the lack of precise data from all countries on education, trade and natural resources, population and standard of living, as well as the inability of non-members to obtain access to this information, have a negative impact upon the goals enunciated in the Charter. Official expenses<sup>57</sup> may

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54. Under this rule, members of the Secretariat or other persons with material information may be invited to give assistance; there is no requirement that the party to the dispute be a state or sovereign entity.

55. U.N. CHARTER art. 50.

56. K. POPPER, *THE OPEN SOCIETY AND ITS ENEMIES* (1949); M. McLuhan, *THE GUTENBERG GALAXY* (1962).

57. The increased administrative costs just for the regular sessions of the United Nations, which additional membership will entail, must be considered. Although it is difficult to approximate the costs in terms of staff and time required in handling official documents at United Nations head-

do much to discourage poorer nations from seeking membership in order to obtain this information, but do not form an insuperable obstacle to participation.

*C. Solving Microstate Problems—Access to United Nations Agencies*

United Nations member microstates participate as fully as any other member in a broad range of organs (such as UNCTAD<sup>58</sup> and UNIDO<sup>59</sup>) and regional economic commissions (such as ECE<sup>60</sup> and ECAFE<sup>61</sup>), as well as in the fifteen specialized agencies of the United Nations.<sup>62</sup> However, the non-member microstates are noticeably excluded, by and large, from any meaningful role in these bodies. The rules for admission of non-members into full or associate membership (where permitted) are complicated.<sup>63</sup> Such limited participation notwithstanding, it is true that much of the important work of the United Nations is closed to those nations which do not have access to the General Assembly through membership. These nations enjoying observer status are hardly in a more

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quarters, the basic cost of reproducing verbatim statements at the General Assembly has been reported at \$10.45 per page, while translations into each of the other four official languages costs an additional \$22.30 per page. 20 U.N. GAOR, Fourth Comm., 193 (1965). Longer sessions are certain to result from an expanded General Assembly. By streamlining procedures, the expense resulting from longer sessions conceivably could be reduced. When reforms were last considered, experimental use of electrical voting equipment and greater use of sub-committees were the recommendations of the Ad Hoc Committee on the Improvement of the Methods of Work in the General Assembly, U.N. Doc. A/5423 (1963). See U.N. Doc. A/5123 (1962). There is also need, for example, for special procedures to handle limited disputes which have little probability of disrupting world peace. See E. STEIN, SOME IMPLICATIONS OF EXPANDING UN MEMBERSHIP 37 (1956).

58. United Nations Conference on Trade and Development.

59. United Nations Industrial Development Organization.

60. Economic Commission for Europe.

61. Economic Commission for Asia and the Far East.

62. The International Bank for Reconstruction and Development (The World Bank), International Development Agency, International Finance Corporation, International Monetary Fund, United Nations Educational, Scientific and Cultural Organization, International Labor Organization, Food and Agriculture Organization, Universal Postal Union, International Tele-communications Union, General Agreement on Tariffs and Trade, World Health Organization, World Meteorological Organization, Intergovernmental Maritime Consultative Organization, International Civil Aviation Organization.

63. There is little consistency in these procedures: furthermore, there is almost no uniformity in the substantive rights which full or associate membership in the various agencies affords. See also note 114 *infra*.

advantageous position than non-members by virtue of their mere presence.<sup>64</sup>

Participation as a member in the actual decision-making process is thus beneficial. Multilateral decisions made at a high level of diplomacy are more likely to be respected by participants and third parties than those arrived at in bilateral or limited political and regional power bargaining.

Concerns such as education, welfare, social and economic development, trade and defense are of particular importance to nascent governments in microstates. This is especially true when colonial control *and support* are withdrawn at the time of independence.

A related problem has often been caused by the withdrawal of military forces by the colonial power. Such discontinuance creates a power vacuum as well as a *loss of economic support*. The serious problems thus caused in transition are, in many cases, as yet unresolved.<sup>65</sup> Because these problems are universally recognized, it is important for the United Nations to provide a free forum for their resolution for non-members as well as members.

#### *D. Provision of an International Meeting Place*

At a press conference in 1959, the Secretary-General stressed that contacts in the rooms and lobbies of the United Nations "do represent . . . an attempt at a meeting of minds, and they are . . . very often influenced by a spirit of personal confidence, even if the general temperature . . . is characterized by, so to say, official lack of confidence."<sup>66</sup> The opportunity for face-to-face negotiations is not to be treated lightly. Furthermore, maintaining a delegation at the United Nations is much more economical than maintaining separate diplomatic missions, and probably equally productive of cooperation and the exchange of information. There is an added advan-

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64. "It would seem that observer status is best suited to those for whom the United Nations is primarily a listening post and a general point of contact." BLAIR, *supra* note 5, at 45. "Even strengthened, [observership] would still be better suited to broad information-gathering than to active participation on limited occasions." *Id.* at 59.

65. The Committee of 24, after considerable study of this problem, has concluded that "strategic military considerations are an important factor in prolonging colonial rule in many parts of the world" and that "military activities and arrangements by colonial Powers in Territories under their administration constitute a serious impediment to the implementation on the Declaration of the Granting of Independence to Colonial Countries and Peoples." 23 U.N. GAOR, Fourth Comm., U.N. Doc. A/7200 (Part II), at 38-39 (1968).

66. Note to Correspondents No. 1934, Feb. 5, 1959. *See* N.Y. Times, Feb. 6, 1959, § 1, at 3, col. 6.



tage to the microstate in that precious trained manpower resources are used most efficiently. In addition, positions taken by national governments and forwarded to delegations in New York and Geneva may undergo modification based on information gathered at the United Nations, thus avoiding a time and information lag which could have serious consequences. All forms of association proposed as alternatives to full membership should thus have at least this advantage: access to the halls and executives of the United Nations for the purposes of exchanging and evaluating information.

### III: BURDENS OF UNITED NATIONS MEMBERSHIP ON SMALLER STATES

Membership in the United Nations necessarily involves acceptance of numerous formal and less formal obligations. The most important of these may be summarized as follows:

1. To collaborate with other members and the Organization to promote the objectives of the United Nations. (Articles 1, 2 and 56).
2. To settle international disputes by peaceful means and in such a manner that neither international peace and security nor justice is endangered. (Articles 2(3) and 33).
3. To bring before the Security Council any dispute that the parties cannot settle and that is likely, if allowed to continue, to endanger the maintenance of international peace and security. (Article 37).
4. To refrain in international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. (Article 2(4) ).
5. To assist the United Nations in every possible way in any action taken by the Organization in accordance with the Charter, and to refrain from assisting any state against which the United Nations takes preventive or enforcement measures. (Article 2(5) ). In particular, states are bound to recognize and carry out the decisions of the Security Council, including those concerning the application of measures of enforcement. (Article 25).<sup>67</sup>

In light of these requirements for membership, it is important to consider whether microstates have the economic and political power to assist in the enforcement of United Nations decisions. Economic

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67. A. ROSS, *THE UNITED NATIONS: PEACE AND PROGRESS* 98, 99 (1966).

sanctions or the provision of military personnel for United Nations enforcement actions or peacekeeping service could seriously tax the poorer states.<sup>68</sup> Other burdens which would be imposed upon microstate members include attendance at sessions of the Assembly<sup>69</sup> and assessment for the regular United Nations budget. With respect to contribution to the United Nations, an adjusted rate of apportionment would prevent "anomalous assessment."<sup>70</sup> This has in fact been the policy in assessing regular United Nations costs. In Resolution 1927,<sup>71</sup> the General Assembly requested that "due attention [be given] to the developing countries in view of their special economic and financial problems." The Committee on Contributions accordingly made adjustments for countries with a level of income falling below an agreed *per capita* level. With further adjustments in contributions, microstates could participate as fully as any larger member in the work of the United Nations.

#### IV: ALTERNATIVES TO FULL MEMBERSHIP

Assuming that there will be few newly independent microstates that will not opt for full membership in the United Nations (and assuming further than the General Assembly does not act to limit admissions), what alternatives for participation in the world organization have been proposed?

To date, five principal alternatives to full membership have been suggested.<sup>72</sup> They would have the effect of preserving more or less intact the existing allocation of voting power within the General Assembly.<sup>73</sup> The five proposals formulated to mitigate the impact

68. Plimpton, *supra* note 5, at 55; a procedure for relief is specifically provided in Article 50 of the Charter. See comments of the United States Representative in the Security Council on the admission of the Maldives Islands. U.N. Doc. S.P.V. 1243 at 31 (1965).

69. One observer has argued that each member has an obligation to take part in all or nearly all meetings of the Assembly, and not only those directly affecting the member; but although practice might suggest that this opinion is prevalent, attendance is by no means mandatory.

70. See principles promulgated by the Preparatory Commission of the Committee on Contributions, U.N. Doc. PC/20 at 108; Report of the Committee on Contributions, U.N. Doc. A/80 at 1 (1946).

71. 18 U.N. GAOR Supp. 15, at 59, U.N. Doc. A/5659 (1963).

72. For a complete list of possible options for United Nations participation and membership, see STATUS AND PROBLEMS OF VERY SMALL STATES AND TERRITORIES, *supra* note 14, at 155-56.

73. With a large number of small states already members of the United Nations, the present membership would have to be reviewed to exclude very small states in order for the United Nations to regain its original identity as a forum of states substantial in size (and, in many cases, in terms of colonial holdings).

of numerous microstate admissions in the General Assembly are:

- A. Observer Status;
- B. Limited Participation in the United Nations Committees;
- C. Regional Memberships;
- D. Weighted Voting; and
- E. Technical Assistance.

A. *Observer Status*

In his Annual Reports of 1965 and 1967, the Secretary-General urged that attention be directed to the problem of the microstates. In 1967 he suggested that small states be permitted to establish permanent observer missions at the United Nations. He noted that "it would be possible formally to establish the status of observer and to draw up legal rules permitting non-members to follow items of interest to them."<sup>74</sup> Permanent observer status, as the Secretary-General has carefully explained, "rests purely on practice" and has no "firm legal basis" within the terms of the Charter.<sup>75</sup> The six permanent observers presently at the United Nations<sup>76</sup> have been admitted on the basis of the practice of former Secretaries-General. This has required membership in a United Nations specialized agency or sub-organ and diplomatic recognition by a majority of United Nations members.<sup>77</sup>

In the 1965 Annual Report, the Secretary-General spoke of the desire to "expose [the microstates] to the impact of the work of the Organization" and to permit them "some opportunity to contribute to that exchange."<sup>78</sup> The opportunity to obtain firsthand experience and information at the various meetings of committees would be of unquestionable value. This assumes that the microstates could meet the rather stringent present requirements for admission to permanent observership, or any future standards which the Secretary-General and the General Assembly might promulgate.

With regard to the functional advantages of United Nations membership discussed above, observership would provide an international meeting place. As well, it would give some impetus to the

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74. Annual Report 1967, *supra* note 1, para. 168.

75. *Id.*

76. Federal Republic of Germany, Holy See, Liechtenstein, Monaco, San Marino and Switzerland.

77. Annual Report 1967, *supra* note 1, para. 168. For a brief history of observership in the United Nations, see BLAIR, *supra* note 5, at 38-45.

78. 21 U.N. GAOR Supp. 1, at 14, U.N. Doc. A/6301 (1966).

promotion of international cooperation and assist in the collection and dissemination of information. However, an observer would arguably have no greater opportunity than a non-member for participation in the settlement of disputes. The assurances of assistance to non-members provided by the Charter<sup>79</sup> might serve to fill this gap. Whether the General Assembly would permit non-member observers to participate in its work, even if limited to the extent of circulating memoranda in committees or plenary meetings, is questionable. At present, there is no precedent for permitting either written or oral participation in meetings of the full Assembly by observers.<sup>80</sup>

Significantly, no proposals have yet been submitted in response to the Secretary-General's proposal to establish observership as the approved form of association for microstates.

### *B. Limited Participation in United Nations Committees*

Under the League of Nations a committee was set up to examine possible alternatives to full membership for small states after the rejection of Liechtenstein. The committee proposed three alternatives: full representation without vote (unlike observership which allows neither formal representation nor vote), representation through a member of the League, and limited participation. As to the first, it was felt that representation, even without vote, would prolong debates in the League. The second proposal was likewise rejected as possessing inherent political difficulties. But it was felt that with limited participation the small states could

enjoy all the privileges of ordinary members . . . [by] taking part in debates or in votes to the extent that a majority of the Assembly might decide that the national interests of these states were involved therein.<sup>81</sup>

As noted, membership in certain agencies and committees is open

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79. See p. 36, *supra*.

80. Stated differently, observers have no greater privileges in this respect than other non-members. Both the Security Council and the General Assembly occasionally invite representatives of non-members, usually to assist in the solution of a particular problem. "The participation of invited representatives has been restricted to discussions in committee. These representatives occasionally have taken part in the work of the sub-committees, but generally have not been permitted to participate in plenary meetings." BLAIR, *supra* note 5, at 36.

81. 2 LEAGUE OF NATIONS OFF. J. 438-39 (1921), Application of Liechtenstein for Admission to the League, Meetings of Committees, 2 LEAGUE OF NATIONS RECORDS 172 (1920). See generally Hudson, *Membership in the League of Nations*, 18 AM. J. INT'L. L. 436 (1924).

to microstates and territories not members of the United Nations.<sup>82</sup> Some agencies have even proposed associate memberships for non-self-governing territories.<sup>83</sup> Generally, the right to vote or hold office for such states or territories specially admitted is restricted. For example, associate members of the International Telecommunications Union may neither vote nor nominate candidates, nor may they be elected to the important subsidiary organs, yet they pay the same dues as the lowest class of full members.

In terms of the four functional purposes of United Nations membership,<sup>84</sup> experience casts doubt on the virtues of limited membership. This doubt arises primarily from the difficulty of determining those issues in which the microstates may be deemed to have a legitimate interest. Certain economic and trade matters may appear to have wholly regional and parochial interest, yet in an increasingly interdependent world they may have far-reaching impact. Thus, deciding when states will be allowed to participate and vote as full members is more difficult than one might expect. A limited form of association would be plagued by frequent disputes concerning the proper degree of participation, and yet offer little more to small states in terms of effective power than would observership—all at substantially greater cost. Nevertheless, the information gathering function would conceivably be better served, and cooperation with full members would be assured on certain issues.

### C. Regional Memberships

Another plan which could permit considerable economy for microstates as well as limit the number of new memberships in the General Assembly would be a system of joint membership. Such an arrangement would presumably be composed of those states having similar political, economic, cultural and regional ties. Even broader regional representation might result in a consortium of microstates whose common interests as independent states could be voiced in the Assembly and its committees with a shared vote. The Charter, which speaks of membership of individual states, would have to be amended to authorize this form of association.

82. See p. 37, *supra*.

83. BLAIR, *supra* note 5, at 53:

WHO, FAO, UNESCO, IMCO, and ITU envision associate memberships for 'territories or groups of territories which are not responsible for the conduct of their international relations.'...

ITU goes further in providing associate membership, on majority approval, for 'any country not a [full] member.'

84. See p. 35, *supra*.

Though this approach to problems inherent in expanding micro-state membership is appealing on the surface, at least two obstacles minimize the practicability of such a solution. One may make the broad assumption that regional neighbors might have similar interests about which they were in agreement on matters of policy, authority and control. It would nevertheless seem that these interests could best be pursued in committees and conferences of the specialized agencies and regional commissions rather than in the General Assembly. Furthermore, the primary effectiveness of the General Assembly as a political harmonizing institution would be severely limited should any of the states within the representational group become involved in intramural or extramural disputes. The situation involving Anguilla illustrates perfectly the latent tension that might be exacerbated through an ill-fitting confederation. The unfortunate fact is that neighboring states often share widely diverging points of view.

The intense nationalistic feelings present in new, and especially small states, contributes to a marked individuality. Therefore it would appear preferable to maintain the independence of micro-states with regard to the exercise of their vote rather than to compel agreement on issues upon which there will frequently be little consensus. As suggested above, the dispute-resolving function could be adversely affected with the adoption of such an alternative. The other functions could be served, however, with an additional advantage: the microstates associated under one vote could rationalize the use of their staff to assure that the United Nations business of interest to them was covered. This cooperation is not exclusively restricted to this alternative, however, because it is an option available to any member State.

#### *D. Weighted Voting*

As an alternative to the one-state-one-vote concept embodied in Article 18(1),<sup>85</sup> many students of the United Nations have advocated an allocation of voting strength in the General Assembly that would correct the disparities in the present regime. Suggested criteria for determination of each nation's vote have included "population, natural and industrial resources, production, ability to contribute to world order and progress, and other such factors

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85. "Each member of the General Assembly shall have one vote." U.N. CHARTER art. 18, para. 1.

the General Assembly may deem relevant,"<sup>86</sup> or simply population and contribution to the United Nations.<sup>87</sup> Other suggestions would include levels of education of the population<sup>88</sup> and "economic importance"<sup>89</sup> in the selected indices to be weighted. As a part of a proposed program to achieve widespread disarmament and economic objectives, it has been suggested that only relative populations and degree of independence be considered in determining the weight to be allocated to each nation's vote. The authors of the plan avoid reliance on other indices because "such other factors would raise so many complications and involve such invidious distinctions that it is wiser to hold to the less elaborate formula . . . proposed."<sup>90</sup>

Though weighted voting exists in the International Monetary Fund, the International Bank for Reconstruction and Development, the International Finance Corporation, and the International Development Association, there has been little interest in employing this procedure in the General Assembly or other non-financial organs or committees, despite the increasingly apparent inequality in the present distribution of voting power. In fact, attempts have rarely been made to find a solution that would correct the apparent and glaring imbalances presently existing.

Although the advocates of weighted voting strive to resolve the issue of theoretical imbalance in the present voting scheme, there is some evidence to suggest that most of the proposals for weighted voting would have little effect on the actual balance of political forces in the General Assembly. In a study made in 1963,<sup>91</sup> the United States Department of State tested fifteen systems of voting using (1) national income, (2) population, and (3) scale of assessments to the United Nations as indices. The Department tested the probable influence of these systems by taking hypothetical votes on past General Assembly issues of key importance to the United States, and found that the results agreed with the actual General Assembly votes 87 per cent of the time.<sup>92</sup> Furthermore, the Depart-

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86. WORLD GOVERNMENT CONFERENCE, PROPOSALS FOR AMENDMENT OF THE CHARTER OF THE UNITED NATIONS (1945).

87. STAFF OF SENATE COMM. ON FOR. RELATIONS, SUB-COMM. ON THE U.N. CHARTER, 83RD CONG., 2D SESS., REPRESENTATION AND VOTING IN THE UNITED NATIONS GENERAL ASSEMBLY (Comm. Print 1954).

88. E. MOWRER, CHALLENGE AND DECISION 250 (1950).

89. BRITISH PARLIAMENTARY GROUP FOR WORLD GOVERNMENT, PROPOSALS FOR UNITED NATIONS CHARTER REVISION (1953).

90. G. CLARK & L. SOHN, WORLD PEACE THROUGH WORLD LAW: TWO ALTERNATIVE PLANS 27 (3rd. ed. 1966).

91. Dep't of State, Information Release, Nov. 2, 1963.

92. *Id.* at 2.

ment reported the same result after taking hypothetical votes for the projected 1970 membership.<sup>93</sup> Other students of weighted voting schemes have also noted a similar correlation in results when they used similar weighting factors.<sup>94</sup> Perhaps these results explain the ambivalent reception most of the proposals for weighted voting have received in the General Assembly and in official comment.

For other reasons, the microstates themselves have not received the proposals with open arms. Struggles over real world issues in New York and Geneva lend credence to the observations of one commentator who states that "anyone who believes that United States influence in the United Nations is measured by the fact that it has less than one-hundredth of the votes in the General Assembly fails completely to understand the realities of power as they are reflected in the world organization."<sup>95</sup> Because the same reasoning probably prevails among smaller nations, if not for the same reasons, the prospect for Charter amendment to incorporate a weighted voting arrangement seems unlikely in the foreseeable future.

Adoption of weighted voting would remove grounds for criticism of the one-state-one-vote principle which supposedly creates inequalities between the large and small states. When the functional advantages of United Nations membership are evaluated in terms of weighted voting, it is clear that the collection and dissemination of information, the availability of an international meeting place and the promotion of international cooperation on recognized problems would not be greatly changed by adoption of such a plan. However, several objections may be leveled at the proposals to institute weighted voting in light of its effect upon the functional settlement of disputes.

A major power, for example, may see little value in weighted voting if it feels the positions taken by the small states in the United Nations will be in accord with its own national interests on

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93. See Address by Richard N. Gardner, *United Nations Procedures and Power Realities: The International Apportionment Problem*, April 23, 1965. 52 DEP'T STATE BULL. 701, 706 (1965). See generally, R. GARDNER, *NEW DIMENSIONS FOR THE UNITED NATIONS; THE PROBLEMS OF THE NEXT DECADE* (1966).

94. Sohn, Book Review, 32 A.B.A.J. 759, 759-60 (1946). The projections for 1970, totaling 129 hypothetical nation members (including Communist China), show a socialist bloc commanding approximately 130 out of 736 total votes. The nearly 60 potential microstate members would, upon admission, share a total of 6 votes. L. SOHN, *CASES ON UNITED NATIONS LAW* 286-90 (2d ed. 1967). See Information Release, *supra* note 91, at 5: "... the net result of the various weighted voting proposals amounted to 'penalizing one's friends and rewarding one's enemies.'"

95. Address by Richard N. Gardner, *supra* note 93, at 703.



many issues. Assuming that amendment of the Charter to make this change in voting were feasible, some students who have noted the shift from the East-West conflict in the United Nations to a more "multipolar confrontation"<sup>96</sup>—with its corresponding implications of greater international stability achieved through pluralistic authority—might argue that a change of the voting scheme would reverse this trend.<sup>97</sup>

Without a more persuasive showing of its practical virtues, it seems that only a major power that sees weighted voting as in its own best interest would favor a change in voting procedure. It should be noted that the adoption of this alternative should not be examined without consideration of the impact of the possible admission to membership of Communist China.

### *E. Technical Assistance*

The wave of decolonization since the Second World War has been slow to reach the smallest and poorest countries. A number of reasons may be suggested for this delay. First, there are not enough experienced and trained personnel in those countries to form a nucleus for self-government. Second, the colonial powers are somewhat reluctant to sever all relations with their former wards, who will generally continue to depend on the former even after formal independence. Finally, an immense gap exists between these countries and the rest of the world in such areas as transportation, public administration skills and public confidence in the functioning of constitutional processes.

Acknowledging that the meager resources of these dependent territories present acute problems, the General Assembly has stated that "the United Nations should render all help to the peoples of those territories in their efforts to decide their future status."<sup>98</sup>

96. ALKER & RUSSETT, *supra* note 8.

97. Trimming voting strength of the microstates in the manner suggested in the major weighted voting schemes, *see* p. 46 *supra*, would sharply narrow the voting weight now possessed by the United Nations microstate members, and deemphasize "pluralistic authority." This seems to be a major assumption of ALKER & RUSSETT, *supra* note 8.

98. G.A. Res. 2232, 21 U.N. GAOR, Supp. 10-16, at 74, U.N. Doc. A/6316 (1966).

[S]elf-determination must be exercised without strings attached; at the time the people choose their new status, they have to be potentially independent, their choice must be unrestricted, and they may choose independence if they prefer, however small and poor their territory may be... The two major concerns of the United Nations are that the choice should be *free*; and that the choice should be *informed*.

Rapoport, PROCEEDINGS, *supra* note 15, at 157 (emphasis in original).

However, there is as yet no precise idea of what the substance of this mandate should be. A number of general and specific recommendations which were recently referred to the Committee of 24 could eventually produce further direct cooperation between the United Nations and former colonies. The thrust of these proposals, which originated with Professor Roger Fisher of the Harvard Law School, is to provide needed services and advice to non-member microstates through the expansion of technical and legal information services from an office in the Permanent Secretariat.<sup>99</sup> An expected result of such assistance might be a lessened interest in full United Nations membership where there existed an office at such a high level, probably in the Secretariat, to provide "solid information" to the microstates in the way of technical and financial advice and services that would be responsive to their pressing needs and individual requirements. That United Nations membership at the present time may be counterproductive to some of the basic needs of the microstates is revealed by an experienced United Nations diplomat who has observed that

The U.N. role with respect to a dependent territory, needless to say, is well defined, whereas after decolonization, it is not so clear. Both the Charter as well as the practice of the U.N. as expressed notably in the Declaration on the Granting of Independence to Colonial Countries and Peoples, Resolution 1514(XV), provide the framework for U.N. authority and powers before decolonization. However, neither Article 4 of the Charter nor the practice of the United Nations offers such clear and helpful guidelines on what the U.N. could or should do in the case of a territory which emerges as a sovereign entity.<sup>100</sup>

What appears desirable for the microstates, regardless of membership, is a clearing house in the Secretariat with greatly expanded economic and staff resources available for the assistance in the resolution of the technical and legal problems of small, and usually poor, countries.<sup>101</sup>

This approach to United Nations assistance would be more compatible with the goals of self-determination and economic self-sufficiency, and would minimize the microstates' expense and frustration while reducing the probability of disputes with the

99. See note 105 *infra*.

100. Esfandiary, PROCEEDINGS, *supra* note 42, at 171.

101. BLAIR, *supra* note 5, at 65. Such an office might have a difficult responsibility in view of Article 100 of the Charter and its conflict of interest prohibition.

governing powers. Moreover, fulfillment of the requirements of self-determination established in Principle VII of Resolution 1541 (XV)<sup>102</sup> and in Resolution 1514(XV)<sup>103</sup> would be facilitated. Without suggesting that the microstates be discouraged from applying to the United Nations for membership, Professor Fisher has advanced several theories about the solution of peculiar problems facing isolated and underdeveloped microstates.<sup>104</sup> Although such states already have access to existing technical services and economic assistance in the Organization, this aid is disappointingly inadequate. Increased staff at the United Nations, development of executive volunteer service programs, coordination and expansion of domestic service corps units, and concentrated study and pooling of other human resources could provide some of the specialized technical assistance which should be available on a regular basis.<sup>105</sup>

The availability of an enlarged pool of skilled personnel together with an expanded drawing fund for development could conceivably satisfy some of the needs of the microstates which are manifested, in part at least, by their desire for admission. Membership, when granted, increases diplomatic contacts by direct access to an office of the United Nations, validates the state's (and parenthetically, the government's) authority, and provides greater security. Even if membership were absolutely foreclosed to microstates, these needs would continue. Through increased assistance and study of the peculiar and essential needs of microstates, these goals still could be attained; and the United Nations itself is best suited to assure these services, especially since the General Assembly has itself encouraged this environment of decolonization and independence.

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102. G.A. Res. 1541, 15 U.N. GAOR Supp. 16, at 29, U.N. Doc. A/4651 (1960).

103. G.A. Res. 1514, 15 U.N. GAOR Supp. 16, at 67, U.N. Doc. A/L.323 and Add. 1-6 (1960).

104. Professor Fisher, an advisor to the government of Anguilla, has attempted to define a program of assistance to small places that would avoid the either/or option of colonial status or sovereignty. Fisher, *PROCEEDINGS*, *supra* note 15, at 170.

The easy part, as I have suggested, is providing assistance of a technical or economic nature. . . . It could be improved, I surmise, if small places could look to a single office which would know about both national and international programs for which they might qualify. . . . The more difficult problem relates to political and legal advice. A small state needs advice about its constitution and about relationships with larger states. For the small state that is "wholly independent" one can readily conceive of a U.N. advisory service which included such legal and political advice.

*Id.*, at 168.

105. For a study of Anguilla's domestic resource problems, *see* Fisher, *PROCEEDINGS*, *supra* note 15, at 164.

As Professor Fisher notes, "[I]f a small group of people is to have [the right to self-determination], outsiders will necessarily be involved in establishing it, in making it meaningful, and in maintaining it."<sup>106</sup> Such a concept of services, providing "impartial and competent assistance in considering the options open to it and in devising new options,"<sup>107</sup> received general support in a Sub-Committee of the Committee of 24 in December 1967 and was later referred to the Committee of 24 with the recommendation that a feasibility study be undertaken.

The availability of United Nations assistance "without political preconceptions" and based upon specific needs of the small states concerned, would provide an imaginative experimental approach to the problems of microstates that could also have a major impact on larger states.<sup>108</sup> The four functional advantages of United Nations membership would also be served to a substantial degree.<sup>109</sup> With particular regard to disputes, should they arise, United Nations consultants could remain discretely neutral, advising the concerned disputants of assistance available to non-members under the Charter and the various programs of the United Nations. In the case of microterritories desiring termination of an unsatisfactory colonial relationship, the alternative of technical assistance would ease the birth pains of independence through coordination and supportive services as well as solicitation of new economic relationships, if these were requested by the government of the new state. By formulating reasoned choices for the small territories that are not now economically self-sufficient it may also be possible to assist these entities in achieving self-determination in a way that would not be a step forward in name only.

#### V: SUMMARY AND RECOMMENDATIONS

It is entirely possible that the parameters of the microstate problem have not been studied thoroughly enough to provide conclusions from which forms of suggested participation adaptable for future use could be derived. A major rethinking of the role of the

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106. *Id.*, at 166.

107. *Id.*, at 167.

108. The United Nations would have to change quite radically its orientation toward small places. Before the United States would welcome United Nations advice to Puerto Rico, to Guam, or to the Virgin Islands, before France would welcome advice to Guadeloupe or Tahiti, the advice would have to be based, without political preconceptions, upon the genuine interests of the places concerned. *Id.* at 169.

109. *See* p. 35 *supra*.

United Nations in a world where universal membership is accepted may be necessary.

For example, until the value of weighted voting has been more convincingly demonstrated to policymakers and politicians of large and small nations alike, there is little chance that the equal vote of sovereigns granted in Articles 2 and 18 of the Charter will be changed. As suggested previously, the process of decolonization, the economic and political balances of power both within and outside the United Nations, and the problems involved in the defense and development of newly independent states form complicating factors which must be taken into account in an examination of the function and contribution of microstates in the world forum. Nor is such a listing of collateral issues exclusive; there are more, not the least of which is the evolution of the General Assembly as a powerful and responsive mediating force. Discussing the microstates, the Secretary-General has stated that "outstanding international problems . . . would seem to stand a better chance of settlement through the attainment of universality of membership of the United Nations."<sup>110</sup>

There are substantial objections to permitting further microstate membership on a par with other nation members of the United Nations. Yet there is irony in the fact that the only significant effort to originate other forms of association suitable to microstates dates back to the early days of the League of Nations,<sup>111</sup> suggesting that the issue may not be so politically important as first thought. It seems likely that the consequences of a larger General Assembly will undoubtedly lead to increasing criticism and doubts as to the value of universality. To the 31 microstates, associated states and territories with populations larger than the recently admitted Maldiv Islands (population 101,000)<sup>112</sup> the present absence of membership criteria other than those enumerated in Article 4 seem

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110. Annual Report 1967, *supra* note 1, para. 161. However, the Secretary-General's position is not without qualification, in this instance at the expense of clarity: "I believe it is necessary to note that, while universality of membership is most desirable, like all concepts it has its limitations and the line has to be drawn somewhere." *Id.*, para. 162. A more positive prospect is provided by L. GOODRICH, *THE UNITED NATIONS* 99 (1959):

But perhaps the most important consequence of the enlargement of the United Nations — overshadowing all else — is the fact that now the United Nations, to a greater extent than ever before, corresponds with the political world in which it is called upon to operate.

111. See note 81 *supra*.

112. U.N. STATISTICAL YEARBOOK 1967 (1968).

to pose no obstacles to presumptive eligibility for membership. Until politically acceptable criteria are adopted within the United Nations to provide informal guides as to whether an applicant is "able and willing to carry out" the minimal obligations of membership, the number of critics of the microstate "invasion" into the halls of the General Assembly can reasonably be expected to increase.

Determining participation by wealth, resources and population is obviously unfair in many ways. This is so largely because larger members do not have legitimate claims to a greater relative voting power than their financial contribution and political power might suggest. The difficulty of assigning appropriate United Nations roles to the microstates often does not result from these factors, but from the general lack of experience and leadership within the microstate itself. These shortcomings, it is suggested, should not foreclose any opportunity for increasing microstates' financial and leadership contribution. It is within the prerogative of the United Nations, for example through the International Law Commission or perhaps the Committee on Membership of the Security Council, to define more exactly the requirements for participation and responsibility.

However widespread the use of associate memberships in international organizations,<sup>113</sup> the application of this special status to dependent territories would probably be unacceptable, since it usually carries no vote. Indeed, granting membership in the organs and agencies of the United Nations to dependent nations of whatever size is permitted only in unusual circumstances.<sup>114</sup> Thus, the outlook for some type of limited participation in lieu of full membership does not appear promising.

For reasons already suggested, development of observer status and the creation of a specialized office for technical assistance within the Secretariat would provide small states with two useful

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113. North Atlantic Treaty Organization, Organization for European Co-operative Development, Organization of American States, Organization of African Unity, League of Arab States, the South Pacific Commission and the European Economic Community contain at least one microstate member, but only the E.E.C. provides for associate membership, which includes Gabon and Congo (Brazzaville) with less than one million inhabitants. YEARBOOK OF INTERNATIONAL ORGANIZATIONS (1969).

114. Annual Report 1967, *supra* note 1, para. 161. This principle, while not formulated in an official United Nations document, correctly states the position of the General Secretariat's office of legal affairs regarding membership for non-members in the organs and agencies of the United Nations.

and direct means of access to the United Nations prior to any decision as to whether or when to make application for membership. Similarly, non-self-governing territories would be able to obtain technical assistance, and thus to initiate a plan leading to meaningful self-determination. Neither alternative would require Charter revision.

Observership, resting on past informal practice of the Secretariat, in addition to providing a listening post on United Nations activities, would also be useful as a trial status for states that were uncertain as to the value of formal membership. Some may care to follow the example of Switzerland which pursues its neutrality through United Nations observership.

Limited participation in United Nations committees and regional memberships would require considerable revision of procedures within the organs affected, and in the case of regional membership, Charter revision would be necessary. Adoption of weighted voting in the United Nations would seem impossible without extensive evaluation of possible political consequences.

As the Secretary-General has stated, the microstates do represent an important range of perspectives on world affairs. They can provide points of view which could be particularly persuasive in focusing world opinion on delicate political problems which major power blocs may desire to avoid out of motives of self-interest. To date, no detailed advocacy of the importance of limiting microstate memberships has appeared. Those studies of the continued development of the General Assembly as the major power body of the United Nations seem to indicate that a more nearly universal membership in the United Nations would, on balance, be a distinct advantage. Whatever the impact of the new members and the perceptions of present members which accompany the expanding and changing organization, continued and sympathetic examination of the role of small states will promote an enhanced understanding of the dynamics and expectations for the United Nations.