

**LUISS**



**Faculté de  
Philosophie et  
Sciences sociales**

**Department of Political Science**

**Département de Science politique**

**Double Master's Degree in International Relations  
Major in Diplomacy**

**Master en sciences politiques, orientation  
Relations internationales, à finalité Monde**

**Chair of History of International Relations**

**The UN Package Deal:  
a Historico-Institutional Analysis of its Emergence**

**Prof. Cavallaro Maria Elena**

---

**LUISS Supervisor**

**Prof. Matrakova Marta**

---

**ULB Supervisor**

**Prof. De Stefano Carolina**

---

**Co-Supervisor**

**Anastasia Pioli**

---

**Candidate**

**LUISS Student ID 647472  
ULB Student ID 000565929**

**ACADEMIC YEAR 2022/2023**

**The UN Package Deal:  
a Historico-Institutional Analysis of its Emergence**

**SUMMARY**

<b>INTRODUCTION.....</b>	<b>5</b>
<b>CHAPTER 1 - THE BIRTH OF THE UNITED NATIONS.....</b>	<b>11</b>
1.1 The historical steps of the creation of the United Nations .....	11
1.2 Controversies underlying the foundation of the United Nations: the types of the organization .....	15
1.3 Controversies: The League of Nations and the United Nations.....	19
1.4 Controversies: the organs of the United Nations .....	24
1.5 Controversies: the Security Council .....	31
<i>1.5.1 The veto right and the consequences of its conceptualization .....</i>	<i>33</i>
<b>CHAPTER 2 - MEMBERSHIP TO THE UNITED NATIONS.....</b>	<b>40</b>
2.1 The history of the package deal .....	40
2.2 Article 4 para. 1 of the Charter of the United Nations: the membership requirements .....	46
<i>2.2.1 Interpreting the requirements enshrined in Article 4 para. 1 of the Charter of the United         Nations .....</i>	<i>47</i>
2.3 Article 4 para.2 of the Charter of the United Nations: the admission procedure.....	52
<i>2.3.1 The debate prompted by the package deal between the organs of the United Nations ....</i>	<i>53</i>
2.4 Article 3 of the Charter of the United Nations: the concept of statehood.....	59
<i>2.4.1 The case of the Ukrainian and the Byelorussian Soviet Socialist Republics as original         members of the United Nations .....</i>	<i>64</i>
<b>CHAPTER 3 – THE ITALIAN AND THE HUNGARIAN ADMISSION TO THE UNITED NATIONS .....</b>	<b>69</b>
3.1 Italy applies to membership to the United Nations: the justifications under the Soviet veto and under the positive votes of the other members of the Security Council .....	69
3.2 Assessing Italian eligibility to the United Nations membership: domestic policy and international affairs .....	77

3.3. The Italian perception of the delay in becoming a member State of the United Nations .....	83
3.4 Hungary applies to membership to the United Nations: the justifications under the Soviet positive votes and under the negative votes of the other members of the Security Council .....	87
3.5 Assessment on the Hungarian eligibility to the United Nations membership: peace-loving nature and independence .....	93
<b>CONCLUSIONS .....</b>	<b>100</b>
<b><i>BIBLIOGRAPHY</i>.....</b>	<b>107</b>
<b><i>SITOGRAPHY</i> .....</b>	<b>112</b>
<b><i>OFFICIAL DOCUMENTS</i> .....</b>	<b>113</b>

## ABBREVIATIONS

COMECON	Council for Mutual Economic Assistance
COMINFORM	Communist Information Bureau
DC	Christian Democrats
EC	European Community
FRUS	Foreign Relations of the United States
GA	General Assembly of the United Nations
HCP	Hungarian Communist Party
ICJ	International Court of Justice
IMF	International Monetary Fund
ING	Intergovernmental Negotiations
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
PCI	Italian Communist party
PM	Prime Minister
PSI	Italian Socialist party
RoC	Republic of China
SC	Security Council of the United Nations
SSRs	Soviet Socialist Republics
U.N.C.I.O.	United Nations Conference on International Organization
UN	United Nations
USSR	Union of Soviet Socialist Republics

## INTRODUCTION

The birth of the United Nations is considered as one of the central events of the post-Second World War period since it marked the beginning of a new era of international relations. In particular, States committed themselves in building a new international community where the first objective would have been the establishment and then the maintenance of long-term international peace and security. It is possible to detect at least two main events that worked as *raison d'être* for the establishment of the UN. The first had been the Second World War. The States that took part in the Conflict came out quite entirely harmed, consequently acknowledging the importance of cooperation and development of good relations among themselves for preventing further conflicts. In addition to this, the failure of the League of Nations is the second reason why the founding fathers actively worked for creating the UN. Especially, even though the League had been established after the First World War in order to pursue the same objective of the UN, it had not been developed and refined like the latter. For instance, the mere absence of the United States as member State and the withdrawal of those States that would have become the main players of the Second World War marked its real collapse. As a consequence, the international community engaged in the creation and elaboration of a new system that would have been centered on the presence of a more resilient and efficient international organization than the League.

The UN had been designed by relying on the main flaws of the League of Nations, on the needs of the international community, on the objectives to be reached, and on the power relations of that historical period. The Charter of the UN, that can be labelled as the Constitution and the founding act of the Organization, identifies the original members under Article 3, that are the ones who were present at the 1945 San Francisco Conference. However, the so-called Big Three (the United States, the United Kingdom, and the Union of Soviet Socialist Republics) had been the protagonists of its creation, because years before the 1945 Conference, they met and discussed on the aims and the characteristics of the future international organization.

The historical period deeply influenced the Big Three in the establishment of the UN, because many choices made, and agreements reached can only be justified and understood if it is imagined to be the US, the UK, and the USSR of the post-Second World War period. However, some features envisaged by the Big Three that were reckoned to be suited and correct for the Organization could just work in the second half of the 20<sup>th</sup> Century, but power relations have currently changed and some of them are no longer appropriate for this historical phase. For instance, the composition ideated for the Security Council characterized by the presence of a restricted club of countries labelled as permanent members holding the veto power and the primary responsibility of maintaining international peace and security on behalf of the entire international community was probably the

best choice the Big Three could have adopted given the historical background. When the UN had been founded, the Second World War was going to be concluded and the US, the UK, and the USSR emerged as the winners, consequently assuming the control of the international scene. Furthermore, the US and the USSR succeeding in establishing themselves as the world's superpowers strengthening the position of responsibility they would have undertaken. However, since the end of the Second World War many other countries have emerged on the world stage hence emphasizing the exclusiveness of the permanent membership inside the Security Council and the relative appropriateness of developing a likely more representative organ.

Given the institutional structure provided for the UN when it had been founded, this thesis will concentrate on one of its characteristics that had proven to be challenging to be managed, hence resulting as a real double-edged sword in the hands of certain members of the Organization and that led to unexpected consequences. The reference is to the right to veto that is enjoyed just by the permanent members of the Security Council, namely by the US, the UK, China, Russia, and France. The reasons underlying the conceptualization of the veto right were extremely appropriate for the historical moment in which it had been defined, especially because the Big Three were allied in the Second World War and they trust one the other on the commitments they were going to undertake at the international level. However, in a short time the veto right quickly displayed its fallacies, involving the questioning of the system envisaged until then. Furthermore, this thesis will also inspect other features of the UN framework, like the distribution of competencies and the balance of powers between the different organs of the Organization, that like the veto right had shown some defects since the early beginning. Therefore, it shall be affirmed that the system envisaged for the UN since the second half of the 20<sup>th</sup> Century has progressively revealed its flaws up to hamper many times the work of the Organization.

By stemming from these institutional inconsistencies, this research has selected the package deal as the leading case study. This event is entirely representative both of the negative consequences of the institutionalization of the veto right inside the UN system and of the unbalanced distribution of powers between the organs of the Organization, especially considering the ones envisaged for the Security Council in comparison with the ones relegated to the General Assembly. The package deal has been selected in light of its completeness as case study, because in addition to the aforementioned links, it wholly embodies the ideological debate arose between the permanent members of the Security Council, particularly between the US and the USSR. Therefore, the developed dialectic shall be reckoned as a latent and anticipatory allusion to the Cold War that was going to break out at the end of the 1940s, hence in the meantime that the UN was affected by the package deal question.

Consequently, the selected example embodies the driving philosophies of the Western and Eastern fronts offering a miniature example of the large-scale confrontation.

The reasons why the package deal is one of the most illustrative examples of both the ideological debate between the members of the Security Council and of the flaws of the institutional design of the UN lie in the essence of the proposal itself. Therefore, the Soviet suggestion of concomitantly admitting sixteen new countries to the Organization is veritably the result of the impasse generated inside the Security Council due to the ideological divergencies between the P5, especially between the US and the USSR, that eventually escalated in the Cold War. In addition to this, the Soviet Union succeeded in proposing and seeing the deal positively voted by the members of the Security Council thanks to the real way in which the Organization had been arranged by the Big Three themselves. Hence, this thesis questions which have been the specific institutional features of the Organization that have permitted and facilitated the Soviet Union's attitude on the matter. A full-fledged analysis of the package deal will be offered. Indeed, besides the description of the historical steps that eventually led to its emergence, the work will assess the consistency of the proposal in light of the legislative background provided by the UN Charter.

The whole analysis of the institutional aspects detected above and of the package deal will be embedded in the examination of the historical steps that marked the foundation of the UN. In particular, the study will not offer just historical information on the origins of the Organization, but it will be oriented to shed light on the diverging opinions and designs envisaged by the Big Three throughout the process of its creation offering a full-fledged overview of the post-Second World War environment that drove and influence its establishment.

In order to zoom in on the specificities of the package deal for checking whether the claims and objections raised by the members of the Security Council were right or not, this thesis will deepen the analysis on two different cases of admission that were included under the package formula. The Italian and the Hungarian applications have been selected since they embody better than other cases the rationale underlying the Soviet proposal. It is possible to detect at least two reasons for that. First of all, Italy and Hungary were both ex-enemy States of the Second World War, consequently, according to the Soviet viewpoint, they should have been treated in the same way in the procedure of being admitted to the Organization. Therefore, since for the USSR it was not fair that only Italy would have been admitted while Hungary remains excluded, the package deal would have worked as the mean for granting membership also to the latter, hence not favoring any country *vis-à-vis* the others. But in spite of the cover attached to the deal by the USSR, it actually proved to be the instrument for satisfying the Soviet will and urgency to admit some Eastern countries to the UN as to balance the geographical representation in the Organization preventing that it would have turned into a total

Western-led international organization. In addition to this, the second reason underlying the Italian and Hungarian choices originated in the intent of entering the package deal in order to assess where the truth lied, whether in the negative or positive votes applied to the applications. In particular, it is attractive to analyze the Soviet justifications for the vetoes to the Italian admission and the positive votes to the Hungarian one, because in each case the Soviet stance was the opposite of the majority.

The research that has been accomplished for drafting this thesis has been essentially oriented to the exploration of the materials that deal with the topic. In particular, since the specific issue of the package deal is not largely discussed in the secondary literature, the attention has been mainly centered on the analysis of academic papers and official documents. Therefore, this thesis has selected the papers that specifically tackled the question under analysis in order to punctually elaborate a reasoning. The analysis has been then integrated with official documents, especially with the resolutions adopted by the General Assembly and the Security Council, but also with the Advisory Opinions delivered by the International Court of Justice in order to analyze the content of certain provisions of the UN Charter, like Articles 3 and 4. The entire research has been ultimately enriched by resorting to the use of historical archives. Especially, documents have been collected from the archive of the Foreign Relations of the United States (FRUS), from the one of the Italian Ministry of Foreign Affairs and International Cooperation, and from Italian newspapers, like *La Stampa*. Ultimately, the use of secondary literature has been fruitful for complementing the analysis, providing a solid basis of departure to the research.

The work is composed of three chapters that have been divided by following a specific reasoning in order to more easily enter the focus of the analysis. Therefore, by building on the historical steps that have led to the foundation of the UN, the narrative will discuss the package deal in the second chapter placing it in the larger framework of the procedure of admission to the Organization. Then, just in a third moment, the package proposal will be addressed by presenting the Italian and Hungarian case studies.

In detail, the first chapter of this thesis is dedicated to the analysis of the foundation of the United Nations going through the main historical events which had been pivotal for its creation, such as the Dumbarton Oaks, the Yalta, and the San Francisco Conference. The historical analysis that is provided in this chapter is pivotal for grasping the reasoning and the rationale under the package deal. This because the chapter does not only offer a historical description of the foundation of the Organization. On the contrary, this analysis is permeated with the examination of the contrasting views supported by the Big Three in the process and of the controversies that arose on some central issues, including the type of the organization that was going to be established, the characteristics and powers of the organs, and the voting procedure inside the Security Council. Indeed, according to Hotz



(1961, p.128), although the fathers of the UN agreed on the general aims that would have been pursued by the Organization once created, “each of the Big Three projected its own specific assumptions that buttressed its different theoretical conception of the original United Nations”. Effectively, this chapter will show how, since its early foundation, the UN was perceived, and eventually served, as a forum of negotiations and discussion between the Soviet Union on the one hand and the US and the UK on the other, because in many cases neither the former nor the latter were prone to renouncing to its interests and claims in the name of the counterpart’s ones (Riggs, 1968). Besides, in order to provide a complete overview of the topic, the ideological backgrounds of the Big Three that have shaped and influenced their foreign policies and relations will be integrated to the examination.

The second chapter is dedicated to the analysis of the package deal, which blocked the admission of new members to the UN since 1947 until 1955 and that has been selected as the representative case of controversy between the members of the United Nations. The chapter will firstly offer a presentation of the package deal and the circumstances in which it arose by reiterating the dialectic between the organs of the UN. Then, it will analyze the content of Article 4 of the Charter of the UN which regulates the admission procedure inside the Organization. The package deal will find its explanation in the different interpretations and meanings associated by the organs of the UN with the content of Article 4, especially with the requirements prescribed by Article 4 para.1.

Since this chapter is dedicated to the analysis of the controversies which have shaped the issue of membership inside the UN, it will be ultimately oriented towards the analysis of Article 3 of the UN Charter which is dedicated to the original members of the UN. The decision of considering also this provision stems from the real interpretation that the organs have associated with the meaning of State and statehood, and which had granted the right for certain entities to appear as original members of the UN. The cases of the Ukrainian and Byelorussian Soviet Socialist Republics (SSRs) have been selected, but others may be further analyzed, such as the Indian one. This last examination is worthwhile both for highlighting the controversial nature which has characterized the UN since its creation and for acquiring a complete overview on the topic, laying the foundations for the comprehension of the cases that will be presented in the third chapter.

As it has been anticipated, the third chapter is dedicated to the analysis of the admission to the UN of Italy and Hungary, that have been admitted only in 1955 under the package formula, even though both requested to become members since 1947. The case studies could be just presented in the last chapter because the reasons underlying the delay in their admission can only be understood by drawing on the analysis on the balance of powers between the organs of the UN and on the veto power enjoyed by the P5 that have been developed in the first chapter. In addition to this, the analysis

executed in the second chapter on the requirements prescribed by Article 4 of the Charter is key for assessing the consistency, or inconsistency, of the votes applied by the P5 on the applications. This because the debate was structured around the Soviet veto to the Italian admission and around the American, British, French, and Chinese opposition to the Hungarian one. On the one hand, the USSR justified its veto against Italy both in the name of its participation to the Second World War and of the necessity to ratify the peace treaty, considered as the pre-condition for admission being an ex-enemy State of World War Two. On the other hand, the other four permanent members justified the abstentions and vetoes to the Hungarian admission not in the name of its status during the Second World War that was comparable to the Italian one, but in light of its in compliance with the requirements prescribed by Article 4 para. 1 of the UN Charter.

All things said, just by decoupling the cases that were subject to the package deal plan and analyzing them separately it will be possible to discover and grasp the Soviet logic that drove and led it to claim the concomitant admission of sixteen countries. Especially, the analysis that will be developed on the Italian and the Hungarian cases will be proof of the fact that the package deal had been used by the USSR as a mean to force and grant the membership of certain Eastern countries, implicitly covering its concern of being part of a Western-directed international organization.

# CHAPTER 1

## THE BIRTH OF THE UNITED NATIONS

The objective of the first chapter of this thesis aims at defining the historical background that led to the foundation of the United Nations. Nevertheless, the analysis that will be executed does not limit itself at providing a mere historical overview of the topic, since it will be integrated with a more in-depth examination of the events. In particular, this chapter will highlight the different conceptualizations, ideas, and the relative debate that arose between the founders of the UN concerning the characteristics that would have been possessed by the Organization. In detail, just the main topics of contestation have been selected for analysis, including the kind of international organization that should have been established, the features and the distribution of powers between the main organs, the voting procedure inside the Security Council, and the features that the UN would have inherited from the League of Nations.

Therefore, this chapter shall be conceived not just as offering a historical description of how the UN have been founded since it essentially aspires at grasping and highlighting how the different ideological backgrounds of the founding fathers, especially of the US and the USSR, have shaped and influenced both their status at the international level and their considerations on the Organization itself. The point is pivotal for the full comprehension of the next chapters, because it anticipates the rationale under the package deal, that can be entirely understood just if the dialectic between the Big Three that was present since the early foundation of the UN is entered.

### **1.1 The historical steps of the creation of the United Nations**

The time period that covered the establishment of the United Nations goes from 1941 to 1945, respectively when the Atlantic Charter was adopted and then when the San Francisco Conference was held. The aim of this section is proposing a historical overview of the main steps that are at the basis of the foundation of the UN, since the following paragraphs will be dedicated to the analysis of the controversies which were present among the founders of the Organization since Dumbarton Oaks. Indeed, this section will present when and under which circumstances the idea of founding a new international organization arose and how it developed until 1945, when the Charter of the UN entered into force.

To start with, the birth of the United Nations formally dates to the San Francisco Conference held from April 25 until June 26, 1945, when the United States, the United Kingdom and the Soviet Union decided to hold a conference inviting all the States that would have been the founding members of the Organization to finally draft the Charter of the United Nations.

Nevertheless, the US, the UK, the USSR, and the Republic of China (RoC) already shared the idea of creating a new international organization since October 1943, namely since the Moscow Conference, when they agreed in founding an entity that would have avoided the likelihood of a Third World War (Conforti & Focarelli, 2016). Different documents were adopted at the Moscow Conference, but the most relevant was the Four-Nation Declaration signed between the US, the UK, the Soviet Union, and the RoC on November 1, 1943, where they jointly stated “that they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving States, and open to membership by all such States, large and small, for the maintenance of international peace and security” and as for granting it and eventually leading to a new global security system “they will consult with one another and as occasion requires with other members of the United Nations with a view to joint action on behalf of the community of nations” (The Moscow Conference, 1943, p. 337).

Even before the 1943 Moscow Declaration, the idea to ensure peace and security on a global scale was already widespread. Especially, other two historical passages shall be mentioned, the 1941 Atlantic Charter and the 1942 Arcadia Conference held in Washington DC. The Atlantic Charter was a document adopted by the President of the US, Franklin D. Roosevelt, and the Prime Minister (PM) of Great Britain, Winston Churchill, “somewhere at sea” when World War Two was still going on and the US had not still entered the Conflict<sup>1</sup>. On August 14, 1941, the two political leaders already expressed their desire of granting a long-lasting peace at the international level once the war was ended<sup>2</sup>. Hence, although President Roosevelt and PM Churchill did not lay down any idea of practically create an international organization, they already committed themselves in ensuring peace after the end of the War. But within the US, the idea of founding a new organization that would have granted the membership of all the nations developed since the end of 1941, especially on September 21, when the House of Representatives approved Resolution no.24, which was ideated thanks to the efforts of Senator Fulbright J.W. (Marchisio, 2000). Indeed, the US hold an agenda-setter and leading position in the theoretical and programmatic definition of the UN. The most prominent aspect of this document is that it already discussed about a new international organization that would have had the necessary powers to grant a long-lasting peace among the States of the international community.

After that, on January 1, 1942, the US, the UK, the Soviet Union, and the RoC, together with other twenty-two States, signed the so-called United Nations Declaration jointly accepting the Atlantic Charter and agreeing in fighting against Nazism hence not negotiating peace separately<sup>3</sup>.

---

<sup>1</sup> On the point see, Un.org, Model United Nations History of the United Nations, available at <https://www.un.org/en/model-united-nations/history-united-nations>, accessed on April 5, 2023.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

Consequently, although the four nations eventually came up with the idea of founding an international organization in 1943, the Moscow Declaration actually states that it was adopted “in accordance with the declarations by the United Nations of Jan. 1, 1942”, the Arcadia Conference (The Moscow Conference, 1943, p. 337). At the beginning, the United Nations Declaration had not been signed by the USSR but after a bilateral meeting with President Roosevelt, on May 1, 1942, the Soviet representative Molotov firmly stated that its country would have eventually engaged in the project of the United Nations because as well as the US, the UK, and the RoC, also the Soviet Union was a great power hence able to take the primary responsibility of granting peace and security at the international level (Marchisio, 2000).

The idea of creating the UN was then reiterated very frequently until the San Francisco Conference, for instance during the Tehran Conference held between November 28 and December 1, 1943, when the US, the UK, and the Soviet Union, in addition to the discussions on strategies for winning and ending the war, reconfirmed the necessity and urgency of creating an international organization for granting worldwide peace and security<sup>4</sup>.

One of the most relevant steps regarding the creation of the UN dates to 1944 when the representatives of the four nations that participated to the Moscow Conference met in Dumbarton Oaks, in the US, from August to October, with the aim of setting the basis of the Organization (Conforti & Focarelli, 2016). Although important matters were discussed at Dumbarton Oaks, the representatives decided to consider the documents adopted as informal, since further consideration and debate were necessary. This was the first moment in which ideas turned into facts, because although the documents were informal and regarded as proposals, they actually set the cardinal aspects of the current UN. For instance, it was at Dumbarton that the name United Nations, already ideated by President Roosevelt in 1941, was accepted by the Soviet Union, the RoC, and the UK. In addition, further topics were discussed, such as the organs that would have constituted the Organization, the initial membership of the other countries, as well as the process of liquidating the League of Nations and what the UN would have acquired and not from it<sup>5</sup>.

For this occasion and for laying down the projects on the future Organization, each of the four nations committed itself with studies and research as to prepare the drafts, which would have been eventually discussed at Dumbarton Oaks (Conforti & Focarelli, 2016). This means that on the one hand, since 1943, the four nations, and especially the US, the UK, and the Soviet Union agreed in establishing a new international order based on peace and security thanks to the action that would

---

<sup>4</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, The Conferences at Cairo and Tehran, 1943», Document 378.

<sup>5</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 1.

have been pursued by a new international organization. On the other hand, each of the Big Three developed its own specific ideas and plans concerning the characteristics of this new entity.

Although Dumbarton Oaks set the bases of the new international organization that was going to be created, there were at least two issues that became matters of contestation between the Founders: the voting procedure inside the Security Council and the original membership (Marchisio, 2000). For what concerns the first question, the debate was centered on the extension of powers to be assigned to the permanent members of the Security Council, whose agreement on the matter has been reached only at the Yalta Conference in 1945. In the second case, the matter concerned to the Soviet claim of granting the Ukrainian and Byelorussian Soviet Socialist Republics' (SSRs) participation to the San Francisco Conference<sup>6</sup>, hence, being included among the original members of the future organization.

Dumbarton Oaks was followed by the Yalta or Crimean Conference held in February 1945 in the Soviet Union and only attended by the Big Three. Especially, Yalta had been the occasion for further discussing on what had not been agreed in Dumbarton, since some issues were object of different proposals and any agreements had been reached yet. The most relevant decision jointly adopted by the Big Three concerned the voting procedure inside the Security Council, which rule took eventually the name of the Yalta formula (Conforti & Focarelli, 2016). Nevertheless, the question of voting inside the Security Council, especially concerning the right to veto, had been a matter of harsh contestation between the US, the UK, and the USSR.

After the conferences held, in which the Big Three had played an extremely relevant role in settling down the bases of the future international organization, on March 5, 1945, on behalf of the Soviet Union, the UK, and the RoC, the US government invited all the countries that complied with the requirements laid down in Yalta to participate to the San Francisco Conference, thus, being recognized as the original members of the UN (Di Nolfo, 2015). The central provision for being admitted to this Conference was declaring war against Germany before March 1945, thus becoming a united nation against Nazism (Di Nolfo, 2015). Indeed, the name United Nations came from the spirit on which the Organization was founded, because according to the founders of the UN, the countries that would have joined it would have been united not only for ensuring international peace and security once the Second World War was ended, but they were even united against the war enemies, especially Nazi Germany. Hence, only when the nations would have declared war against it, they would have been qualified as united nations. For instance, in January 1945 during the Staff Committee, the American Secretary of State Edward R. Stettinius referred to six Latin American

---

<sup>6</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 108, Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 148, and Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 76.

countries his concern on the fact that their presence at the San Francisco Conference would have been denied unless they would have declared war against the enemies, since they could not be then classified as united nations<sup>7</sup>.

Fifty states eventually participated at the San Francisco Conference, where the Charter of the UN was finally drafted and adopted<sup>8</sup> on June 26, 1945, although it entered into force only on October 24, 1945. This occurred because under Article 110 para. 3 of the Charter, it would have been effective only once ratified by all the five permanent members of the Security Council<sup>9</sup>. Finally, all the other original members ratified it by December of the same year. Although San Francisco was originally labelled as the occasion for drafting the Charter and convening on the Organization's features, what had been decided by the Big Three at Dumbarton Oaks was veritably arduous to be changed, especially the "basic outline sketched [...] was presented as unchangeable" (Conforti & Focarelli, 2016, p.4). Indeed, the Charter almost appeared as a constitution *octroyée* because any significant changes to the documents adopted at Dumbarton were likely to meet the disagreement of the four nations. Nevertheless, many other issues had been discussed and refined in San Francisco, such as Article 51 on the right to self-defense. Notably, a substantial role was played by small and middle-sized States, that actively voiced their stances especially claiming for fair and equal representation *vis-à-vis* bigger ones within the UN (Di Nolfo, 2015).

To conclude, in four years and by the end of 1945, the efforts of the US, the UK, and the USSR for building a new international organization were successful and the UN had been founded as a new general international organization committed with the primary objective of maintaining and granting international peace and security.

## **1.2 Controversies underlying the foundation of the United Nations: the types of the organization**

The first paragraph of this chapter was dedicated to a pure historical analysis of the steps which have led to the creation of the United Nations, starting from the Atlantic Charter when the UN was not still supposed to exist, until the 1945 San Francisco Conference, which gave it birth. A historical analysis of the facts is pivotal for comprehending the controversies which have characterized the UN foundation. It may be argued that agreement and harmony have driven this process because the member States, especially the founders of the Organization, committed themselves in the creation of a new international body that would have been entrusted with the task of maintaining and ensuring international peace and security in order to avoid the outbreak of other world wars. Contrarily, the

---

<sup>7</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 2.

<sup>8</sup> The original membership of the UN is another issue subject of controversies which will be analyzed in chapter 2.

<sup>9</sup> On the point see, United Nations Charter Article 110 para. 3.

UN has been defined as the victim of the “East-West dispute” (Eichelberger, 1961, p.106). Indeed, the aim of this section is to shed light on the presence of conflicts throughout the creation of the UN, especially taking into consideration the most relevant conferences, including Dumbarton Oaks and the Yalta Conference where the US, the UK, and the USSR confronted themselves with different ideas and proposals on the future organization.

The Big Three were prone to commit themselves to create an international organization that would have been tasked with the maintenance of international peace and security, meaning that the countries agreed in the aim which would have been pursued by the UN. Indeed, at Dumbarton Oaks, the purposes and objectives that would have been undertaken by the Organization were a common ground. As stated in the United Nations Conference on International Organization (U.N.C.I.O.) (1945), at Dumbarton the Big Three agreed in defining that the maintenance of international peace and security, the strengthening of friendly relations and international cooperation among States, and the harmonization of the actions pursued by States to reach these aims would have been the main objectives to which the UN would have aimed.

Despite the aims laid down in the Charter, the conception that the Three had on the UN was quite different since the beginning. According to the Soviet viewpoint, the UN should have emerged as an organization based on the alliance and agreement between the USSR, the US, and the UK, considered as the founding fathers of the organization; indeed, in any cases in which their unity would have come less, the Organization would have weakened, because the responsibility for international security could only be granted thanks to their unified efforts (Boyd, 1970). Hence, the Soviet view of the UN was essentially linked to a “mere great power alliance” (Hotz, 1961, pp. 128-129), thus an organization in which the Big Three would have detained all the powers for ensuring postwar security without being hindered by smaller States. Furthermore, the Soviets reckoned that the UN should have granted a punitive postwar peace, meaning that the participation of war enemies, such as Germany and Japan, was prevented due to their inability to be committed in the pursue of the shared objectives (Roberts, 2019).

Although the UK agreed with the Soviet assumption that the future organization should have been centered on the agreement between the Big Three otherwise the main function of granting international peace and security would have come less, it was keener in opting for a more equal organization that would have been based on dialogue, cooperation, negotiations, and agreements between the member States. The General Assembly would have been the organ responsible for assuring so (Hotz, 1961).

Lastly, the American view of the UN was mainly characterized by “ambition and ambivalence” (Hotz, 1961, p. 129), especially because President Roosevelt’s assertiveness was challenged by the



way in which he considered the postwar international system. Indeed, already at the Moscow Conference two different types of organization were proposed; on the one hand, a general international organization that would have granted universal membership of all peace-loving States ensuring sovereign equality. On the other hand, there was the option of a consultative organization based on the sole membership of the four nations participating at the Moscow Conference that would have been responsible for the establishment of an international system based on security and peace<sup>10</sup>.

Initial disagreement arose due to the different views supported by the political leaders on the ways in which international peace should have been granted. Although Soviets and Americans agreed in maintaining peace for at least 50 years by resorting to a “unified military force by Britain, the USA and the USSR” (Roberts, 2019, p. 311), they disagreed on the way in which this responsibility should have been organized. On the one hand, the UK and the US preferred an international organization that would have been based on collective responsibility, thus stressing the importance of agreement and cooperation between States, while on the other hand, the Soviet Union was firmly convinced that creating an organization based on “zones of security” would have been more efficient (Roberts, 2019, p. 312). Especially, the Soviet justification lied in the failure of the League of Nations to collectively respond to the needs. Hence, since the organization would have been based on granting security, the USSR even proposed another name rather than United Nations, that was International Security Organization or World Union, although these proposals had not been accepted. According to the Soviet Union, one of the substantial efforts that should have been pursued by the Big Three was organizing an organization that would have been stronger and more reliable than the League of Nations. Indeed, it was because States privileged their concerns that the League failed, and for the Soviets, dividing the world into spheres of influence directed by the Big Three would have granted accuracy and concreteness in the commitments undertaken (Roberts, 2019).

On the contrary, the UK and the US aimed at founding a multifunctional organization committed not only in the preservation of international peace and security, but also engaged in economic and social objectives, which according to the USSR should have been carried out by other organizations. The security zones proposed by the Soviet Union did not meet the approval of the counterparts, especially because a process of regionalization would have hindered and challenged the aim of the Security Council to maintain and grant international peace and security, as well as the objectives of the General Assembly<sup>11</sup>.

---

<sup>10</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 6.

<sup>11</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 8.

Even though the UK eventually stand with the US in supporting the creation of an international organization based on collective security, PM Winston Churchill's initial project was centered on regionalist aspirations that were nearer to the Soviet plan. The regionalist idea built on the creation of "three regional councils with a supreme council above them" (Hughes, 1974, p.185). The central role would have been played by the Big Three themselves due to the leading role they had in the international arena. Especially, Churchill's aim was extending the role his country played in the Concert of Europe to the other two allies, the US and the USSR, because only through their efforts, peace would have been granted for at least 100 years, otherwise chaos would have prevailed. It was only by resorting to regionalist solutions that peace would have been maintained because the presence of regional councils would have avoided the interference and pressure exercised by small States. By 1944, PM Churchill quit his regionalist project especially because in spite of the support provided by the British Foreign Office, his idea did not achieve great success (Hughes, 1974).

The opinions the Big Three had on the future of the United Nations simply taking into consideration the kind of organization that would have emerged is inevitably linked with the different ideologies that structured the American, the British, and the Soviet systems which consequently influenced the way in which international relations were perceived. Indeed, the debate perfectly embodies an example of the dialectic between communism vs. capitalism. From the communist perspective of the USSR, world politics were conceived as being "two-camps" structured, meaning that forces were object of a constant polarization where a reconciliation was unfeasible (Dallin, 1962, p. 20). Hence, this was translated in the impossibility to believe in a common and unified international community that would have been represented within one single organization aimed at sponsoring and protecting the interests of all nations. By following this ideological reasoning, in many cases the Soviet Union attempted to limit and restrict the powers of the UN. A clear example concerns the right to veto. According to the Soviet ideology, neither any future international organizations nor any States could interfere with domestic jurisdiction. Consequently, the UN would have been kept out from the Union's affairs.

On the contrary, international relations from a capitalistic or imperialistic viewpoint (embodied by the US and the UK) were associated to cooperation and negotiation, that are two pillars on which liberal democracies are built. Indeed, the world system was seen as being characterized by pluralism, decentralization, and cooperation among sovereign States, whose sovereignty would have been maintained and possessed even within the future Organization (Hotz, 1961). Moreover, the privileged tool for ensuring peace and security according to the Communist view was coercion since the world was comparable to an empire; contrarily, by adopting a capitalist position, the UN would have been driven by freedom of choice for rebuilding the new international order (Gardner, 1964).

Strategic studies may offer a broader interpretation of the topic, since they are committed to the analysis of the relationship between politics and war and they distinguish between three periods on the strategies adopted by States after the end of World War Two (Mazzei et al., 2010). For the purpose of this thesis, only the first one will be reported, because it perfectly describes the US – USSR confrontation. Indeed, the first period went from 1945 to 1962, corresponding to the Cuban Missile Crisis. This historical period was characterized by the American superiority, especially in the nuclear sector. During this phase, the American strategy had been driven by the so-called compellence or coercive diplomacy, which is based on the threat of resorting to nuclear weapons as an instrument of coercive persuasion as to deter the rival State (the USSR in this case) to cease an action already started (Mazzei et al., 2010).

The reference to strategic studies, and in particular to the period mentioned, is useful for comprehending the Soviet predisposition to the UN and the design it suggested for the Organization. Indeed, the historical period in which the Great Powers were committed to the creation of a new international organization was also the moment in which the Cold War was going to begin, since it is conventionally assumed that it broke out in 1947. Accordingly, the Soviet claim of securing the UN and the conceptualization it proposed for the organs of the UN, in particular the strict centralization of powers in the hands of the P5, are representative of the threats perceived by the Soviet Union within the Cold War framework.

### **1.3 Controversies: The League of Nations and the United Nations**

Throughout the process of establishing the UN, references were made to the League of Nations, because not only there was an interest in liquidating the League and establishing which would have been the traits transmitted to the future organization, but especially from the Soviet perspective, the Organization should not have resembled the League, having proved to be a failure. Not only the USSR, but the majority of States of the international community actually shared the same negative opinion on the League, since it had been unable to grant a long-lasting peace after World War One (Goodrich, 1947). Due to its inability to react to the major challenges that threatened the world, even the public opinion held the same negative view of the international community (Budrich, 2018).

By pursuing the same objective that led to the foundation of the UN, the League of Nations was created in 1919 after the end of World War One to avoid further armed conflicts and deterring States to undertake aggressive actions (Duffy, 1950). The Covenant of the League was indeed adopted at the Paris Peace Conference between 1919 and 1920 and it was then “incorporated in each of the peace treaty” (Duffy, 1950, p. 6). On April 18, 1946, the League was eventually dissolved after the adoption of parallel resolutions by the General Assembly of the UN and the League Assembly for transferring

certain “functions of a non-political nature from the League to the UN” (Conforti & Focarelli, 2016, p. 6).

There are some similarities between the UN and the League that have led some scholars to consider the former as a successor of the latter. For instance, Goodrich (1947, pp.20-21) stated that “the United Nations is for all practical purposes a continuation of the League of Nations”, consequently being “a revised League”. Contrarily, as supported by others, such as Conforti and Focarelli (2016), the direct association between the League and the UN should be more cautious, because in spite of the considerations scholars can have on the relationship between the League and the UN, there are both similarities and differences between the two and undoubtedly the UN went further in important domains, such as on the jurisdiction on the use of force under Chapter VII of the UN Charter (Ronzitti, 2019). Before the existence of the Covenant of the League of Nations, States benefited from an unrestricted right to the use of armed force, namely of *ius ad bellum*, since it was admitted under International Law through the jurisdiction enshrined under *ius in bello*, the law of war. But the adoption of the Covenant first, and especially of the UN Charter later, profoundly restricted this right. The key difference between the limitation under the Covenant and under the Charter was that the former did not establish a comprehensive prohibition to the right to the use of armed force since it was admitted under certain circumstances, and as well, also armed retaliation was legal. On the contrary, the UN Charter introduced a general prohibition to the recourse to the armed force under Article 2 para. 4, including the mere threats to its use (Ronzitti, 2019).

Besides, the UN went further even in the conceptualization of the organs, especially of the Security Council. While the League Council was entrusted with generic commitments, the Council envisaged for the UN system was assigned with very specific powers and functions, especially considering the key role that was relegated to the P5 in the maintenance of international peace and security (Goodrich, 1947).

Besides stances supported by scholars, the premises, and the intent of the Big Three while birthing the UN were directed towards the creation of an organization that on the one hand would have inherited certain non-political features of the League, but on the other hand that would have been different from it, especially it should have been more reactive and reliable. In this regard, what is relevant is that despite the agreement among the Three on liquidating the old organization and creating a new actor, the individual experiences lived by the countries in the League, especially by the USSR, led them to support certain positions in the process of creating the UN that eventually triggered controversies among themselves. Examples in this case concerns the voting rule inside the Security Council as well as the composition and the tasks associated with the organs (Goodrich, 1947).

In addition to this, the real fact that the League was dissolved is linked with important flaws that affected it, triggering its collapse. Among these, there is the members' right to withdraw from the Organization under Article 1 para. 3 and Article 26 para. 2 of the Covenant (Conforti & Focarelli, 2016). Consequently, in the 1930s, Germany, Italy, and Japan resorted to this clause, and they withdrew. Soon, many other States followed, leading to the collapse of the Organization. By drawing from the dramatic epilogue of the League, the UN Charter does not contain any clauses for unilaterally withdrawing from the Organization and in spite of the 1965 case of Indonesian withdrawal, any other events occurred. However, one case of withdrawal cannot be considered as creating a norm of customary International Law thus recognizing the birth of a new clause within the UN Charter. Withdrawal from the UN is admitted “*only* when the conditions of [...] *rebus sic stantibus* clause are met”, under which a member can leave the organization when there is “a *substantial* change in the circumstances that existed at the time of the adoption of the treaty and that had a *decisive* influence on the conclusion of the treaty” (Conforti & Focarelli, 2016, p.53).

The American President Woodrow Wilson was the League of Nations' inventor, since the idea of founding this Organization was laid in the so-called 14 Points of Wilson<sup>12</sup>. However, the US had never joined the League. The American refusal of being committed in such Organization may be justified in the name of its isolationist tendencies in order to become the world leader engaged in maintaining international stability on an individual basis not being involved in international organizations (Budrich, 2018). Furthermore, under Article 1 of the Covenant, the League should have aimed at universal membership thanks to the favorable admission procedure that required a positive vote of two-thirds of the members of the League Assembly. However, it had never become so, especially because it weakened smaller States' expectations on its ability to protect them in case of aggression, since it had not been able to punish the belligerent States (Duffy, 1950). On the contrary, the UN has proved to be a “*unicum* of the contemporary world” *vis-à-vis* any other international organizations due to its ambition of becoming a universal organization granting the membership to every State (Udina, 1963, p.3).

The failure of the League was even caused by the fact that it was not provided with the necessary tools to grant and enforce international peace and security, but “all it could do was to recommend arbitration, sanctions and boycotts” (Budrich, 2018, p.28). Indeed, the very uniqueness of the UN distinguishes it from the League even because while since the beginning it was conceived as a new organization aimed at ensuring peace and security on a global scale and its peculiarity and newness was stressed throughout the process of its creation, as stated by Alfred Zimmern (1936, p.4) “The League of Nations was never intended to be, nor is it, a revolutionary organization. On the contrary,

---

<sup>12</sup> On the point see, Foreign Relations of the United States, «Wilson's Fourteen Points, 1918».

it accepts the world of states as it finds it and merely seeks to provide a more satisfactory means for carrying on some of the business which these states transact between one another”.

The birth of the United Nations has been influenced also by the consideration the founders had on the League. In this regard, the Soviet experience in the League had been pivotal because it consequently influenced its idea on the new organization. Although the Soviet design of the UN could be questionable especially for claiming a process of regionalization to ensure international peace and security, the Soviet Union clearly stated to its counterparts what the UN should not have inherited from the League and why (Roberts, 2019). The real claim for creating regional organizations committed in securing specific zones of influence instead of a general international organization was due to the Soviet assumption that the League failed because of uncertainty and weakness upon great powers' actions in facing acts of aggression. Consequently, the new organization should have been founded on a strong and reliable organ, the Security Council, which would have taken all the necessary measures for ensuring peace and security. The USSR also contested the original idea of re-founding the League when Italy, Germany, and Japan withdrew, thus making it a universal organization, because it was considered as unable to apply its principles (Roberts, 2019). In addition to this, the Soviet consideration of the League was even affected by its expulsion in December 1939 after the Finnish invasion, which event had been so dramatic and impactful that since 1944 Dumbarton Oaks the Soviet delegation outlined its assertiveness on the fact that the UN should not have been an organization that would have acted against its interests. This because its expulsion turned the entire world public opinion against the Soviet Union itself<sup>13</sup>. Indeed, as stated by Chamberlin (1947, p.38), the Soviet engagement in the UN was expected to be proportional to the compliance of its “political and ideological interests”.

The USSR on the one hand, and the US and the UK on the other, disagreed on the type of commitments that would have been undertaken by the UN. Even in this case, the Soviet justification for dissenting on a multifunctional organization was linked to the failure of the League, since it was an organization entrusted both with the task of ensuring peace and security and with other commitments in many different domains. Hence, it was for this reason that the Soviet Union advocated for an organization that would have been responsible only for security issues (Roberts, 2019).

Although the process of transferring functions from the League to the UN did not produce any disputes, changes in the organs had been made. In particular, the Soviet Union claimed for a different connotation for the future Security Council of the UN *vis-à-vis* the League Council (Conforti &

---

<sup>13</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, Conferences at Malta and Yalta, 1945», Document 352.

Focarelli, 2016). The reference to the organs is made because there is a kind of similarity between the ones of the UN and the ones of the League. Under Article 7 of the UN Charter<sup>14</sup>, the principal organs are: the General Assembly, the Security Council, the Secretariat, the Economic and Social Council, the Trusteeship Council, and the International Court of Justice. The continuity with the League can be found in the General Assembly of the UN that can be considered as the League Assembly, and the Security Council of the UN as the League Council.

According to the initial documents issued by the USSR in 1943 concerning the structure of the new organization, differently from the League, the UN should have been composed of three main organs: the assembly, the council, and the secretariat. The peculiarity would have been intrinsic in the council, since it would have been the beating heart of the UN, that would have been characterized by the presence of the four nations which would have acted by following the principle of unanimity. The restriction exercised on this principle can be listed among the differences between the League and the UN. Indeed, aware of the negative consequences triggered by the presence of such a voting formula inside the League that “made decisions hard to reach, thus condemning the organization to impotency”, the founders of the UN limited the necessity of unanimity between the P5 (Budrich, 2018, p. 31). Furthermore, while the League Council was committed with general responsibilities and tasks, the Security Council should have been engaged in specific matters, hence emerging as a very specialized organ mainly committed with security issues due to its full responsibility in granting international peace (Goodrich, 1947).

For what concerns the General Assembly, it should have had a mere consultative role, especially because, as underlined by Litvinov, this would have avoided counteractions against the Soviet Union (Roberts, 2019). Indeed, the General Assembly is different from the League Assembly to the extent that in the UN its role has been reduced “to a debating society and agency of the Council in non-political matters” (Borchard, 1945, p.99). Contrarily to the Soviet assumptions, according to the British PM Churchill, even though the Big Three would have had a leading role in administering international peace and security, such responsibility should have been performed “with moderation and great respect for the rights of the smaller nations”<sup>15</sup>. An organization centered on the principle of “great power control” would have deterred small countries to become members (Hughes, 1974, p. 191). Indeed, especially the UK was the main supporter of creating an assembly that would have acted as a world general forum. Even though the General Assembly has been eventually created by following the British design, small and less developed countries have always felt to be dominated by

---

<sup>14</sup> On the point see, United Nations Charter Article 7.

<sup>15</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, Conferences at Malta and Yalta, 1945», Document 331, p.590.

the bigger ones, especially by the Great Powers. Therefore, those States have committed themselves in creating groups inside the General Assembly in order to protect both themselves and the Organ itself from the “attempts by the Great Powers to marginalize them” (Budrich, 2018, p.39). Examples are the Non-Aligned Movement (NAM) that currently includes 120 member States<sup>16</sup> and the G77 made up of 134 States<sup>17</sup>.

The debate on the voting procedure that would have been assigned to the Security Council had been one of the harsher matters of contestation between the Big Three. Indeed, the claims made by the Soviet Union concerning the tasks the future organs of the UN should have been committed to, the organization, and the powers they should have had were linked to its experience in the League of Nations. In addition to this, also the ideological reasoning followed by the Big Three can be found again in this stance as a factor of explanation. The communist viewpoint led the USSR to claim for a world organization strictly directed and controlled by the four nations. Accordingly, while the UK and the US claimed for an organization whose control would have been located beyond any single States, the Soviet Union constantly admitted that “the United Nations [...] has no rights or powers of its own – only those derived from its members”, consequently making the organization dependent on their will, in particular on the one of the permanent members, of which the Soviet Union would have been part (Dallin, 1962, p. 24).

#### **1.4 Controversies: the organs of the United Nations**

Disputes on the foundation of the United Nations were not limited to the type of the organization and the views the founders had of the UN due to their experiences inside the League of Nations, but controversies characterized quite every topic of the process, including the organs that would have formed the UN.

Under Article 7 of the UN Charter<sup>18</sup>, the principal organs of the organization are: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

Chapter IV of the UN Charter is dedicated to the General Assembly, that together with the Security Council (Chapter V) are the main organs of the Organization. In spite of the debates arose on the General Assembly whether it would have been or not a world general forum able to grant power balance, the General Assembly was eventually established as an organ where all the member

---

<sup>16</sup> On the point see, Britannica.com, Non-Aligned Movement, available at <https://www.britannica.com/topic/Non-Aligned-Movement>, accessed on July 15, 2023.

<sup>17</sup> On the point see, G77.org, The Member States of the Group of 77, available at <https://www.g77.org/doc/members.html>, accessed on July 15, 2023.

<sup>18</sup> On the point see, United Nations Charter Article 7.



States of the UN would have been represented. Each member State can have at least no more than five representatives (Hotz, 1961)<sup>19</sup>.

The main function of the General Assembly is promoting international peace and security and it shall do so by making recommendations to the member States or to the Security Council or to both, by calling attention to a peculiar situation that may endanger international peace and security<sup>20</sup>. Recommendations may be made by the General Assembly even for encouraging the development of International Law and for fostering international cooperation<sup>21</sup>. Furthermore, the General Assembly is also assigned with the function of peaceful settlement<sup>22</sup> and with the right to receive special reports from any organs of the UN, including the Security Council<sup>23</sup>. Finally, the General Assembly is also responsible for the approval of the budget of the Organization, whose expenses are borne by the member States, and of any financial and budgetary arrangements with specialized agencies<sup>24</sup>.

The paradox that affects the General Assembly is that although its functions are notable since it has a broad scope of application thus actively contributing to the maintenance of peace and security, its extensive powers are affected by the kind of instrument through which the organ operates, namely recommendations, which are non-binding acts for the subjects to whom they are addressed (Conforti, 2006). For instance, as well as the Security Council, also the General Assembly contributes to the maintenance of international peace and security by performing the peaceful settlement function under Article 14 of the UN Charter. This provision recognizes a broad sphere of applicability of the function since it refers to any situations, regardless of origin, which needs a peaceful settlement as to grant international peace and security. But the provision also specifies the means to which the General Assembly shall resort, the recommendations, since the organ “may recommend measures for the peaceful adjustment of any situation”<sup>25</sup>. It means that the General assembly may intervene for settling disputes as far as means used are non-binding for the parties involved in the dispute.

However, the conciliatory function of the General Assembly is affected by a substantial and a procedural limit. In the first case, the boundary is due to the domestic jurisdiction of the Assembly itself, although as stated by Conforti and Focarelli (2016), the limit is practically going to dissolve. Contrarily, the procedural limit is outlined under Article 12 para. 1 according to which whether a case is already pending before the Security Council, the General Assembly shall refrain from intervening.

---

<sup>19</sup> On the point see United Nations Charter Article 9.

<sup>20</sup> On the point see United Nations Charter Article 11.

<sup>21</sup> On the point see United Nations Charter Article 13.

<sup>22</sup> On the point see United Nations Charter Article 14.

<sup>23</sup> On the point see United Nations Charter Article 15.

<sup>24</sup> On the point see United Nations Charter Article 17.

<sup>25</sup> On the point see United Nations Charter Article 14.

Nonetheless, also in this case, practice shows that the General Assembly has acted despite the *lis alibi pendens* problem (Conforti & Focarelli, 2016).

For what concerns the voting procedure inside the General Assembly, although member States can have at least five representatives, everyone shall have one vote under the ruling formula one country one vote enshrined under Article 18 para. 1 of the Charter<sup>26</sup>. In this case, the British idea of creating a world forum where member States would have discussed among themselves supporting different and even contrasting opinions was successful. But according to the drafters of the Charter, the vote could not be split since it would have meant that every member State would have had “more than one voice [...] in the discussion phase” (Conforti & Focarelli, 2016, p. 109). Contrarily, the high number of delegates was functional for making the General Assembly a collegial organ, hence with extensive functions and large composition.

In sum, for what concerns the General Assembly, although there was an initial contrast concerning the role it would have had, the founders of the UN eventually agreed in creating an organ that in any ways would have been less powerful than the Security Council (Kelsen, 1945). The British delegation made some proposals for adjusting and elevating the role of the General Assembly *vis-à-vis* the restrictive conception supported by the Soviet Union. For instance, the British proposals at Dumbarton suggested to empower the General Assembly with the task of recommending measures concerning the peaceful settlement function (U.N.C.I.O., 1945).

Chapter XIV of the UN Charter is dedicated to the International Court of Justice which is defined as the principal judicial organ of the UN under Article 92<sup>27</sup>. The Court, as well as the Secretariat, is not composed of States, but of fifteen judges who sit in their personal capacity. The Court is entitled with a twofold function: on the one hand it was thought as an organ for solving inter-States disputes, but on the other hand it also carries out a consultative task. Under Article 96 of the UN Charter, the General Assembly, the Security Council, and other organs or specialized agencies upon the authorization of the General Assembly, may request an advisory opinion to the Court, which is not binding, meaning that the applicant may decide to not conform to the Court’s decision (Conforti, 2006). The simple creation of the ICJ is an innovation compared to the League, since the latter failed in granting the resolution of disputes between States through the Permanent Court of International Justice (Kelsen, 1945).

A peculiarity of the ICJ concerns the fact that since Dumbarton Oaks proposals, it was not intended as a mandatory channel to which States had to refer in case of dispute, but it was thought as one of the alternatives that could be chosen (Kelsen, 1945). Indeed, under Article 95 of the UN

---

<sup>26</sup> On the point see, United Nations Charter Article 18 para. 1.

<sup>27</sup> On the point see, United Nations Charter Article 92.

Charter, the member States of the Organization are unimpeded to appeal to other international tribunals. Additionally, the contentious jurisdiction exercised by the Court can be exercised only if the parties of the dispute have previously accepted its function or if the parties have agreed in referring to the Court on a matter not foreseen by the contentious jurisdiction (Sloan, 1950). Contrarily, the Security Council is directly responsible for the maintenance of international peace and security, hence under Chapter VII of the UN Charter it may intervene by resorting to a variety of measures for solving the disputes. Indeed, as stated by Kelsen (1945, p. 69), “the jurisdiction of the Security Council concerning the settlement of disputes [...] is compulsory [...]. This agency [...] in spite of its political character, seems to be in reality “the principal judicial organ of the Organization” despite the statement that such position belongs to the international court of justice”. Despite the “exercise of non-judicial functions” of the ICJ envisaged by the founders of the UN, American jurists primarily disagreed with the decision (Sloan, 1950, p.830). Moreover, as stated under Article 94 para. 2 of the UN Charter, if any parties fail to perform the obligations enshrined in the decision adopted by the ICJ, the other part may refer to the Security Council, which eventually will have the right either to make recommendations or to decide which measures shall be adopted as to give effect to the decision<sup>28</sup>. Additionally, contrarily to the non-binding character of Court’s opinions, the drafters of the Charter agreed in privileging and stressing the mandatory nature of the resolutions adopted by the Security Council as enshrined under Article 25 of the Charter (Marchisio, 2000).

The decision of decreasing the compulsoriness of the Court’s decisions was reiterated at the 1945 San Francisco Conference otherwise the Big Three believed that such a binding clause would have deterred many States in accessing the UN (Marchisio, 2000). Nonetheless, the outcome was even in line with the Soviet claim of including the principle of domestic jurisdiction in the Charter, for which the UN could not interfere with internal affairs of a country, and which principle is now enshrined under Article 2 para. 7 of the Charter<sup>29</sup>. This follows the Communist ideology described by Dallin (1962) for which the USSR has always distrusted the UN as a general international organization based on the collective action of the international community thus denouncing the illegitimate interference that could have arisen between the UN and the Communist bloc. Indeed, except for claiming for broad discretionary powers upon the Security Council, the Soviet Union firmly called for a restricted conceptualization in the creation of the Assembly and the Court (Roberts, 2019). This is a demonstration of how much the founders of the UN were concerned in protecting and privileging their interests throughout the process of birthing the UN despite the general and strong desire to create a new international organization.

---

<sup>28</sup> On the point see, United Nations Charter Article 94.

<sup>29</sup> On the point see, United Nations Charter Article 2.

Another matter of debate in the creation of the organs of the UN concerned the Secretariat and the Economic and Social Council.

Chapter XV of the UN Charter regulates the Secretariat which is held by a Secretary-General appointed by the General Assembly upon the recommendation issued by the Security Council<sup>30</sup>. As well as the ICJ, the Secretariat is not characterized by the presence of States, but persons, and it is labelled as the chief administrative officer of the Organization being responsible for administrative tasks. For instance, under Article 101 of the Charter, the Secretary-General appoints the staff of the Organization by following the regulations issued by the General Assembly. Although a secretariat was envisaged even within the League of Nations under Article 6 of the Covenant, the one proposed since Dumbarton Oaks in the new Organization was different to the extent that it would have acted upon its own initiative (Kelsen, 1945).

The presence of a secretariat and a court was intended in a restricted way by the USSR. In particular, the negative attitude towards this organ erupted in the Soviet proposal of the so-called Troika, because according to the Soviet ideology since the world was divided in three different camps, they shall have been represented in the organ; the groups were, the Communist States, the capitalist States, and the uncommitted States, the ones not falling in any of the other two groups (Gardner, 1964). Since the drafting of the Charter, the Soviet Union was not a supporter of the International Civil Service especially because it disagreed in the political nature of the organ that would have been created. Indeed, the Troika proposal stemmed from the assumption that the organ was not neutral, but it tended to “approaches the solution of questions from the standpoint of a particular group of countries” (James, 1961, p.369). Hence, in order to respect the principle of equal representation, the Secretariat should have been composed of a representative for each group. The request did not meet the approval of the other member States, because as stated by Dag Hammarskjöld, the Secretariat’s administrative function was “political, both in intent and in practice”, hence, it was not possible to assure that the performance of the service would have been objective and disinterested (Dallin, 1962, p.34). However, the Soviet proposal built on the assumption that although it originally agreed in founding a Secretariat within the UN framework, the organ actually exceeded its original functions throughout its performance (Dallin, 1962). Even in this case, ideology stands among the Soviet justifications for claiming the Troika proposal, especially in light of the Soviet distrust in international commitments undertaken by the entire international community.

The East-West dispute is detectable also in this stance because as defined by Gardner (1964), the Soviet Union was not keen on accepting an organ characterized by the presence of a single administrator since under the Soviet ideology only neutral countries could exist but not neutral

---

<sup>30</sup> On the point see, United Nations Charter Chapter XV.

people. The statement alludes to the fact that under International Law, a country can declare its neutrality in foreign affairs granting equal and not preferential treatment to any other States in case of conflict, avoiding taking the part of any actors (Ronzitti, 2019). On the contrary, according to the Soviet viewpoint, neutral men cannot exist because they will be always driven by their interests and convenience eventually siding with one or another part. Consequently, since according to the USSR, the West would have never accepted an organ administered just by a Communist delegate, even the Union could not accept a pure Western-oriented organ.

In reality, since the early foundation of the UN, the aim was creating a “meritocratic international civil service”, indeed, this may be found in the wording of Articles 100 and 101 of the UN Charter, that recognize the independence of the Secretariat from any government’s influence (Budrich, 2018, p. 46). Due to the Soviet mistrust on the design ideated for the organ, in 1946 the P5 signed the so-called Gentleman’s Agreement, according to which, the permanent members were assigned with the different departments of the Secretariat. This has progressively led to a process of politicization of the organ itself (Budrich, 2018). Hence, it may be affirmed that in spite of the lack of neutrality and independence of the Secretariat, the USSR was veritably satisfied with the outcome, because it set inside it. Therefore, even if politicized, the Secretariat was controlled also by Eastern and not just Western representatives.

The Economic and Social Council (ECOSOC) is defined under Chapter X of the UN Charter as the organ oriented to study and report on international economic, social, cultural, educational, health, and related matters and to make recommendations to the General Assembly and to concerned specialized agencies of the UN<sup>31</sup>. It is made up of States, specifically of 54 members of the Organization elected by the General Assembly on a geographical basis.

Although the competences of the Economic and Social Council are limited to recommendations, like the General Assembly, its creation entailed controversies among the Big Three. The debate went alongside the dialectic whether the UN would have been a general international organization committed with tasks in different domains or whether its function would have been restricted to the guarantee of international peace and security, hence to security issues.

For what concerns the Soviet viewpoint, the UN should have been created with a mere security function, especially because it was affirmed that the League showed how trying to be committed with many tasks leads to failure. Hence, all the other functions except for maintenance of international peace and security should have been carried out by other organizations (Roberts, 2019). Therefore, contrarily to the US and the UK that engaged in many other international organizations and specialized agencies of the UN for pursuing social and/or economic objectives, the Soviet resistance

---

<sup>31</sup> On the point see, United Nations Charter Chapter X.

to the Economic and Social Council was also due to its general “restrictive view of the economic and social as well as the political activities of international organizations” (Gardner, 1964, p.850).

Similar to the justification centered on the protection of the domestic jurisdiction provided for the ICJ, also for the Economic and Social Council, the reasons underlying the Soviet resistance were comparable. The Soviet reluctance to support such creation was due to its ambition in maintaining the Communist world distant from Western ideological and cultural penetration (Chamberlin, 1947). For instance, during the 1945 San Francisco Conference, the Soviet Minister of Foreign Affairs Molotov did not mention any references to economic and social purposes of the Organization that was going to be founded. Eventually, the American and the British position on the character of the UN prevailed, thus creating an international organization that although primarily committed in ensuring peace and security at the international level, it was a general international organization entrusted not only with a security function, but also with social and economic purposes, such as the protection of human rights (Marchisio, 2000). Indeed, as stated by the British delegation, an organization that would have been predominantly managed by the Great Powers would have deterred smaller States to become members (Hughes, 1974). It was hence thanks to the efforts of smaller and middle-sized countries that the Economic and Social Council was acknowledged as one of the main organs of the UN (Marchisio, 2000).

In spite of the attempts to protect the creation of the ECOSOC, the organ largely proved to be ineffective. According to Budrich (2018), there are some reasons for that and, at least, two are worth mentioning. First, “its responsibilities and functions often overlap with those of the General Assembly”, especially with the Second and Third Committees that are responsible for dealing respectively with economic and financial issues and with social, humanitarian, and cultural topics (Budrich, 2018, p. 42). The second reason for ECOSOC inefficacy is linked with the reluctance of most powerful States to delegate the administration of economic affairs to this organ. This disinclination led them to create small clubs of rich countries, such as G7 and G20, that prevent the interference of the UN, and to delegate economic activities to dedicated and independent organizations, such as the International Monetary Fund (IMF) and the World Bank.

All things considered, ideological explanations are detectable also in the debate between the Big Three that arose during the creation of the General Assembly, the ICJ, the Secretariat, and the ECOSOC. In particular, this presence is evident in the design of the organs suggested by these countries, since the totalitarian doctrine drove the Soviet Union to claim for their subordinate roles *vis-à-vis* the Security Council centrality, while the ideology of liberal-democratic systems led the UK and the US to conceive a more equitable organization, where although the central organ would have been the Council, the others would have detained important powers for supporting, assisting, and

facilitating the function of the Security Council. Moreover, the Soviet idea of centralizing the powers of the new organization in a single body, the Security Council, built on the same ideological assumptions, because in this way, the Soviet Union would have had the possibility to control that the UN would not have become an organization administered by the West and by smaller States. This conceptualization could be justified on the basis of the Soviet generalized distrust in the existence of solidarity among the members of the international community. In contrast to this, the liberal-democratic ideology influenced the US and the UK in advocating for a decentralized organization, where the sovereignty of every member State would have been granted.

### **1.5 Controversies: the Security Council**

The sharpest debate in the creation of the UN concerned the Security Council. In particular, the Big Three disagreed on the voting procedure that would have been adopted in this organ once created, although contrasting views were veritably linked and justified in the name of the different ideas the Three had on the organ itself.

The Security Council is composed of fifteen members<sup>32</sup>, which are divided as follows: five permanent members, which are the US, the UK, the USSR (now the Russian Federation), the RoC (now the PRC, Popular Republic of China), and France, and ten non-permanent members that are elected by the General Assembly for a two-years term taking into consideration both their contribution in the maintenance of peace and security, and the principle of equal geographical distribution. Specifically, five non-permanent members are elected among African and Asian states, two among Latin American ones, two among Western European and other States, and one among Eastern European States. The principle of equitable geographical representation although enshrined in the Charter has been further developed thanks to the efforts of the General Assembly through Resolution 1991/1963 since the Charter does not specify how representative equity shall be achieved (Conforti & Focarelli, 2016). Indeed, this is one of the examples of how the General Assembly has attempted to ensure equitable representation within the UN, even if the Resolution adopted was void of obligation. Consequently, the directives contained in it shall be pursued by the General Assembly during the appointment of the non-permanent members, but it is not mandatory.

Chapter V of the UN Charter defines under Article 24 para. 1 the Security Council as the organ to which member States “confer [...] primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf”<sup>33</sup>.

---

<sup>32</sup> On the point see, United Nations Charter Article 23.

<sup>33</sup> On the point see, United Nations Charter Article 24 para.1.

The idea of making the Security Council the primary organ responsible for the maintenance of international peace and security was unequivocal since Dumbarton Oaks. Especially, this was true from the Soviet standpoint, since as it has been explained above the idea the Soviet Union had of the United Nations was strictly associated with the first and foremost agreement between the Big Three, who were the primary responsible of ensuring international peace and security. This was represented in the Soviet design of the Security Council, which would have been the essential organ of the organization, and which would have been set by the Big Three as permanent members (Roberts, 2019). According to the Soviet Union, this kind of centralization in the hands of the Big Three was indispensable because a general commitment recognized upon the entire international community would have failed as occurred within the League of Nations. The primacy of the Security Council was constantly stressed by the Soviet Union, for instance also during the San Francisco Conference when the directives of the Soviet delegation underlined the efforts that should have been made as to maximize the role of the Security Council since any counteractions would have led “to the weakening of the International Organization” (Roberts, 2019, p.323).

Although the founders of the UN agreed in creating a Council directed by themselves and that it would have had a pivotal role in the general organization, the extent of powers and supremacy of the organ was not unanimously supported. In particular, the UK claimed for the creation of an organization where joint discussion would have been executed in an organ that would have worked like a world forum (Hotz, 1961). However, since Dumbarton Oaks, the superiority and primacy that would have been relegated to the Council in comparison to the General Assembly were evident, especially because the functions of ensuring international peace and security (that ranges from the declaration of a situation that endangered the world order to the decision of the measures to adopt for re-establishing the status quo) and of recommending the measures to adopt for solving disputes were assigned to the Security Council (Kelsen, 1945).

As well as the USSR, the United States shared the idea of centralizing the powers in the hands of the Big Three through the creation of an organ that would have been strictly directed by themselves, plus the RoC. Indeed, during a bilateral agreement at the Tehran Conference with President Stalin, President Roosevelt envisaged the creation of a “police committee” composed of the US, the UK, the USSR, and the RoC (Roberts, 2019, p.313). Besides, a general organization with the allies and a committee consisting of at least 11 member States would have been established. The American conceptualization of the UN was part of the Grand Design ideated by President Roosevelt soon after the end of the Second World War. Indeed, as to fulfill “the vast power vacuum that would emerge from the defeat of the Axis powers”, Roosevelt was firmly convinced that stability may be granted to the European continent only through the joint efforts of the US, the UK, the USSR, and the RoC



(Thornton, 2014, p.14). They would have administered world affairs by taking decisions as to “police the world” (Thornton, 2014, p.17). Indeed, while in the European continent Roosevelt advocated for the disarmament of Europe, especially for the partial restoration of the French and German power, in the Far East, the Japanese leading role would have been replaced by the RoC, since it would have been part of the Four Founding Nations of the UN (Thornton, 2014).

Chapters VI and VII of the UN Charter defines the functions of the Security Council; on the one hand, Chapter VI deals with the peaceful settlement function, while on the other hand, Chapter VII regulates the activation and the action of the Council in case of breach of the peace, threat to the peace, and act of aggression<sup>34</sup>. In both cases, the Security Council shall act as a peacemaker, but the extent of powers admitted under Chapter VII goes far beyond the one under Chapter VI. Indeed, although Article 2 para.7 of the UN Charter recognizes the domestic jurisdiction principle, this falls short when the Security Council acts under Chapter VII. Furthermore, while under Chapter VI the Security Council may perform through recommendations, that are non-binding acts, under Chapter VII, specifically under Articles 41 and 42 of the UN Charter, the Council may rule respectively through decisions, which are binding, and through operational resolutions which admit its action. The distinction between the instruments used by the Council whether acting under Chapter VI or VII depends on the level of gravity of the situation. Indeed, under Chapter VI, cases involve matters “that only *potentially* could disturb the peace”, while under Chapter VII, the Security Council identifies the existence of an explicit situation that can be labelled as a threat to the peace, a breach of the peace, or an act of aggression (Conforti & Focarelli, 2016, p. 190).

Although every provision of the Charter is dedicated to the maintenance of peace and security, undoubtedly, Chapter VII is the one that essentially aims at ensuring peace and security and at restoring it in the three cases detected by the drafters. Hence, the responsibility the Big Three aimed at having once the UN was created is enshrined in this part of the Charter.

### **1.5.1 The veto right and the consequences of its conceptualization**

The debate concerning the kind of voting procedure that would have been granted to the permanent members of the Security Council has been the sharpest matter of contestation and it turns out as a huge shelter in their hands. In order to develop a complete analysis, this paragraph is entirely dedicated to the veto right. In particular, the argumentation aims at highlighting how the final decision of its design has led the General Assembly to try to come up with the Security Council’s power, especially through Uniting for Peace Resolution.

---

<sup>34</sup> On the point see, United Nations Charter Chapters VI and VII.

The peculiarity concerning the commitment of the permanent members in maintaining peace and security is veritably enshrined in the voting procedure that is applied in the Council, since they join the right to veto.

The voting procedure inside the Security Council is defined under Article 27 of the UN Charter, for which each member of the organ shall have one vote. Then, decisions on procedural matters require an affirmative vote of nine members out of fifteen, while decisions on all the other matters require the affirmative vote of nine members including all the positive votes of the permanent ones, meaning that no veto shall be adopted<sup>35</sup>.

The voting system is known as the Yalta formula, because it was only at the Yalta Conference that the Big Three agreed in the kind of procedure to assign to the Council (Conforti & Focarelli, 2016). Therefore, at Dumbarton Oaks they did not find any solutions that would have satisfied their interests, mainly because the Soviet, the American, and the British conceptualization diverged. Generally considering the voting procedure, according to the Soviet Union, the Council should have resorted to the principle of unanimity in every decision that would have been adopted because without unity among the Big Three, the essence of the Organization itself would have faded. As stated by President Stalin, whether the Soviet proposal would not have been accepted, then the agreement the Big Three reached in Tehran on founding such an international organization would have faded (Roberts, 2019). Although the American viewpoint corresponded to the Soviet one on the necessity of unanimity and agreement between the permanent members, the US went further in highlighting the problematic eventual exercise of the veto right in the case in which a permanent member would have been involved in a dispute, consequently proposing the impediment of its use. The UK shared the American proposal because otherwise the new organization would have emerged as a mere coalition between the Great Powers, hence a continuation of the military alliance during World War Two and it would not have been a shelter but a sword against smaller countries (Johnstone, 2019).

The question stressed by the US triggered a heated debate at Dumbarton. The Soviet Union disagreed with the American proposal since the veto right should have been used by the permanent members in any cases in which they were involved in a dispute either the question was procedural or not. The British position was completely the opposite of the Soviet one, because it assumed that whenever one of them was part of a dispute, the veto right could not be used. Hence, the Americans proposed a solution that was middle grounded between the Soviet and the British stances, suggesting excluding the right to veto in case of involvement of a permanent member in judicial or quasi-judicial

---

<sup>35</sup> On the point see, United Nations Charter Article 27.

matters<sup>36</sup>. Even if the UK moved closer to the Soviet proposal as soon as the Dumbarton Oaks Conference ended, the central controversy arose between the US and the USSR. Indeed, President Roosevelt attempted to persuade President Stalin to find a compromise on the right to veto reiterating its proposal which eventually was rejected by the former since it would have broken the unanimity between the Great Powers, and it would have favored smaller States in case of Security Council's weakness (Roberts, 2019). This because the veto power was also perceived as a "necessary precaution against the danger of having the organization and themselves committed by a group of small states (unable themselves to make any effective contribution to the maintenance of peace and security)" (Padelford, 1948, p. 229).

Therefore, the Soviet Troika proposal envisaged for the Secretariat foresaw the possibility of extending the right to veto inside the Secretary-General (Eichelberger, 1961). This because, the veto power was perceived as a shelter by the Soviets against eventual Western coalitions that could have arisen and that would have acted against the Communist bloc, hence making the Soviet nightmare of "a world coalition from which the Soviet Union would be excluded" come true (Chamberlin, 1947, p.43). Moreover, as stated by Kelsen (1945), the Soviet proposal of admitting the veto power in any case in which one of the permanent members was involved in a dispute was understandable, especially because contrarily to the ICJ, the Security Council was a political and not a judicial organ, hence usually resolutions were (and are) adopted on the basis of political and not judicial considerations. Indeed, as suggested by the author, leaving the competence of judicial disputes settlement to the ICJ, and making the referral by members as mandatory would have probably been a remedy as to counterbalance the different requests within the UN.

The public opinion played a deep relevant role in the discussion, especially in the ability of persuading the US in limiting the use of the veto power. A sharp critique was moved by the isolationists, where the role of Senator Nye G.P. was evident in stressing how as delineated at Dumbarton, the new organization would have resembled a "military alliance between the great powers to rule the world" (Johnstone, 2019, p.290). In addition to this, especially in the American context, even political movements and cultural associations attempted to influence the US government to not create an organization strictly directed by the Great Powers since the idea they shared of the new organization reminded to a sort of embryo for the further establishment of a global government based on the alliance of all democratic States around the world. But as already envisaged by these entities, for example through the plan set by the American journalist Clarence Streit, the

---

<sup>36</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, Conferences at Malta and Yalta, 1945», Document 70.

dialectic that existed between communist and capitalist countries would have constituted a hard conundrum to be overcome since the new global government would have succeeded only if homogeneity between the members would have been granted (Marchisio, 2000).

Eventually, the Soviet President accepted the American proposal on the right to veto but in exchange of another compromise accepted in turn by the US which will be analyzed in the second chapter, that is the participation of two Soviet Socialist Republics to the San Francisco Conference hence being recognized as original members of the UN (Roberts, 2019).

Although the American proposal was eventually the one to be included in the Charter thus admitting the limitation of the use of the veto in case of involvement of a permanent member in a procedural matter, in practice the formulation under Article 27 entails certain questions.

First of all, even if at the San Francisco Conference the Four Nations stated that the Charter clearly defines the difference between procedural and non-procedural matters, respectively procedural under Articles 28-32 and non-procedural under Chapter VI and VII, they even concluded that in case of disagreement whether a matter was procedural or not, the decision would have been adopted with a positive vote of nine members of the Council including the positive votes of the permanent ones, hence admitting the possibility to veto the question (Conforti & Focarelli, 2016). This procedure leads to the so-called double veto since in any cases in which the Security Council is uncertain on the nature of the question, whether procedure or substance, it shall firstly vote for qualifying it hence admitting the possibility to veto the decision on the preliminary question, and then if the matter concerns a non-procedural issue, a second veto could be exercised. In practice, this frequently happened when a resolution, not requiring the veto, was positively voted by at least nine members of the Council and being one of the permanent members in contrast with the outcome, it claimed for the non-procedural nature of the preliminary question hence invoking the right to veto (Conforti & Focarelli, 2016).

Both for the exercise of the veto right and the issue of the double veto, the Charter is silent. In the first case it does not place a quantitative limit and in the second one it does not furnish any methods for avoiding it. As well as the Statement made by the Four Nations at San Francisco concerning the definition of procedural and non-procedural matters, also in the case of the exercise of the veto right, all the five permanent members committed themselves to use this instrument consciously without impeding the action of the Security Council (Padelford, 1948). Furthermore, France and the US also promised to not use the veto for national profits but “in the interests of the world organization” (Padelford, 1948, p.244).

However, scholars have admitted that in some cases the permanent members have not used their veto right in good faith and in a fair way, hence threatening the work of the Security Council<sup>37</sup>. In

---

<sup>37</sup>On the point see, Padelford, 1948, Singh 1958, Gardner 1964.

particular this was especially true during the Cold War when the UN was exposed to become a battleground for the East-West confrontation. Therefore, as stated by Eichelberger (1961, p. 109) “all of the great powers at one time or another wanted to use the Security Council as a platform for the Cold War”. Since 1946 until 2004 it has been estimated that the P5 have casted almost 257 vetoes, of which 122 applied by the USSR, 80 by the US, 32 by the UK, 18 by France, and 5 by the RoC (Wouters & Ruys, 2005). The membership to the UN had been one of the main issues to be subject to vetoes, and, above all, the Soviet Union exercised its right nearly half the time in this matter. Generally speaking, while the Soviet vetoes had been mainly applied before the end of the Cold War, the American ones registered an increase since 1989 (Wouters & Ruys, 2005). Therefore, by 1946 the Soviet Union already resorted eight times to the veto right in comparison to France that used it one time, on the Indonesian question, and to the other permanent members that had not yet applied it (Chamberlin, 1947).

It is not among the aims of this thesis to make an analysis and a comment of whether the right to veto has been abused by the permanent members of the Security Council, but it is contrarily deemed to highlight that the veto has been used as a mean of contestation inside the United Nations even before that the Cold War broke out and the East-West dispute emerged. Additionally, the subaltern role associated with the General Assembly led it to contest its position attempting to come up with a more comparable role than the one of the Security Council. In spite of the efforts and the attempts, sometimes the center of activity had autonomously shifted from the Council to the Assembly because in light of the system envisaged by the Big Three, in any cases in which the veto right is admitted, the former could work just if the permanent members were in agreement (Eichelberger, 1961). Consequently, in those cases the General Assembly stepped in for solving the deadlock in which the Security Council lied, and this is the example that will be illustrated in the second chapter focusing on the package deal.

The need of counterbalancing the powers of the Security Council and the consequences triggered by the excessive and unfair use of the veto right became evident with Uniting for Peace Resolution, that has been adopted through the Assembly Resolution 377/V on November 3, 1950<sup>38</sup>, and that was predominantly sponsored by the US as to circumvent the Soviet veto in the Security Council during the Korean Crisis. The Resolution admits that “if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including [...] the

---

<sup>38</sup> On the point see, A/RES//377/V (1950).

use of armed force when necessary, to maintain or restore international peace and security” (Conforti & Focarelli, 2016, p. 348). The Resolution received five negative votes on fifty-two positives, and they were of Czechoslovakia, Poland, Byelorussia, Ukraine, and the Soviet Union. Indeed, the restrictive view of the General Assembly’s function sustained by the USSR was not supported and welcomed by the vast majority of the UN member States (Gardner, 1964). The Resolution is of underestimated importance because it stresses how the founders of the UN did not envisage a resolute method for ensuring the action of the Security Council and of the UN in general in the cases in which unanimity between the P5 would have been at stake.

The way in which the veto power has been used by the permanent members of the Security Council also coincides with the respective ideologies that shaped their national foreign policy. The UN has been affected by the East-West confrontation since its early foundation. The Soviet claim of providing the permanent members with such a powerful voting instrument is in line with the Communist view of international relations, which is predominantly characterized by a general distrust in the likelihood of creating a single international community based on unity and agreement. Hence, the vision rests on Dallin’s (1962, p.20) definition of “two-camp view in a one-world Organization”, according to which although the USSR committed itself in the creation of a new international organization, its consideration of world politics divided between communism and imperialism did not change. Among other things, the collision between the UN and the USSR also occurred because of communist coercion. “The most obvious area in which Soviet policy collided with the Charter has been the systematic attempt of the Soviet Union to promote its political and ideological objectives by use of force [...] in violation of the UN Charter” and “the fact that the Soviet Union has found it necessary to cast more than 100 vetoes [...] gives one measure of the extent of the problem” (Gardner, 1964, p. 846). Likewise, the imperialist and capitalist view of international relations was enshrined in the UN design because even if both the UK and the US were in favor of providing the permanent members with the veto power, they were the more cautious in legitimizing the right in an extensive way. This view is obviously linked with the underlying ideology, since the Western conception of the world order was based on cooperation between States of the entire international community, on pluralism, hence diversity of states, and on free choice (Hotz, 1961). Nonetheless, in spite of a more liberal ideology, even Western permanent members of the Security Council resorted to the United Nations “as an instrument of national policy to defend and extend the vital national interests” (Hotz, 1964, p. 130).

All in all, the analysis of the controversies that arose during the foundation of the UN and the different conceptualizations the founding nations had on the future international organization will be fundamental for the comprehension of the package deal that will be adopted as the leading example

of controversy between the permanent members of the Security Council. The historical bases furnished will help to understand the extent to which the institutional framework and design of the UN has influenced and facilitated the imposition of the package deal by the USSR.

## CHAPTER 2

### MEMBERSHIP TO THE UNITED NATIONS

The second chapter of this thesis is dedicated to the analysis of the package deal, selected as the illustrative example of contestation inside the United Nations, especially between the P5 and between the Security Council and the General Assembly, since the case study is entirely representative of the dialectic anticipated in the first chapter. In addition to the historical background of the package deal that will be offered, the research will even assess the legal compliance of the Soviet proposal with the provisions set in the UN Charter. In particular, the analysis that will be executed on Article 4 and the interpretations the different permanent members attached to its content and wording will provide the bases for entirely comprehending the Soviet request of admitting a package of new countries to the Organization.

Lastly, this chapter will be oriented to the analysis of another UN Charter's provision, that is Article 3 which legislates on the original members of the Organization. This examination has been added because, like the package deal, it is entirely representative of the debate arose inside the UN system since the early beginning. In particular, in order to offer an in-depth profile of the topic, the cases of the Ukrainian and Byelorussian SSRs have been selected because their inclusion among the original members of the Organization will be even essential for developing a complete overview, consequently facilitating the full comprehension of the topic that will be presented in the third chapter.

#### **2.1 The history of the package deal**

As soon as the United Nations were founded, many countries all over the world that had not participated at the San Francisco Conference in Spring 1945, hence not resulting among the 51 original members of the Organization, submitted their request to membership to the UN. Although universality in membership was one of the breakthrough aspects of the new Organization, up until 1955, only nine new members had been admitted, and they were Afghanistan, Iceland, Siam, and Sweden in 1946, Pakistan and Yemen in 1947, Burma in 1948, Israel in 1949, and Indonesia in 1950<sup>39</sup>. Indonesia had been the last country to become a member of the UN until 1955.

The time-lapse comprehended between 1947 and 1955 is the moment which had been affected by the question known as the package deal or *en bloc* admission, which is the expression adopted for referring to the deadlock encountered within the UN concerning the admission of certain new members. During this historical moment, the likelihood of becoming a member was almost inexistent

---

<sup>39</sup> On the point see data available at Un.org, Growth in United Nations membership, available at <https://www.un.org/en/about-us/growth-in-un-membership>, accessed on April 5, 2023.



especially for countries located in Eastern and Western Europe being affected by the veto game practiced by the USSR on the one hand and the other permanent members of the Security Council on the other, namely the RoC, the US, the UK, and France. The question is labelled the package deal because it stems from the Soviet claim of admitting new members to the UN in the form of a package, which would have included both Western and Eastern countries. Accordingly, it would have meant that the admission of a country, or a number of them, would have been dependent on the admission of another country or more (Ligustro, 2016).

The lack of agreement between the permanent members of the Security Council until 1955 on which countries could or not become new members of the Organization was translated as the preclusion for such States to enjoy their right of accessing the UN. Hence, it was only in 1955 that membership was granted to a package of sixteen States, namely Albania, Austria, Bulgaria, Cambodia, Ceylon, Finland, Hungary, Ireland, Italy, Jordan, Laos, Libya, Nepal, Portugal, Rumania, and Spain<sup>40</sup>, after being recommended by the Security Council to the General Assembly through Resolution no. 109. The impasse generated in the Security Council due to the veto game played by the P5 is actually only one of the examples that is representative of the “Council’s impotence” on reaching a common agreement and which inability is still present nowadays and it is one among the reasons why reforms of the Security Council are advocated (Popovski, 2020, p.4).

The dialogue that emerged around the admission of new members was actually the product of the ideological dialectic that structured the UN since its early foundation and that has been presented in the first chapter. Indeed, the whole community of States already members of the Organization acknowledged that the deadlock arose inside the UN concerning the admission of new members “was due primarily to the severe political and ideological controversies in the “cold war” (Gross, 1956, p. 802). The topic is indeed permeated by a relevant degree of importance especially because together with other dynamics, it was part of the reasons why the UN “had often been rendered inoperative” (Boutros Boutros-Ghali, 1992, p.89). Differently from the Conferences held until 1945, in this case the UN was already founded, meaning that the permanent members already enjoyed their right to veto, hence threatening the possibility to hamper the Council’s activity whenever they disagreed with the decision which was going to be adopted. Hence, as stated by Soderberg (2015, p.41) “When the P-5 disagree, the UNSC is hamstrung and largely ineffective” and it “remains paralyzed”. Moreover, it was also the first time that the veto power had been used by the permanent members of the Security Council (Klooz, 1949). Nonetheless, although like in previous experiences of contrasts among the members, the Organization succeeded in finding a solution, scholars have questioned themselves whether in spite of being a package, the remedy adopted actually relied on a deal (Gross, 1956).

---

<sup>40</sup> *Ibid.*

Although sixteen new members were admitted under the formula of the package deal, since the birth of the UN 31 States submitted their application to membership, but, as it has been reported above, among all of them, the Security Council succeeded in recommending the admission of only nine until 1955.

The Security Council began to be victim of the veto game played by its permanent members especially since 1946, when the admission of certain Western countries was vetoed by the USSR and the same for certain Eastern countries particularly due to the American and the British opposition. The admission to the UN follows a precise procedure and it is also dependent upon certain prerequisites that shall be possessed by the applicants once submitting their request to become members. Indeed, by drawing on the Charter's conditions, the USSR originally vetoed the admission of Ireland, Portugal, and Transjordan in the name of the absence of international relations with these countries<sup>41</sup>. Likewise, the US and the UK blocked the admission of certain Eastern countries, including the Republic of Mongolia<sup>42</sup> and Albania<sup>43</sup>, essentially for the same reasons.

Although the US delegation initially opposed the admission of certain countries, it soon acknowledged its commitment and duty to fairly comply with the Charter of the UN, especially concerning the use of the veto power. Consequently, it adopted the Resolution no. 239 in 1948, known as the Vandenberg Resolution, in which the American Senate declared both that the veto power would have been properly used and removed from new members' admissions, and that the US Government would have strived in collaborating for making the UN a universal organization<sup>44</sup>. The decision fairly complied with the commitments undertaken by the permanent members of the Security Council while discussing on the voting procedure inside the Security Council at Dumbarton Oaks and at the Yalta Conference, where, although admitting the veto power, they promised for a further reasonable and fair use of such a right. Nonetheless, this commitment had not been respected by all the permanent members of the Council, especially by the USSR which was considered as the "great equalizer" of the UN, being the member that seemed to have the power to decide upon the admission of new countries to the Organization while disregarding the principles enshrined in the Charter (Gross, 1954, p.54). Indeed, any members disagreed on the abuse of the veto right exercised during these years, especially by the USSR<sup>45</sup>.

---

<sup>41</sup> On the point see, Official Records of the Security Council, 56<sup>th</sup> and 57<sup>th</sup> meeting August 29, 1946, S/PV. 56 and S/PV.57.

<sup>42</sup> *Ibid.*

<sup>43</sup> On the point see, Official Records of the Security Council, 55<sup>th</sup> meeting August 28, 1946, S/PV. 55.

<sup>44</sup> On the point see, Nato.int, U.S. Senate Resolution 239, available at [https://www.nato.int/cps/en/natohq/official\\_texts\\_17054.htm](https://www.nato.int/cps/en/natohq/official_texts_17054.htm), accessed on July 8, 2023.

<sup>45</sup> On the point see, Memorandum of the Historical Background of the Question of the Admission of New Members (1953), A/AC.64/L.1.

By encompassing the viewpoint of the General Assembly that complained on the risk of undermining the principle of universality within the UN, in 1946 the US already proposed the concurrent admission of some States in order to speed up the enlargement of the UN and to respect the principle of universality of membership<sup>46</sup>. The idea was quickly contested inside the Security Council by the Soviet Union and Australia although supported by Brazil, Mexico, the RoC, Egypt, and The Netherlands. As well, the General Assembly answered negatively to the American proposal since every application should have been analyzed separately<sup>47</sup>. Hence, this episode reveals how the package deal was not an idea developed veritably since 1947 by the Soviet Union, but it has more ancient tracks, although, as it will be explained later, the intent of the Soviet deal was different from the American one.

Despite the efforts of the General Assembly and the ICJ to unblock the Security Council on the question of which countries were eligible to being admitted to the UN, the deadlock continued to affect the Organization's efficacy. Indeed, as reported in Supplement Special no.3 drafted by the Security Council in 1947, new countries submitted their application and again the identical situation, developed the previous year concerning the veto game, was re-presented, threatening in this case the Hungarian, Rumanian, Bulgarian, Italian, and Finnish membership, all being ex-enemy States of World War Two. According to the American representatives within the Security Council, Rumania, Hungary, and Bulgaria could not be admitted as members of the UN mainly due to the gross violations of human rights committed, hence, as well as the previous cases analyzed, these countries did not possess the pre-requisites enshrined under Article 4 para. 1 of the UN Charter necessary for becoming a member. The American stance was strongly supported by the UK, France, and the RoC. On the contrary, the four permanent members did not object the admission of Italy and Finland. The Soviet delegation contrarily vetoed the Italian and Finnish requests while voting in favor of the three Eastern applicants<sup>48</sup>.

The Soviet Union was adamant on its decisions, hence since the end of 1947, other members of the Organization, such as Syria and Poland, begun to support the package deal proposed by the Soviets who called for admitting Italy, Finland, Hungary, Rumania, and Bulgaria *en bloc*<sup>49</sup>. The Soviet proposal was alleged either by the majority of the Council's members and the Assembly's ones. In particular, according to the British viewpoint, it was not the admission in the form of a

---

<sup>46</sup> On the point see, Official Records of the Security Council 53<sup>rd</sup> meeting August 28, 1946, S/PV.54.

<sup>47</sup> *Ibid.*

<sup>48</sup> On the point see, Official Records of the Security Council, 2<sup>nd</sup> Ser., No. 3 Report of the Committee on the Admission of New Members.

<sup>49</sup> On the point see, Memorandum of the Historical Background of the Question of the Admission of New Members (1953), A/AC.64/L.1.

package of states that was illegal, but the bargain attached to it: the Soviet claim of making the admission of Italy and Finland dependent upon the admission of Hungary, Bulgaria, and Rumania. This is the essential trait that distinguished the Soviet proposal from the previous American one, because while in the 1946 US proposal, the *en bloc* admission aimed at accelerating the enlargement of the UN membership, in this case, the USSR explicitly associated the admission of certain Western countries to the admission of certain Eastern ones. Indeed, it was especially the French representative that clearly highlighted how the Soviet bargain was merely associated with the “full assurance” that the Eastern countries would have been admitted to the Organization (Gross, 1954, p. 56).

Consequently, it became manifest upon the organs of the UN, that the justifications under the Soviet vetoes were not honestly linked to the absence of certain pre-requisites but with the Soviet fear of being under-represented within the UN, due to the admission of a greater number of Western *vis-à-vis* Eastern countries. For instance, already in the Soviet vetoes applied in 1946 against the Irish admission, the reason underlying the denial of membership was not veritably linked with the absence of international affairs with the USSR, but “basically the Soviet Union feared that Ireland would back the west in the Assembly” (Morrison Skelly, 1996, pp. 67-68). The point was stressed as well by the Soviet representative Gromyko himself, especially with reference to the Italian and Finnish cases. Here, the Soviet delegation clearly stated that actually the vetoes were not linked to the lack of requites upon Italy and Finland but with a matter of fairness, since as well as Hungary, Bulgaria, and Rumania, even the two Western countries were ex-enemies of World War Two, hence all had to be treated in the same way, namely having been granted with membership. Contrariwise, according to the USSR, the three Eastern countries were victims of a different treatment exercised by the other permanent members of the Security Council. Consequently, the Soviet bargain embodied in the package deal resulted from a policy of discrimination exercised against some States rather than others<sup>50</sup>.

As well as the question of broadening the UN membership was emphasized throughout the years in which the package deal was discussed, also the question of a balanced geographical representation was a hot topic among the UN members. Indeed, as stated in the Economic Weekly (1955), the admission *en bloc* would have nuanced the American representative strength in the General Assembly, since countries of different continents were going to be admitted, while until then the organ was mainly characterized by the presence of Latin American States. Especially, among the sixteen countries that entered the UN in 1955, five belonged to the communist bloc and the rest were of non-communist origin. Effectively, the limited number of Eastern countries admitted to the UN in

---

<sup>50</sup> *Ibid.*

1955 would not have boosted the Soviet power inside the Organization but it would have mainly mitigated the Latin American bloc inside the General Assembly (The Economic Weekly, 1955).

However, the Soviet concern of being a member of an organization that would have become Western-directed was vivid well before the birth of the UN, which fear was especially embodied in the participation of two Soviet Socialist Republics to the San Francisco Conference in 1945. But if equal geographical representation intimidated the USSR, it is true that it also disquieted the West side. Since 1947, France called for a fairer representation of Europe within the UN particularly due to “the position which she occupies in the general equilibrium of the world” (Ahmad, 1953, p. 170). Hence, the Soviet claim for a balanced representation was framed in a more general and widespread concern of the same nature, that according to the Swedish representative, was only a temporary problem which would have been solved as soon as the UN would have become a universal organization.

The question of the package deal did not end with a common understanding between the member States of the UN, but contrarily, although the USSR succeeded in satisfying its claim, the other members of the Organization felt quite obliged to accept the deal proposed if they wanted the UN continued to live and expand. Thereby, in spite of the approval, the Australian delegation stated that by accepting the Soviet request, a provision of the UN Charter was going to be violated, namely Article 4, and this statement was veritably representative of the majority of the UN members, which regarded at the dismissal of the Soviet claim both as a threat for countries to become members and as an obstacle for the UN to become a universal organization<sup>51</sup>. Likewise, France underlined how although universality was among the aims of the UN, it did not mean that Charter’s provisions had to be violated as to quickly reach the final goal, hence opting for arbitrariness<sup>52</sup>. Therefore, it was thanks to the common desire of unblocking the UN and the common qualification of the Soviet vetoes as immoral actions directed against States that were eligible to become members but whose right was prevented by ideology that the Joint Draft Resolution of 28 States was adopted in 1955 by the General Assembly approving the package deal<sup>53</sup>. Indeed, all the countries included in the package became victims “of the inability of the superpowers to reach an agreement” on who could or not be admitted to the UN<sup>54</sup>. Nonetheless, the Document was approved with fifty-two positive votes, two negative (China and Cuba), and five abstentions from the US, France, Greece, Israel, and Belgium (Gross, 1956).

---

<sup>51</sup> On the point see, Official Records of the General Assembly (1955), A/PV.555, 10<sup>th</sup> session.

<sup>52</sup> On the point see, Official Records of the General Assembly (1955), A/PV.552, 10<sup>th</sup> session.

<sup>53</sup> On the point see, A/RES//918 (1955).

<sup>54</sup> On the point see, Finlandabroad.fi, Finland in United Nations Permanent Mission of Finland to the UN, New York, available at <https://finlandabroad.fi/web/un/history>, accessed on March 16, 2023.

As it has been stated above, the fact that the package deal passed did not mean that it received the whole support of the UN members, hence suggesting that although labelled as a package deal, the deal among the member States of the UN was missing. Indeed, as done by the US, instead of obstructing the procedure, it chose to abstain, hence revealing the absence of support for the deal but the presence of it for achieving universal membership. The Draft Resolution originally provided for the admission of eighteen members, including the previous enumerated plus the Mongolian People's Republic and Japan, but before the countries were admitted, certain UN members also suggested to include Korea and Vietnam having submitted their requests. The USSR vetoed this last change because according to the Soviet standpoint, their requests had to be analyzed separately. As well, also the Japanese and Mongolian admissions were suspended and not included in the package of countries admitted in 1955<sup>55</sup>.

To conclude, in spite of the approval of the 1955 Draft Resolution which gave effect to the package deal, the solution claimed by the USSR to unblock the Security Council on the admission remained debated, especially due to the presence of a large majority of countries that recognized the lack of agreement between themselves. At the same time, the large majority of member States of the UN was keen on supporting the principle of universality and for doing so, they eventually embraced the Soviet proposal.

## **2.2 Article 4 para. 1 of the Charter of the United Nations: the membership requirements**

Article 4 para.1 of the UN Charter states: "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"<sup>56</sup>.

This is one of the provisions contained in Chapter II of the Charter of the UN and it enumerates the requirements applicant states shall have for becoming members of the Organization and they are essentially five: being a State, being peace-loving, embracing the obligations of the UN Charter, being able to carry out them, and being perceived to do so by the other UN member States. Whether the candidate is eligible for membership or not is assessed by the Organization itself, which procedure is defined under para.2 of Article 4.

From an evaluation which is performed by the Organization, the State can become a new member whether it satisfies all the requirements contained in the provision, otherwise, membership will be denied. For instance, in the cases presented in the previous section, the Hungarian, Rumanian, and Bulgarian membership was vetoed by the permanent members of the Security Council except for the

---

<sup>55</sup> On the point see, A/RES/995 (1955).

<sup>56</sup> On the point see, United Nations Charter Article 4 para.1.

USSR, mainly due to the gross violations of human rights committed, hence not making it possible to define them as being peace-loving. Moreover, Bulgaria was even accused of having supported *guerrillas* in the Greek civil war<sup>57</sup>. Similarly, the American and British vetoes on the Mongolian admission were justified in the name of their skepticism on the independence and statehood of the country, especially because it entertained international affairs with only two other countries in the world<sup>58</sup>. The Soviet Union initially declared that the veto on the admission of Ireland was owed to the fact that it did not have international relations with the Union hence, due to this flaw, the country could not be classified as a peace-loving state (Morrison Skelly, 1996). In addition to this, the Soviet delegation also called for the Irish neutrality during the Second World War which should have been considered as a sign of support for the Axis Powers (Liang, 1949). The same applied to Portugal and Transjordan, while the Italian case of admission is more peculiar<sup>59</sup>.

The conditions enumerated in Article 4 para. 1 identify the cases in which a State can become a member of the United Nations, and from a detailed analysis executed by the ICJ, both the English and the French texts of the Charter share the same meaning on the point, clearly suggesting that the intent of the drafters was to provide for an exhaustive enumeration of the conditions to be considered in the admission procedure, meaning that they should not be perceived as a “merely [...] way of guidance or example” (Bishop, 1948, p.931). Nevertheless, the ICJ added a further consideration and interpretation of the provision in the Advisory Opinion requested by the General Assembly on the matter. Indeed, in spite of the wording of legal provisions, different meanings may be associated to a text, as in the case of the conditions contained in Article 4 para.1. Consequently, the analysis of the interpretations related to these pre-requisites is pivotal for comprehending the debate that arose around the issue of the admission procedure, because for instance, as it has been reported above, the USSR on the one hand and the UK and the US on the other, followed different standards for interpreting what being a peace-loving State meant.

### **2.2.1 Interpreting the requirements enshrined in Article 4 para. 1 of the Charter of the United Nations**

The issue of the admission of new members to the UN brought to light a case of intense debate arose inside the Organization and which threatened and eventually succeeded in paralyzing the activity of the Security Council due to the massive use of the veto power primarily exercised by the Soviet Union. Even if the Security Council was the main organ of the Organization to suffer from the

---

<sup>57</sup> On the point see, Official Records of the Security Council, 190<sup>th</sup> and 191<sup>st</sup> meetings August 21, 1947, S/PV. 190.

<sup>58</sup> On the point see, Official Records of the Security Council, 56<sup>th</sup> meeting August 29, 1946, S/PV. 56.

<sup>59</sup>The Italian case will be analyzed in the 3<sup>rd</sup> chapter.

ideological divergencies between its permanent members, the entire international organization was veritably affected by this collision. Indeed, the issue triggered the intervention of the General Assembly that attempted to unblock the Council and to re-balance the distribution of powers between themselves. Nonetheless, the issue of the package deal questioned on the interpretation and meaning of Article 4 para.1, hence the General Assembly also tried to overcome the impasse by requesting an advisory opinion to the ICJ.

On November 17, 1947, by adopting Resolution no.113<sup>60</sup>, the General Assembly requested an advisory opinion to the ICJ asking two different questions: firstly, whether the conditions enumerated in Article 4 para. 1 of the Charter were exhaustive or merely illustrative, meaning that also requirements external to it could be considered by the permanent members of the Security Council while examining the applications of new States; secondly, whether the admission of a country could be conditioned to the admission of others.

The Assembly's commitment to refer to the ICJ was due to the fact that as soon as the Security Council began to be hampered by the veto game, the majority of member States soon acknowledged the inconsistency of the Soviet vetoes with the provisions contained in Article 4 para.1. Indeed, "the general complaint was that certain applications had been rejected on grounds completely external to the Charter and in [...] disregard of the specific provisions of Article 4", hence triggering the violation of the principle of universality advocated by the UN (Ahmad, 1953, p. 164). Additionally, the justifications given by the USSR on its vetoes were not consistent with reality, because for instance considering the case of Ireland, although it had not still entered international relations with the Soviet Union, it extensively committed itself in being an active member of the international community. Indeed, despite its neutrality, Ireland participated "in other institutions [...], belonged to 33 international bodies by 1953" and it was also engaged in "international conferences [...] by government officials" (Morrison Skelly, 1996, pp. 76-77). According to the Soviet delegation, Irish neutrality was a sign of support for the Axis Powers during the Second World War. Contrarily, as defined by the majority of UN's members, "the conduct of a state during the war could not be laid down as a criterion for admission, since [...] not specified in the Charter" and "neutrality [...] in the recent War did not necessarily mean that it was not peace-loving [...] or showed unwillingness or inability to carry out the obligations of the Charter" (Liang, 1949, p.295).

Stemming from the meaning associated by the Soviet Union to the requirement of being peace-loving, that is entertaining international relations with other countries, it is possible to admit that actually the Soviet justification to the Irish veto was quite unsustainable. Indeed, in spite of the commitment undertaken by the General Assembly to request the support of the ICJ which would have

---

<sup>60</sup> On the point see, A/RES/113(1947).



legislated on the matter by furnishing the interpretation of the Charter's provision, it became evident that the issue of admitting new members to the UN became a pure political matter of contestation<sup>61</sup>. Indeed, the Indonesian delegation affirmed that "we all have realized that the basic problem at issue is political rather than legal or juridical" hence recognizing how the Opinion delivered by the ICJ was in reality useless for converting the attitude of certain members of the UN (Gross, 1956, p. 802). It may be affirmed that the functioning of the Security Council (and of the UN in general) is strictly dependent on the "voluntary cooperation of states", especially of the P5 due to the large powers they enjoy, and the consequences attached to the application of the veto (Hurd, 2002, p. 35).

The Opinion delivered by the ICJ was quite disregarded by certain members of the Organization, especially by the USSR, that in spite of the negative answer of the Court to the second question asked by the General Assembly on the legitimacy of making the admission of different countries dependent one on the other, it continued to claim for the package deal. It was also because some member States complained about the competences of the Court to deliver an Opinion on the admission procedure hence whether it had or not an interpretative function that its work on the matter was contested (Bishop, 1948). In addition to this, the Soviet delegation also disregarded the relevance of the Opinion delivered by the Court because although it was adopted by nine positive to six negative votes, there were two judges, Alvarez and Azevedo, who submitted "dissenting opinions" *vis-à-vis* the majority, hence they should have been counted on the negative votes, turning the original majority into a minority<sup>62</sup>.

In the Advisory Opinion delivered on May 28, 1948, the Court clearly stated that the conditions contained in Article 4 para.1 of the UN Charter were exhaustive, and they could not be regarded as partially enumerated. But the Court went further in admitting that in spite of a clear manifestation of the intention of the drafters to comprehensively including all the requirements for becoming a member to the UN, Article 4 para. 1 "does not forbid the taking into account of any factor which it is possible reasonably and in good faith to connect with the conditions laid down" in Article 4, hence not impeding the likelihood that also political factors could be included in the examination of requests of admission to the Organization (Bishop, 1948, p. 932). Hence, according to the Court's viewpoint, the very fact that the UN was born as a political organization would have consequently meant that also political matters would have been touched by its members, but this should not have been translated in disregarding and/or violating the legal provisions enshrined in and protected by the Charter. It is interesting to recall the viewpoint shared by Conforti and Focarelli (2016, p.46), who

---

<sup>61</sup> On the point see, Memorandum of the Historical Background of the Question of the Admission of New Members (1953), A/AC.64/L.1.

<sup>62</sup> *Ibid.* p. 78.

stated that the judgment of the ICJ is agreeable even because the Charter of the UN does not establish positive obligations, namely “obligations requiring a certain conduct on the part of the Assembly and the Council”. In spite of the absence of positive obligations upon both the General Assembly and the Security Council, they are not *legibus soluti*, but they remain bound and tied to the respect of the Charter’s provisions which do not define what the organs do not do, but what they do (Conforti & Focarelli, 2016).

The reasoning of the Court was even in line with the judgment provided for the second question asked by the General Assembly, because according to it, whether the admission of new members would have been made dependent on the admission of others would have been illegitimate, which statement reveals how the ideological stances underlying the package deal were veritably inconsistent with the Charter’s provisions (Bishop, 1948).

In spite of the Opinion delivered by the Court and the fact that it responded positively to the possibility to consider conditions extraneous to Article 4 para.1 of the Charter, the problem went around the real meaning the UN member States associated to the requirements, which gave rise to discrepancies among themselves. Indeed, “the conditions should be classified into those which are susceptible of a juridical or legal definition, such as statehood and acceptance of Charter obligations, and those which are not, namely peace-loving, able and willing; the latter are inevitably matters for evaluation along historico-political lines” (Gross, 1954, p. 41). It is essentially due to the fact that every State is different possessing different historical backgrounds and characteristics, that the package deal was contested, since it included very different countries which required individual analysis. But the lack of common standards to follow as to define when a State could be labelled as peace-loving or not can also be regarded to as a parameter of discrimination among countries. As mentioned before, in the Irish case the claim of not being peace-loving was inconsistent with the Irish reality but it anyway impeded Ireland to become a UN member until 1955.

Consequently, since the founding members simply committed themselves in defining that States could only be peace-loving, the lack of a meaning associated to the term turned out as one of the reasons why the deadlock emerged. The US delegation suggested to look and consider the international behavior of applicants for defining their peace-loving nature, as well as whether they were able and willing to carry out the obligations enshrined in the Charter. The American statement had been further explained by the General Assembly that suggested to take into consideration “the maintenance of friendly relations with other States, the fulfilment of international obligations and the record of a State’s willingness and present disposition to submit international claims or controversies to pacific means of settlement established by international law”<sup>63</sup>. As it is supported by Gross (1954),

---

<sup>63</sup> On the point see, A/RES/506 (1952), p.4.

the attempt to define the non-juridical conditions had led to an opposite result *vis-à-vis* the expectations, because it was by stemming from this definition that the Soviet Union claimed the lack of the peace-loving nature of Ireland, due to the absence of international relations between the countries.

In order to assess the ability and willingness of applicants in carrying out the obligations of the UN Charter, when the candidate State submits its application, it shall also attach a formal declaration in which it confirms its readiness and willingness to comply with the Charter. For instance, Korean membership was not allowed in 1955 under the formula of the package deal, especially because according to the Soviet Union, it required a special analysis. But, in submitting its request of membership, the Republic of Korea (namely South Korea) attached a formal declaration in which it stated that the country “unreservedly” endorsed the obligations contained in the UN Charter and felt itself prone to become a member (Liang, 1949, p. 301). Hence, this case demonstrates how in spite of the efforts embarked by the applicants, the evaluation given by the organs in the examination of candidacy could be divergent and based on assumptions and considerations that may leave the Charter behind.

The deadlock that arose inside the UN concerning the admission of new members was veritably linked with the interpretation of what was written inside Article 4 para.1, especially the meaning that should have been associated by the organs of the Organization with the conditions enumerated in the provision as to avoid any misunderstandings and subjective readings. The question that has been presented in the previous chapter on the ICJ and its extent of powers, hence the functions associated with it, is pivotal for comprehending this stance. Indeed, when it comes to the advisory function recognized to the ICJ, the opinions delivered by the Court are not binding, meaning that the member States of the UN are not necessarily required to comply with it. Nonetheless, the ICJ is a Court and as well as all the judicial organs it has an interpretative function which is intrinsic to its very nature, hence, the opinion delivered in 1948, although not binding, would have been a way for solving the problem. Contrarily, the very fact that member States are not obligated by the judgments prevented the possibility to remove the standstill. If the ICJ would have been provided with more decisive and extensive powers, hence being allowed to deliver binding opinions, the members of the Security Council, especially the USSR, would have been obliged to comply with it and whenever a doubt concerning the interpretation of the conditions enumerated in Article 4 para.1 could arise, the Court would have been able to interpret it clarifying the stance. The point was already acknowledged by certain members of the UN, that “agreed with the advisory opinion of the Court”, but “it did not have the binding force of a decision between the parties”, hence “it did not in any way solve the difficulty [...] and the ‘veto’ would continue to play its part” (Liang, 1949, p.298).

All things considered, it shall be stated that in spite of the exhaustiveness of Article 4 para.1, the lack of clear definitions associated to the requirements for accessing the UN and acquiring the membership led the members of the Security Council to develop individual meanings that eventually triggered misunderstandings among themselves concerning which countries were eligible to membership and which were not. Besides, the ICJ statement that requirements not included in the provision may be added to the assessment of applicants' compliance partly contributed to increase inhomogeneity in the procedure. Consequently, in light of the analysis provided, it may be affirmed that Article 4 para.1 sets the basic and compulsory requirements a State must possess for becoming a member of the UN, but the list provided may be susceptible to extension in the number of requisites envisaged and to different meanings associated to them.

### **2.3 Article 4 para.2 of the Charter of the United Nations: the admission procedure**

Article 4 para.2 of the UN Charter states: "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"<sup>64</sup>.

Article 4 para.2 of the Charter of the UN defines the procedure which shall be followed for admitting a new member to the Organization. The process begins with the submission of the request of admission by the candidate State to the Secretary-General which contains a formal declaration in which the candidate recognizes the acceptance of the obligations contained in the Charter and defines itself ready and willing to undertake and embrace them (Marchisio, 2000). Then, the candidacy is supervised by the Security Council and only in case of positive outcome, the admission of the new State is recommended to the General Assembly, which final decision requires a two-thirds majority (Conforti & Focarelli, 2016). The Security Council votes on a qualified majority, meaning that the positive vote of all the permanent members is mandatory hence admitting the possibility to veto the admission (Conforti & Focarelli, 2016). Indeed, this suggests that the admission of new members to the Organization is labelled as a non-procedural matter requiring the positive vote of nine members out of fifteen of the Security Council, including the positive votes of the permanent ones.

The eligibility of the candidate State is remitted to the judgment of the Organization, namely to the Security Council and the General Assembly. Indeed, after having outlined the procedure which is followed inside the Organization for becoming a member, it is now comprehensible why having clear and defined meanings of the requirements is deemed fundamental, especially because as it happened during the end of the 1940s and the beginning of the 1950s, the procedure could become really

---

<sup>64</sup> On the point see, United Nations Charter Article 4 para.2.

subjective and a powerful instrument in the hands of the permanent members of the Security Council that join the veto power.

### **2.3.1 The debate prompted by the package deal between the organs of the United Nations**

The procedure followed for admitting new members to the UN gives more power to the Security Council than to the General Assembly and it is detectable from the fact that the permanent members join the veto power hence having the right to block the admission of a country whenever it is not considered eligible to membership.

Nevertheless, one of the attempts of the General Assembly to unblock the deadlock encountered from 1947 to 1955 was to increase its decision-making power in this process, according to Article 137 of the Rules of Procedure of the General Assembly. In any case in which according to the Assembly the candidate shall be admitted but it was previously object of non-recommendation by the Security Council, the former can demand the latter to re-examine the application (Marchisio, 2000). However, the intervention of the General Assembly in the admission procedure defined under Article 4 para.2 of the Charter is secondary *vis-à-vis* the Security Council's role, since in spite of re-examinations demanded, whenever the applicant does not receive the positive vote of nine members of the Council, including all the permanent ones, the application cannot proceed.

Before examining how the General Assembly has tried to come up with a comparable decision-making power in the admission procedure *vis-à-vis* the Security Council, it is firstly appropriate to analyze how the Assembly had attempted to unblock the Council.

Although the General Assembly can intervene in a secondary phase in the admission procedure, it had played an extremely pivotal role in the historical period affected by the package deal, especially in light of the attempts to protect the Charter and the principles enshrined in it, such as the principle of universality of membership. Thanks to the power admitted under Article 137 of the Rules of Procedure, already in 1946, the General Assembly recommended the Security Council to re-examine certain applications to membership, namely of Albania, of the Mongolian People's Republic, of Transjordan, of Portugal, and of Ireland, soliciting the Council to consider and protect the principle of universality on which the UN was founded and especially the "yardstick of the Charter", namely Article 4<sup>65</sup>. Indeed, it was already since 1946 that the majority of members of the General Assembly advocated for the violation of Article 4 of the Charter and especially, Mexico, Greece, El Salvador, The Philippines, Turkey, and Iraq denounced the violation of the principle of universality (Ahmad, 1953). In addition to this, since the deadlock appeared always more difficult to be overcome, the General Assembly firstly transmitted the question to the First Committee, then to the ICJ, then to the

---

<sup>65</sup> On the point see, p.61 of A/RES/35(1946).

Committee of Good Offices, and also to the *Ad Hoc* Political Committee. During the period in which the question was pending before the First Committee, the Belgian delegation inside the General Assembly suggested to refer the question to the ICJ in 1947, which gave rise to the Advisory Opinion analyzed in the previous section (Liang, 1949).

Since the ICJ Advisory Opinion had not succeeded in removing the impasse inside the Security Council, the General Assembly ruled to establish a Special Committee composed of 19 members as to analyze the issue of membership, which actually did not provide any recommendations to overcome the stalemate (Liang, 1949). Consequently, in 1953, the General Assembly gave birth to the Committee of Good Offices through Resolution no.718, which was tasked and empowered to “consult with members of the Security Council with the object of exploring the possibilities of reaching an understanding which would facilitate the admission of new Members in accordance with Article 4 of the Charter”<sup>66</sup> but it was not allowed to negotiate on the package deal. As reported in this Resolution, the work of the Committee did not envisage any solutions, since it admitted that the Security Council did not change its position on the admission of the pending applicants, but that the General Assembly would have continued to struggle for finding a compromise and a remedy since in spite of the debate, not all the channels were exhausted and the most relevant one concerned the respect of the Charter itself<sup>67</sup>. Following the activities carried out by the Committee, the General Assembly requested the Security Council to re-consider and re-examine the applications pending before it, for instance through Resolution no. 918 adopted in 1955. Additionally, the Four-Power Declaration issued by Argentina, Cuba, El Salvador, and India was relevant since it suggested the Council to follow the instructions contained in Article 28 para.2 of the Charter as to unblock itself<sup>68</sup>. The provision mentioned by the General Assembly refers to the articles of the Charter that legislate on the functioning of the Council, and particularly Article 28 para.2 of the Charter suggests the Council holding periodic meetings as to fulfill the obligation enshrined in the previous paragraph (1), according to which “the Security Council shall be so organized as to be able to function continuously”<sup>69</sup>. After having been analyzed by the Committee of Good Offices, the Draft Resolution of 28 Members was adopted, which was originally sponsored by Canada in the *Ad Hoc* Political Committee (Gross, 1956).

During the historical period under analysis, the General Assembly became aware of its second-class role compared to the one of the Security Council since it acknowledged how in spite of the efforts, without the positive votes of the permanent members of the Security Council, the admission

---

<sup>66</sup> On the point see, p.5 of A/RES/718 (1953).

<sup>67</sup> On the point see, General Assembly (1954), Report of the Committee of Good Offices, A/2720.

<sup>68</sup> On the point see, A/RES/817 (1954).

<sup>69</sup> On the point see, United Nations Charter Article 28 para.1.

procedure would have always continued to be blocked. This problem actually dates to the Dumbarton Oaks Proposals, because it was veritably in the intent of the founders of the UN to relegate the General Assembly on a minoritarian role *vis-à-vis* the Security Council (Klooz, 1949). Indeed, especially during the San Francisco Conference, the small and Latin American countries had tried to give more powers to the General Assembly, but without results. Indeed, the case of the impasse encountered within the Security Council can be also explained by adopting the lens of the balance of powers between the General Assembly and the Security Council, because whether the former would have had more decision-making powers and the latter would have been prevented with the right to veto in the admission procedure, the standstill would have been probably avoided.

Besides the different committees created and the attempts of the General Assembly to unblock the Security Council by invoking and emphasizing the primacy of the Charter, the limitation of the Security Council's power in the admission procedure and the strengthening of the Assembly's one were among the proposals for overcoming the deadlock. This is known as the Argentine Thesis and it claimed for an increase of the decision-making power of the General Assembly in the admission procedure in the sense that whenever the Security Council failed to decide on the admission of an application, the failure shall be considered as a "*recommendation of non-admission*", *ergo* as the Council "did not wish to recommend the candidate", hence allowing the Assembly to reject the decision and voting in favor of the application (Gross, 1954, p. 46). The General Assembly decided to refer the question to the ICJ asking for an advisory opinion. In contrast with the expectations but in line with the Charter's provisions, the answer of the Court was negative. The ICJ denied the right of the General Assembly to unilaterally disregard the recommendation of the Council.

The Argentine Thesis stemmed from the wording of Article 4 para.2 which talks about recommendation and not decision of the Security Council, meaning that by following the Statement made by the Four Nations on the Yalta formula, decisions would have been adopted under Chapter VII of the Charter and in some other cases not involving the use of armed force, but in all the other ones, a procedural voting would have been privileged, hence excluding the veto power (Klooz, 1949). Therefore, according to the Argentine Thesis, the use of the veto power by the permanent members of the Security Council was limited to certain provisions of the Charter, namely the ones dealing with security issues, such as Chapter VII, while in all the other cases not involving the protection of international peace and security whether the veto power was allowed, this was explicitly expressed by the Charter itself<sup>70</sup>. Nonetheless, the latter was actually silent on the possibility to use the veto power under Article 4 para.2. Additionally, the members of the General Assembly also suggested that

---

<sup>70</sup> On the point see, Memorandum of the Historical Background of the Question of the Admission of New Members (1953), A/AC.64/L.1.

whether it had the power to deny both a favorable and unfavorable admission, it logically followed, that it could also reject the unfavorable admission and admit the candidate State.

The opposition to the Argentine Thesis was vividly exercised by the USSR, Ukraine, and also Poland, that strongly held the Soviet concern; the resistance and disapproval from the Soviet side was in line with the attitude it assumed even during the preparatory works and the conferences that gave birth to the UN, since the Soviet Union was the main sponsor in advocating for the creation of a new general organization in which the majority of the powers would have been owned by the Security Council. Moreover, its attitude was also visible to the extent that in spite of the Advisory Opinion delivered by the ICJ on the questions submitted by the General Assembly in 1947, the Union continued to veto the admission of other candidate countries, such as Ceylon<sup>71</sup>.

The Latin American group inside the General Assembly, especially Peru, went further in contesting the validity and the real existence of the vetoes applied by the USSR, affirming that since the veto power had been used in violation of the Charter and of the ICJ Advisory Opinion, the votes had to be considered null and void. The position was not supported by the majority of member States, especially by the ones of the Security Council, such as the US and the UK, which replied to the Peruvian statement by arguing that in spite of the abuse of the veto power exercised by the Soviet Union, the vote could not be considered null even if the member continued to pursue actions in the opposite direction *vis-à-vis* the 1948 Advisory Opinion (Gross, 1954).

What is relevant in this case is the fact that there had been an abuse of a power which had been firmly desired by the permanent members of the Security Council, which contrarily promised for a fair use of it. Particularly, the Soviet Union had been the leading country that struggled for admitting the use of the veto power inside the Security Council with the expectation and the intent of using it as to grant unanimity inside the organ, because otherwise, the protection of international peace and security would not have been granted. Contrarily, the extensive use of this tool revealed its ability to paralyze the activity of the entire Organization (Miele, 1960). As the first years of activity of the UN showed, the veto right could be seen as a shelter in the hands of the permanent members of the Council as to protect their standpoints, their concerns, but also their ideology. In the case analyzed, in spite of the abuse denounced by the whole community of states of the UN (except for some cases such as Ukraine and Poland which supported the Soviet Union) the USSR continued to apply its vetoes as to counteract the admission of certain new members to the Organization although in the majority of cases there was any valid reasons for that.

On November 29, 1946, the Security Council advised its Committee of Experts to designate a subcommittee as to discuss with the General Assembly on the admission of new members, and the

---

<sup>71</sup> On the point see, Official Records of the Security Council 1948, S/PV.351, 351<sup>st</sup> meeting.



same was done by the latter<sup>72</sup>. The Committee of Experts, headed by the Chinese President Shushi Hsu, and made up of representatives of the eleven members of the Security Council<sup>73</sup> (at that time Australia, Brazil, Egypt, Mexico, the Netherlands, and Poland)<sup>74</sup> delegated the Chinese, Brazilian, and Polish representatives to take the seat in the subcommittee<sup>75</sup>. New Rules of Procedures were determined as to clarify the extent of powers and competence of each organ, and eventually in 1947, the primary role of the Security Council in the admission procedure was confirmed by stating that “The Security Council shall decide” on the conditions of the candidate State and “if the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, it shall submit a special report to the General Assembly with a complete record of the discussion”<sup>76</sup>.

Although the efforts of the General Assembly to come up with the level of power of the Security Council died in vain, its members continued to claim and denounce the way in which the veto power was used by the permanent members. For instance, Paraguay stated that “the only result of applying the veto in this respect had been to paralyze the Security Council”, hence defining such a use as a mere exercise of a power located outside the limits of its prorogation, hence turning out to be *ultra vires* (Klooz, 1949, p. 254). The case analyzed can be considered as a pre-attempt of the further aforementioned episode of Uniting for Peace Resolution adopted by the General Assembly, that contrarily succeeded in extending the power of the General Assembly with reference to Chapter VII of the UN Charter in case of Security Council’s impasse. Circumventing the Security Council and increasing the powers of the other organs because of its inability to respond to major challenges due to the veto game practiced by the P5 has always been among the proposals of reforming the UN. Especially, the justification has always lied in the fact that it was eventually thanks to the efforts of the General Assembly that the Charter’s objectives continued being pursued in spite of the deadlocks that affected the Security Council (Lande, 1966). Therefore, even more recently than Uniting for Peace Resolution, it has been advocated to create “parallel Councils” that “can have stronger representational membership by including Member States willing to contribute” to the functioning of the Organization due to the inability of the Security Council to respond unanimously to major global challenges, such as during the Covid-19 Pandemic (Popovski, 2020, p.4).

---

<sup>72</sup> On the point see, Official Records of the Security Council 1946, S/PV.81.

<sup>73</sup> On the point see, Foreign Relations of the United States, «1946, General; the United Nations, Volume I», Document 136.

<sup>74</sup> On the point see, Un.org, Countries Elected Members, available at <https://www.un.org/securitycouncil/content/countries-elected-members>, accessed on July 10, 2023.

<sup>75</sup> On the point see, Official Records of the Security Council (1947), 2<sup>nd</sup> year, Supplement No. 19.

<sup>76</sup> *Ibid.* p.164.

Additionally, by relying on the Argentine Thesis and on the viewpoint of the General Assembly, it may also be argued that the abusive use of the veto power by certain permanent members of the Security Council may be considered as a violation of the principle of acting in good faith inside the UN, which is enshrined in Article 2 para.2 of the Charter<sup>77</sup>. According to this provision, having endowed and undertaken the obligations of the Charter by becoming members, States shall act in conformity with Charter's provisions and in good faith in order to grant to every member the benefits and advantages arising from the membership itself. However, the behavior adopted by some members of the Organization in the case analyzed, such as by the Soviet Union, but also by Poland and the Ukrainian SSR, was in contradiction with this principle because these members were not acting for the good of the overall Organization. The Soviet Union with its veto power was hampering the activity of the UN in becoming a universal organization. Indeed, although as underlined by Conforti and Focarelli (2016), Article 4 para.2 does not place any limits to the way in which the evaluation and the assessment of the conditions of the applicants shall be executed by the General Assembly and the Security Council, actually this freedom finds its implicit limitation in Article 2 para.2 of the Charter, which preserves the principle of acting in good faith. The two scholars have also given another food for thought to the extent that a persistent violation of Article 2 para. 2, hence an obstinate attitude in contrast with the principle of acting in good faith, may lead to the application of Article 6 of the UN Charter, for which "A Member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council"<sup>78</sup>. Nonetheless, envisaging the expulsion of the USSR is untenable since the process admits the exercise of the veto power by the permanent members of the Security Council, hence suggesting that the country itself would veto its expulsion.

Furthermore, as stated by Klooz (1949), the Latin American countries also advocated for the violation of the principle of sovereign equality enshrined in Article 2 para. 1 of the Charter, according to which "the Organization is based on the principle of the sovereign equality of all its Members". Sovereign equality inside the UN means that, under the same circumstances, its member States are recognized of possessing the same rights and duties, starting with the equal right of voting inside the Organization as to build the common will of all members. Nonetheless, the very way in which the UN has been created does not allow for a uniform treatment of the members' right to vote, because the permanent members of the Security Council join the veto power, and as the case of the package deal has illustrated, it turns out as a powerful advantage in the hands of certain members rather than others (Marchisio, 2000). Indeed, the Latin American claim on the violation of the principle of

---

<sup>77</sup> On the point see, United Nations Charter Article 2 para.2.

<sup>78</sup> On the point see, United Nations Charter Article 6.

sovereign equality was veritably linked with the denounce of the abuse of the veto power, since contrarily to the Security Council, the members of the General Assembly had a less powerful role in the decision-making process of admitting new members, hence giving rise to an unbalanced treatment of the member States of the UN. Therefore, as clearly stated by Marchisio (2000), the veto power is considered as a deviation from the principle of sovereign equality, which was accepted by the founding members of the UN that commonly agreed on the peculiar position the Big Five would have had inside the UN.

Even though at the San Francisco Conference the original members were invited to discuss on the foundation and the characteristics of the future international organization, almost every aspect already agreed by the Four Nations in the previous conferences was actually hard to be contested and changed, especially the veto power. Indeed, during the San Francisco Conference, the Latin American group mainly tried to challenge and contest the distribution of powers between the General Assembly and the Security Council in order to decrease the primacy of the latter and the sub-ordinariness of the former and to create a world forum as suggested by the British delegation during the previous conferences (Hotz, 1961). The efforts were unsuccessful, because the very design of the future organization was firmly anchored to the idea of creating an organ, the Security Council, which was endowed with special powers compared to the General Assembly for fulfilling its primary function of protecting international peace and security.

#### **2.4 Article 3 of the Charter of the United Nations: the concept of statehood**

Article 3 of the UN Charter states: “The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110”<sup>79</sup>.

The analysis of Article 3 of the Charter of the United Nations is pivotal for two main reasons. Firstly, it is an example of how the conditions for being a member of the UN have always been characterized by the subjective interpretations by its member States since the early foundation of the Organization, especially in this case the attention will be oriented towards the concept of statehood. Secondly, the analysis will show the different treatments reserved to some States invited to the San Francisco Conference although missing some basic requirements and to those States that in spite of possessing them have been only admitted in 1955 with the package deal under Resolution no.955 of the General Assembly.

---

<sup>79</sup> On the point see, United Nations Charter Article 3.

Article 3 of the UN Charter defines which are the member States of the United Nations allowed to be labelled as original members, namely the ones that participated at the San Francisco Conference in 1945 and that had ratified the Charter. In 1945, on behalf of the UK, of the RoC, and of the Soviet Union, the American government invited certain countries to participate to the San Francisco Conference, which would have given birth to the future international organization (Di Nolfo, 2015). At least two were the essential requirements for being admitted to participation: having declared war against Nazi Germany before January 1, 1945, and having signed the 1942 United Nations Declaration (Marchisio, 2000). Although only 42 were the States initially invited to the Conference, the number reached 50 once the Conference began, having extended the participation to other countries, such as to the Ukrainian and the Byelorussian SSRs, but also to Argentina and Denmark. The final number of the original members of the Organization was 51<sup>80</sup> because at the end of the San Francisco Conference also Poland was invited to participate and to ratify the Charter (Marchisio, 2000). All the other States were initially excluded from membership, especially the enemy countries of the Second World War, such as Germany, and neutral States, such as Ireland. The membership of ex-enemy States of the War was strictly linked to the further peace treaties that were going to be signed, like in the Italian case<sup>81</sup>.

By relying on the wording of the UN Charter, especially considering Articles 3 and 4, the distinction between original and subsequent members of the Organization is tangible. Indeed, by considering the content of Article 4 para.1, it states “all the other members”<sup>82</sup> with reference to the original ones detected in Article 3. Even though with the emergence of the package deal, the principle of universality became always more popularized, it may be affirmed that actually it was not among the purposes of the drafters of the UN Charter to develop a global international organization as soon as it was established, especially because many States were excluded from membership due to their status during the Second World War<sup>83</sup>. Indeed, as supported by Gross (1954, p.38), the original members of the UN jointly “rejected universality as an immediate objective in favor of selected and limited membership”, especially because not only the possibility for enemy States to become members was initially prevented, but even because under Article 4 para.1 of the Charter, the drafters

---

<sup>80</sup> The status of original member was eventually granted to: South Africa, Argentina, Australia, Belgium, the Byelorussian SSR, Brazil, Bolivia, Canada, Czechoslovakia, Chile, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Yugoslavia, Lebanon, Liberia, Luxemburg, Mexico, Nicaragua, Norway, New Zealand, The Netherlands, Panama, Paraguay, Peru, the Philippines, Poland, Republic of China, Saudi Arabia, Syria, Turkey, United Kingdom, the Ukrainian SSR, United States, USSR, Uruguay, and Venezuela.

<sup>81</sup> The topic will be analyzed in the next chapter.

<sup>82</sup> On the point see, United Nations Charter Article 4 para.1.

<sup>83</sup> On the point see Memorandum of the Historical Background of the Question of the Admission of New Members (1953), A/AC.64/L.1.

detected certain conditions without which the membership would have been foreclosed. In spite of the requirements enumerated in the Charter, developing a universal organization was among the major objectives to which the UN had always aimed, so much that it currently counts the membership of 193 States<sup>84</sup> on 195 States all around the world (US Department of State, 2022). In contrast to this, during the debate arose on the admission of new members between 1947 and 1955, according to the Soviet viewpoint, universality had never been among the aims of the UN since “the principle of universality [...] was not mentioned at all” by the drafters of the Charter (Liang, 1949, p.297).

The possibility to be part of the original members rather than of the other States had been an advantage, especially because contrarily to the countries that would have become members under Article 4 para.1, the originals had not been object of the admission procedure enshrined in this provision with reference to the analysis executed both by the Security Council and the General Assembly on the possession of the conditions. Indeed, in defining the examples for evaluating the peace-loving nature of applicants, the General Assembly clearly underlined that “all states not original Members”<sup>85</sup> would have been subject to the judgment of the Organization whether membership could be granted or not. Furthermore, already in 1945, the Report of the Rapporteur of Committee distinguished between original and subsequent members by stressing the favorable treatment granted to the former in light of the fact that membership was “considered as acquired by right”<sup>86</sup>, while the latter would have been dependent on the positive outcome of the admission procedure.

Nevertheless, the fact that there were countries which were labelled as original members and that enjoyed and profited from the advantages of such a status was not intended to be an element of discrimination. On the one hand, it was because of historical reasons that only some countries were admitted as original members<sup>87</sup>, while on the other hand, it was also due to the very fact that an organization was created, and it provided for the admission of new members, that the presence of original ones was inevitable<sup>88</sup>.

In spite of being original or subsequent member of the UN and of the different treatments associated with these statuses, there was at least one common feature between the original and subsequent membership: being a State. Both texts of Article 3 and of Article 4 para. 1 only grant the membership to States and not to different entities. Therefore, this means that the possibility of other

---

<sup>84</sup> On the point see, Un.org, About Us, available at <https://www.un.org/en/about-us>, accessed on September 17, 2023.

<sup>85</sup> On the point see, A/RES/506(1952), p.4.

<sup>86</sup> On the point see, UNIO (1946), Volume 16, p.2 (personal translation from French).

<sup>87</sup> On the point it is relevant to recall the attention on the ex-enemy states of the Second World War since for them the possibility to become members of the UN was initially prevented due to historical reasons, such as the signing of peace treaties.

<sup>88</sup> On the point see, UNIO (1946), Volume 16.

international organizations or non-governmental organizations (NGOs) to acquire the membership to the UN is excluded, for instance whether the European Union would like to become a member (Marchisio, 2000). In this case, these entities can enjoy the observer status, according to which, non-members of the Organization may anyway entertain relations with the UN, for instance like certain regional or international organizations that participate in the annual sessions of the General Assembly. In this case, there is any specific procedures which can be followed for acquiring the status of permanent observer, but it will be conceded with practice<sup>89</sup>.

Having defined which are the entities that have the right to become members, it is now essential to zoom in on the meaning that has been associated with the term State inside the UN system. The way in which statehood has been interpreted by the founders of the UN has given the possibility to certain entities to be admitted to participation hence resulting among the original members under Article 3, although they were not properly States under the definition provided by International Law (Marchisio, 2000). Consequently, it may be affirmed that the Charter expressly refers to States as to distinguish them from other entities that could not be defined as States, such as NGOs<sup>90</sup>. Especially, when it comes to analyze the original members of the UN, the case of the participation of the Ukrainian and Byelorussian SSRs is peculiar, because they were not considered States under International Law, but they took part anyway to the San Francisco Conference in 1945, hence resulting among the original members of the Organization.

The term State had been defined in the 1933 Montevideo Convention on the Rights and Duties of States under Article 1 as possessing “(a) permanent population; (b) a defined territory; (c) government; (d) capacity to entertain international relations with other States”<sup>91</sup>. Nonetheless, as further explained by Ronzitti (2019), these three characteristics, namely territory, population, and government, should be considered as identifying and not constituent elements of a State under International Law, which contrarily assumes that a State is an entity which possesses international personality, defined as an imperative prerogative of sovereign and independent States that exercise the power of government over a territorial community. States are defined sovereign because they do not derive their power from any other entity, hence following the formula *superiorem non recognoscens* (Piccarolo, 1957). Federated States or member States cannot be considered as sovereign and independent, hence incorporating the traditional definition of State under International Law, because, for instance, a member State of a federation lacks the full independence a sovereign one

---

<sup>89</sup> On the point see, Un.org, About Permanent Observers, available at <https://www.un.org/en/about-us/about-permanent-observers>, accessed on April 5, 2023.

<sup>90</sup> On the point see, UNIO (1946), Volume 16.

<sup>91</sup> On the point see, [ilsa.org, Montevideo Convention on the Rights and Duties of States](https://www.ilsa.org/Jessup/Jessup15/Montevideo%20Convention.pdf), available at <https://www.ilsa.org/Jessup/Jessup15/Montevideo%20Convention.pdf>, accessed on September 17, 2023.

possesses being it subjected to certain prerogatives which are exclusive and centralized upon the federal State (Udina, 1963). Similarly, in a regional State, like Italy, regions cannot be considered of owning international personality because, for instance in the case just mentioned, although regions have been granted with the right to conclude treaties by the Italian government, they are not independent and sovereign, being always subjected to the centralization of powers upon the Italian State and to International Law which considers the Italian Republic as having the power to conclude international treaties. As well, also protected States cannot be considered of having international personality lacking the independence from the protecting State. For declaring whether small States hold international legal personality, it is necessary to assess the degree of penetration and influence of bigger and third States in the exercise of their international relations<sup>92</sup> (Ronzitti, 2019).

The Charter of the United Nations does not provide a definition of the term State, indeed, the founders considered different criteria in defining and choosing which countries would have been the original members of the UN. But the way in which they interpreted the term gave the opportunity to the Ukrainian and Byelorussian SSRs to be counted among them, especially because they “have [...] ignored the traditional definition and followed other criteria” hence developing not a uniform but a variable and flexible meaning associated to the word State within the UN framework (Chen, 2001, p. 26). Accordingly, whether resorting to the term State or not in the wording of Article 3 was harshly debated during the San Francisco Conference, due to the presence of those entities<sup>93</sup> not properly labelled as States under International Law. On the contrary, the suggestion was adopting the word nation. However, during the 1945 Conference original members were referred to as signatories of the Charter and eventually the term chosen to be included in Articles 3 and 4 had been State. As explained by the Report of the Rapporteur of Committee “the definition [using signatories instead of states] adopted would serve to calm the fears of certain nations [...] which, properly speaking, are not *States* and which for this reason might be denied membership” (Kelsen, 1946, p.392). Above all, these entities commonly shared the lack of the requisite of independence as to be recognized as States under International Law being still dependent on other countries, but the meaning associated to the term State inside the UN gave them the possibility to be included among the list of original members (Marchisio, 2000).

---

<sup>92</sup> On the point, cases such as Andorra, Monaco, or San Marino could be cited as leading examples for analyzing the level of penetration and influence of bigger states in the exercise of their foreign affairs.

<sup>93</sup> Although this thesis focuses on the cases of the Ukrainian and Byelorussian SSRs, there were also other entities not recognized as states under International Law who were included anyway among the original members of the UN under the label of states, such as The Philippines, which were still an American overseas possession in the 1940s, and also Syria and Lebanon who were under the French mandate. On the point see Kelsen, 1946.

Besides the great advantage offered to the original members, even when it comes to analyze the way in which statehood had been interpreted within the UN throughout the admission procedure of other member States, the meanings associated to permanent population, territory, and government had not always been in line with International Law. Considering population, “Applications for admission have rarely been challenged for lack of a permanent population”, and it was especially evident in the case of Kuwaiti application (Chen, 2001, p.29). In 1961, for the first time, its admission had been vetoed by the USSR and contested by Iraq in the name of absence of a permanent population within its territory, but two years later, the Security Council recommended unanimously its application. The example of Israelian admission in 1949 is representative of the way in which a defined territory had been interpreted, since the State of Israel was founded through a UN Resolution<sup>94</sup>, hence when it applied for membership, many countries questioned its territorial limits, such as the US, the UK, and Syria. Nevertheless, in spite of the debate, Israel had been admitted (Chen, 2001). Finally, for what concerns government, an example may be the admission of the Principality of Monaco, whose government’s existence was doubtful especially due to the deep French control that undermined its independence. However, also in this case, membership had been granted (Chen, 2001). For what concerns government, actually the Charter does not require the democratic form of government as a requisite for membership (Kelsen, 1946).

All in all, even though the Charter of the UN is considered as a kind of constitution of the international community<sup>95</sup>, being ratified by quite all States in the world and it is built on International Law principles, the interpretation associated with the term State contained in the Charter actually diverges from the meaning given by International Law itself.

#### **2.4.1 The case of the Ukrainian and the Byelorussian Soviet Socialist Republics as original members of the United Nations**

The first chapter has anticipated that at the Yalta Conference, the Soviet Union eventually accepted the American proposal on the veto power concerning the cases in which it could or not be used in light of the distinction between procedural and non-procedural matters. But, as stated by Roberts (2019), this happened in the form of a compromise, because on the other hand the US, as well as the UK, eventually granted the possibility to two Soviet Socialist Republics, namely the Ukrainian and Byelorussian, to be invited to the San Francisco Conference. Indeed, it is inferred that “Stalin accepted Roosevelt’s compromise as a trade-off for the extra seats at the UN” (Roberts, 2019, p. 322).

---

<sup>94</sup> On the point see, A/RES/181 (1947).

<sup>95</sup> On the point see Conforti and Focarelli (2016).



Extending the participation to these entities was a so salient issue that together with the discussion on the veto power they were the two main questions not agreed at Dumbarton Oaks. Furthermore, before the San Francisco Conference, the issue of the two SSRs was not publicly but privately discussed between the Big Three, and the US was so concerned that it could become popular that it was labelled as the X-matter (Roberts, 2019). This was especially due to the fact that before reaching an agreement on the participation of two, at least three, SSRs, the Soviet request envisaged the inclusion of all sixteen Republics, hence the possibility to have sixteen extra votes inside the General Assembly. Initially, the issue was contested both by the US and the UK, and in particular the former underlined the incoherence of the request since whether it would have been granted so, it would have meant that also the US should have extended the independent membership to the UN to all its federated States<sup>96</sup>.

Since the Crimean or Yalta Conference held in 1943, the Soviet delegation claimed for the participation of at least two SSRs to the Conference that would have given birth to the UN<sup>97</sup>. Although the US and the UK never fully denied the Soviet proposal since the early beginning, they objected the independence of the SSRs especially with reference to their capacity to entertain international relations with other States. Under the Montevideo Convention, States shall possess at least four elements: a population, a territory, a government, and the capacity to enter international relations with other States. The SSRs were missing the fourth element. However, in spite of American and British concerns, the USSR continued calling for the properness of their eligibility as original members of the UN, hence contesting their claims. According to the Soviet Union, compliance was justified because the SSRs could be compared to British dominions, which had been admitted to the San Francisco Conference, such as India<sup>98</sup>. But already during the Yalta Conference, the British representative stated that contrarily to the SSRs, the Self-Governing Dominions established themselves in world affairs, especially throughout the previous 25 years, hence developing both a kind of independence from the colonizer and a kind of capacity to commit themselves in international relations<sup>99</sup>. In response to the critique against the SSRs, the Soviet delegation stated that, as well as the British colonies gradually acquired independence from the center developing an “independent international status”, the same would have been done by the Soviet Republics (Chen, 2001, p. 36).

---

<sup>96</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 108 and Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 148.

<sup>97</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, Conferences at Malta and Yalta, 1945», Document 373.

<sup>98</sup> *Ibid.*

<sup>99</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, Conferences at Malta and Yalta, 1945», Document 385.

Nevertheless, the Soviet proposal was not veritably denied by the UK and the US and in particular, in light of the Soviet comparison made between the SSRs and the British dominions and the relative claims raised that objected the membership of the former, the UK eventually admitted that it would not have renounced to the presence of its dominions in the Organization.

The Soviet delegation justified the participation of certain SSRs to the San Francisco Conference by affirming that their presence was even more representative and symbolic than the participation of other countries, especially because the two appointed Republics were considered as the entities that had suffered the most during the Second World War, hence it was almost logic to recognize them the status of original members<sup>100</sup>. Therefore, when the invitation to the Conference had been extended to the two entities, the justification went around their efforts during the Conflict (Chen, 2001). The rationale supported by the Soviet Union on the commitments, the achievements, and the suffering of the two SSRs, especially concerning the Belarusian one, during the Second World War were not completely void of truth. In particular, they served to build historical myths of nationalism, patriotism, and heroism on which the Belarusian national identity would have been founded, mainly due to the fact that in Belarus the Second World War was conceived as the moment in which the country manifested itself as “a key industrial region of the former USSR” for having widely contributed to the conflict (Eke and Kuzio, 2000, p.529). Consequently, the Second World War was considered as a national event which would have been able to unify the population by building and developing common memories and sentiments due to the deep Belarusian efforts in the War. Besides, even the issue of pain was pervaded by a certain degree of reality, mainly because the majority of fights and war industries were located in the Belarusian territories hence it was not only one of the main contributors in practical but also in moral terms to the War.

The nature of the SSRs had been a very debated issue especially between Western and Eastern scholars. According to the former, who had been influenced by the Cold War environment, those entities could not in any ways be labelled as States under International Law, being constituent units of a larger entity. For the latter, international legal personality could be extended to them, being “secondary subjects of International Law” (Uibopuu, 1975, p. 812). In addition to this, international legal personality of the SSRs was inferred from the very fact that they possessed the three identifying elements of a State: population – territory – government. For what concerns population, every citizen of a Soviet Republic was *ipso facto* a citizen of the entire Union, hence the fact that every Republic possessed its own citizenship meant that they were composed of their own populations. With respect

---

<sup>100</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, Conferences at Malta and Yalta, 1945», Document 373 and Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 91 and Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 97.

to the territory, the definition of boundaries, hence the presence of a delimited territorial space of every Republic, was assumed to be intrinsic to Article 17 of the Constitution of the USSR, according to which every Republic had the right to secede from the Union. Therefore, the mere right to secession suggested that all the territories of the Republics constituted separated States, hence possessing defined and delimited boundaries of their own. Finally, the presence of a government within the Republics was presumed from the competences they had compared to the Union's ones. All the sixteen Republics enjoyed extensive powers which were independent from the Union's control, such as the power to implement laws.

However, by proceeding with an analysis of the content of the Soviet Constitution on the division between, on the one hand, the exclusive competences of the USSR and of the Republics and, on the other hand, the residual competences of the SSRs, Uibopuu (1975) eventually stated that the Soviet Republics could not be considered as possessing international legal personality, because in spite of Eastern scholars' statements, they completely lacked the independence from the center. For instance, concerning the possession of a population actually "all questions of nationality law are regulated by the law of the Union", hence there was any "governmental control of a Union Republic over its *own* population" (Uibopuu, 1975, p. 825). On the territorial boundaries of the SSRs, Western scholars contrarily denounced the inconsistency of Article 17 of the USSR Constitution, because although recognized, the likelihood to secede from the Union was actually only a *de façade* right. In particular, this was due to the fact that the Soviet right of secession was hindered and practically prevented by the very way in which the USSR was administered: from the center as a "de facto unitary state" (Kreptul, 2003, p. 70).

As soon as the USSR proposed to include two SSRs among the original members of the UN, the British delegation highlighted that contrarily to other entities that were going to take part to the San Francisco Conference, the Soviet Republics did not entertain international relations with foreign States. Although the Soviet reply foresaw the opportunity to gradually grant the independence to its Republics, in 1944, the Union amended the Constitution introducing Article 18/a, according to which all Republics were granted the right to "enter into direct relations with foreign States and to exchange diplomatic and consular representatives with them" (Uibopuu, 1975, p. 829). Whether the constitutional provision automatically granted international legal personality to the Soviet Republics is questionable, because although they could, they had not still entered<sup>101</sup>. Therefore, it is interesting

---

<sup>101</sup> On the point, it is relevant to recall the admission of the Mongolian People's Republic in 1946; the US and the UK vetoed its membership on account of the lack of independence that stemmed from the fact that the country entertained international relations with only two other states in the world. Consequently, it could be argued to what extent a mere amendment of the USSR Constitution was able to change immediately the legal status of the SSRs assuring that they were independent states able to enter international relations with foreign countries. It is also relevant to reconsider the case of

to observe how on the one hand, the USSR attempted to provide the Soviet Republics with international legal personality and independence simply resorting to a constitutional amendment which would have worked as a unilateral assurance by the Union for the other members of the UN on the ability of the Republics to enter into direct relations with other States, although they had not still done so. But, on the other hand, before a country which was largely committed in international affairs and engagements, such as Ireland, the Soviet Union vetoed its admission to the UN just because the country had not still entered into international relations with the Union itself.

The efficacy of the amendment in triggering the change of the nature of the Soviet Republics was object of skepticism since the Yalta Conference; indeed, the participants of the Conference jointly suggested to consider the question in a secondary moment as to give more time to the Soviet Republics to develop and strengthen their international relations<sup>102</sup>.

In conclusion, the flexible way in which statehood had been interpreted by the founders of the UN granted the possibility not only to the two SSRs to be original members of the Organization, but also to other entities. This episode shall be considered as a mere political accommodation, because in spite of the constitutional amendment enacted in 1944 by the Supreme Soviet as to provide its Republics with legal personality, actually “there was no legal justification for the UN membership of any of its constituent republics” (Blum, 1992, p. 355). Whether the Ukrainian and Byelorussian SSRs were admitted and consequently considered as international actors, then also all the other Republics should have been treated in the same way. It follows that the USSR as a whole would have been excluded as a member State, since the sixteen Republics would have been admitted as such in its place. Hence, the admission of the Soviet Republics to the UN as original members was veritably linked with political rather than legal observations, especially because Stalin’s concern of a Western-dominated organization resulted in the possibility for the Soviet Union to have three votes in the General Assembly, hence derogating from the organ’s ruling formula of one State – one vote. The Soviet request was veritably associated with a concern of under-representation in the UN, particularly fearing the likelihood of becoming part of a Western-directed international organization.

---

the Irish admission to the UN, because it was the USSR itself that vetoed the entrance of the country due to the lack of international relations between themselves.

<sup>102</sup> On the point see, Foreign Relations of the United States, «Diplomatic papers, Conferences at Malta and Yalta, 1945», Document 385.

## **CHAPTER 3**

### **THE ITALIAN AND THE HUNGARIAN ADMISSION TO THE UNITED NATIONS**

The third chapter of this thesis aims at penetrating inside the package deal by presenting two different cases of application to the UN membership, highlighting the debate prompted between the P5 and between the Security Council and the General Assembly. Italy and Hungary have been selected as case studies, because in spite of the only similarity they shared being ex-enemy States of the Second World War, by following the Soviet reasoning and the rationale under the package deal, they would have been admitted to the Organization together, receiving the same treatment. However, in order to assess the fairness and consistency of the Soviet proposal to associate the two applications, this thesis will contrarily split them, and it will proceed by analyzing both the domestic political and international status of the applicants questioning on their eligibility or ineligibility in light of the requirements prescribed by the Charter. Contrarily to the previous chapters, in this case, the historical background will be implemented as the instrument for checking the consistency of the justifications provided to the votes applied to the applications.

The chapter will firstly present the Italian case by concentrating on the historical steps that have delayed its admission to the UN highlighting the debate between the permanent members of the Security Council and the justifications they provided both for the positive and negative votes. Then, a description of the Italian political landscape will be elaborated, including the commitments undertaken at the international level. Finally, it would be noteworthy to analyze how the Italian public opinion perceived and looked at the seven-years delay in accessing the UN in spite of its eligibility. All these elements will provide the basis for an assessment of the inconsistency of the Soviet veto to the Italian application. Subsequently, the Hungarian admission will be considered and even in this case, a description of the political situation in the country and its commitments at the international level will be assessed in order to check the consistency of the American, British, French, and Chinese resistance to the acquisition of the membership.

#### **3.1 Italy applies to membership to the United Nations: the justifications under the Soviet veto and under the positive votes of the other members of the Security Council**

The Italian application to the United Nations' membership dates to May 7, 1947<sup>103</sup>, when the Minister of Foreign Affairs Carlo Sforza sent the formal request to the Secretary-General of the

---

<sup>103</sup> On the point see, Official Records of the Security Council (1947), Supplement Special no. 3.

Organization. The application had been immediately observed by the Security Council and, in accordance with Provisional Rule of Procedure no. 59<sup>104</sup>, it had been referred to the Committee on Admission of New Members, which is entitled to examine the application of any new applicants and to refer the decision to the members of the Security Council. As soon as the issue had been discussed by the Security Council, the USSR, represented by Mr. Gromyko, highlighted that the Italian case required a special consideration being an ex-enemy State of the Second World War. Therefore, as set at the Berlin Conference, it was firstly necessary that the peace treaty was concluded in order to consider the application and then admit the country to the Organization. By the way, the rule did not apply only to Italy but to each ex-enemy State of the War, including Hungary<sup>105</sup>.

The Tripartite Berlin Conference, even known as the Potsdam Conference, was held from July 17, 1945, to August 2, 1945, and it was attended by the American President Harry S. Truman, the British PM Attlee, who set on behalf of PM Churchill, and the Soviet President Stalin in order to discuss on important matters on the future of Europe once the Second World War would have ended (Roberts, 2007). It was in this occasion that they agreed in founding the Council of Foreign Ministers of the Big Three that would have been engaged first and foremost in redacting the peace treaties with the ex-enemy States of the War, including Finland, Italy, Hungary, Bulgaria, and Rumania. The conclusion and ratification of the peace treaties had been defined as the pre-condition for considering their admission to the UN (Stalin *et al.*, 1945). Even though the Big Three set a common ground that should have been respected in order to grant membership to the ex-enemies, since the Potsdam Conference they started to dispute on which countries could or not become members of the UN.

Indeed, it was during this Conference that the USSR began to support the thesis according to which all the ex-enemy States would have been treated in the same way, that was the leading idea that prevented the possibility for Italy to become a member since 1947. The debate sparked with the American and British request of admitting Italy to the Organization as soon as the peace treaty would have been ratified. Even if the Soviet Union did not oppose the proposal, it requested that even the three Eastern countries should have received the same treatment, but the Soviet demand had been objected by the UK and the US since they “did not have diplomatic relations with those countries”,

---

<sup>104</sup> According to Provisional Rule of Procedure no.59 “The Secretary-General shall immediately place the application for membership before the representatives on the Security Council. Unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented. The committee shall examine any application referred to it and report its conclusions thereon to the Council not less than thirty-five days in advance of a regular session of the General Assembly or, if a special session of the General Assembly is called, not less than fourteen days in advance of such session”. On the point see Un.org, Provisional Rules of Procedure Chapter X: Admission of New Members, available at <https://www.un.org/securitycouncil/content/rop/chapter-10>, accessed on September 17, 2023.

<sup>105</sup> On the point see, Official Records of the Security Council (1947), Supplement Special no. 42, 136<sup>th</sup> and 137<sup>th</sup> meetings, 2<sup>nd</sup> year, Official Records of the Security Council (1947), Supplement Special no. 3, and S/RES/25 (1947).

hence the applicants were not compliant with the Charter's requirements (Roberts, 2007, p. 35). It was since this moment that the discussion between the Big Three emerged and it would have accompanied the entire period affected by the package deal.

In addition to this, the British and American representatives aimed at giving priority to the ratification of the Italian peace treaty and the subsequent admission to the UN especially for two reasons. Italy had been "the first of the Axis powers to break with Germany" and to side with the Allies in the last fights against Japan and it had been able to eradicate the Fascist regime and replace it with a democratic system (Stalin *et al.*, 1945, p. 248). Therefore, it was because of the co-belligerent status Italy acquired at the end of the Second World War on October 13, 1943, until the end of the War in 1945 that the support it received by the UK, the US, and other States was so solid. The co-belligerent<sup>106</sup> status was so distinctive because it meant that Italy decided to fight with its former enemies against its former allies (Varsori, 1998).

After having appointed the Committee on Admission of New Members, the Security Council reconsidered the application of Italy in August 1947. Both the permanent and non-permanent members of the Security Council discussed on the eligibility of Italy to membership and then voted on its admission. On August 28, 1947, the USSR applied for the first time its veto against Italy. During the discussion all the members of the Security Council supported the admission of Italy since all agreed on its eligibility under Article 4 para.1 of the UN Charter<sup>107</sup>. The American representative Mr. Johnson stated that Italy was not only compliant with all the requirements for being a member, but it was even important to take into consideration its unique status of co-belligerent in the Second World War. Furthermore, the US called the attention of the Soviet Union on Article 90 of the Italian peace treaty that urged the parties to ratification in order to promptly admit the country to the UN. Indeed, it was unjust that the Italian membership was prevented by the refusal and delay of the USSR to ratify the peace treaty. Consequently, the US constantly denounced the lack of the sense of fairness by the Soviet Union because there was not any justified and coherent reasons for vetoing the Italian admission. France was another convinced supporter of the Italian membership not only in light of the Italian compliance with the requirements but even due to the cultural and historical role Italy had always played in the world.

In spite of the positive votes and constant support Italy received by all the members of the Security Council, the Soviet justifications for the first veto were based on two main points. First, the Italian peace treaty was not yet entered into force in 1947, hence it was not legally possible to discuss on its

---

<sup>106</sup> The term co-belligerent had been coined by Harold Macmillan, who was the British Minister Resident in the Mediterranean. On the point see, Varsori 1998.

<sup>107</sup> On the point see, Official Records of the Security Council, 190<sup>th</sup> and 191<sup>st</sup> meetings, August 21, 1947, S/PV 190 and S/PV 191, No.81.

admission, and second, Italy could not be recognized as a sovereign and independent State because some American troops were still present in its territory, hence, Italy was not entirely compliant with the requirements envisaged by the Charter<sup>108</sup>.

Apart from the justifications provided, it is relevant to underline that since when the question on the admission of new members arose in early 1947, the Soviet Union immediately associated the Eastern to the Western countries' membership. Therefore, any time the Italian admission was discussed, the USSR directly reversed the attention on the Eastern counterparts classifying all of them as ex-enemy States, hence, requiring to be treated in the exact same way. Although the request of admitting a package of sixteen countries just emerged in 1949<sup>109</sup>, the Soviet Union veritably began to refer to the concomitant admission of Eastern and Western countries since 1947. Besides, as stated by the US, the USSR was even infringing the declarations made by the Big Three at the Potsdam Conference on the priority that would have been given to Italy in accessing the Organization.

In October 1947, the USSR vetoed for the second time the application of Italy<sup>110</sup>, while in April 1948, it applied the third veto.

In spite of the Soviet opposition, in 1948 Italy continued being supported by all the members of the Security Council, including the US, the UK, France, China, Belgium, Canada, Argentina, and Syria. The American representative Mr. Austin stated that together with the UK and France, they strongly stand with Italy denouncing the injustice it was suffering due to the Soviet attitude. Indeed, it was since the beginning that even the other members of the Security Council recognized that the USSR combined the membership of certain Eastern and Western countries. Hence, the US highlighted that “the USSR has attempted [...] to tie the Italian application with the applications received from other ex-enemy States”<sup>111</sup>. But according to the American viewpoint, the action was not only contrary to the Charter that imposes individual examinations of the applications, but it proved to be a clear manifestation of lack of good relations between the Union and Italy.

According to the Soviet perspective, the third veto to the Italian admission was a mean for calling the attention of the other members of the UN to the American involvement in the Italian domestic affairs. Especially, the American objective in the country was “to attract some of the Italian electorate to vote for the rightist parties”<sup>112</sup> in the following elections that would have taken place on April 18, 1948. Consequently, this veto was primarily justified in the name of the protection the USSR would

---

<sup>108</sup> *Ibid.*

<sup>109</sup> On the point see, Official Records of the Security Council, 444<sup>th</sup> and 445<sup>th</sup> meetings, September 15, 1949, S/PV 445, No. 42.

<sup>110</sup> On the point see, Official Records of the Security Council, 206<sup>th</sup> meeting, October 1, 1947, S/PV 206, No. 92.

<sup>111</sup> On the point see, Official Records of the Security Council, 279<sup>th</sup> meeting, April 10, 1948, S/PV 279, No. 54, p.6.

<sup>112</sup> *Ibid.* p. 10.



have provided to the Italians against the American involvement. In addition to this, the third veto continued being justified in light of the claim that all the ex-enemies should have been treated in the same way, hence, it was not fair that only Italy would have been admitted to the UN. Overall, from the analysis provided on the Soviet behavior it can be noted that even if it tried to justify its vetoes on the ground of its ineligibility under Article 4 para. 1 of the UN Charter, it actually aimed at resorting to the veto right as a mean to grant the same treatment to all the ex-enemy States of the Second World War, hence to admit even its Eastern allies to the Organization.

In September 1949, the Soviet Union applied the fourth veto to the Italian application<sup>113</sup> and in 1952<sup>114</sup> the fifth one. In the meantime, in 1949, the USSR submitted a draft resolution requesting the admission of a package of sixteen countries. This was the precise moment in which the Soviet association of Western and Eastern countries' membership had been defined in the formula of the *en bloc* admission or package deal. The other members of the Security Council actively disagreed with the Soviet resolution not just in light of its inconsistency with the UN Charter but primarily due to the political and strategic objectives attached to the request itself. Indeed, the Soviet Union intentionally aimed at circumventing the majority of negative votes attached to the Eastern countries' applications by tying them to the Western applicants, like Italy, that contrarily enjoyed a majority of positive votes except for the only negative one cast by itself<sup>115</sup>.

The debate between the USSR and the other permanent members on the question of admission of new members continued up until 1955, when the resolution requesting the admission of the package of sixteen countries had been positively voted by the majority of States. In 1951<sup>116</sup>, the Security Council still recommended the admission of Italy inside the UN, highlighting its eligibility under Article 4 para. 1 of the UN Charter and the injustice the country continued suffering as a result of the Soviet vetoes.

Since 1950, the urgency to admit Italy to the UN was much more emphasized by the responsibilities it undertook inside the Trusteeship Council as an Administrative Authority assigned with the administration of Somaliland<sup>117</sup>. Since the ratification of the Italian peace treaty in 1947, Italy renounced to all its African colonies, including Somaliland, hence, as a consequence of the

---

<sup>113</sup> On the point see, Official Records of the Security Council, 442<sup>nd</sup> and 443<sup>rd</sup> meetings, September 13, 1949, S/PV 442 and S/PV 443, No. 41.

<sup>114</sup> On the point see, Official Records of the Security Council, 595<sup>th</sup> meeting, September 3, 1952.

<sup>115</sup> *Ibid.* The case of Eastern applicants will be analyzed later in this chapter.

<sup>116</sup> On the point see, Official Records of the Security Council, 569<sup>th</sup> meeting, December 19, 1951, S/PV 569.

<sup>117</sup> Italy possessed three colonies in Africa, including Somaliland, Libya, and Eritrea, but it had been only entrusted as the Administrative Power of Somaliland. Libya was assigned to the administration of a United Nations Commissioner, while Eritrea to a Commission composed of at least five member States of the UN. On the point see Official Records of the General Assembly (1950), 5<sup>th</sup> Session, Supplement no. 10, A/1294.

establishment of the Trusteeship Council inside the UN<sup>118</sup>, the former colony fell under the International Trusteeship System. In 1949 the General Assembly declared that by “ten years from the date of approval of a Trusteeship Agreement”<sup>119</sup>, Somaliland should have become an independent State through the aid and support provided by Italy that would have become its Administrative Power. The Agreement had been adopted on January 27, 1950, by the Trusteeship Council<sup>120</sup>.

As an Administrative Power, Italy was committed with several tasks, including reporting, and describing the state of the art on the fulfillment of the objectives set by the Council<sup>121</sup>. Nevertheless, as indicated by the French representative Mr. Chauvel, the flaw of the Italian involvement in the International Trusteeship System went around the fact that even though Italy was committed in the administration of this territory and it was acting on behalf of the UN, it was not still a member of the Organization, hence, it could not be considered as a “statutory member of the Trusteeship Council”<sup>122</sup>. This situation was reckoned as a clear anomaly inside the UN system because Italy was eligible for membership, it was assigned with relevant tasks, and it was working for the entire Organization as if it were a real member, but actually it was not. According to Article 86 of the UN Charter, the Trusteeship Council is composed of the member States of the United Nations, hence, since Italy did not enjoy this status even if it was an Administrative Authority, it was prevented from enjoying all the rights attached to it, like the right to vote<sup>123</sup>.

Consequently, even more actively than in the past, the members of the Security Council pressed the Soviet Union to dissociate the Italian application from the others, although without success. Likewise, even the General Assembly urged the Security Council to admit Italy to the UN as to grant the complete fulfillment of its responsibilities and tasks under the Trusteeship System<sup>124</sup>. Despite the efforts, the USSR continued vetoing the Italian application because the mere fact that Italy was collaborating with the Trusteeship Council, and it was administering Somaliland could not be considered as sufficient justifications for admitting it to the Organization. Indeed, contrarily to the assumptions of the other members of the Security Council and of the General Assembly, the Soviet

---

<sup>118</sup> The Trusteeship Council is included among the main organs of the UN, but it is currently defunct and its last activity dates to November 1, 1994, when Palau became independent. Its inactivity is due to the fact that it accomplished the mission for which it was created, that consisted of making the Trust territories under the International Trusteeship System independent or self-governing States. On the point see, Un.org, Trusteeship Council, available at <https://www.un.org/en/about-us/trusteeship-council#:~:text=The%20Trusteeship%20Council%20is%20made,Kingdom%20and%20the%20United%20States,> accessed on July 25, 2023. and Chapter XIII of the UN Charter.

<sup>119</sup> On the point see, A/RES/289(1949), p. 11.

<sup>120</sup> On the point see, Official Records of the General Assembly (1950), 5<sup>th</sup> Session, Supplement no. 10, A/1294.

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.* p. 2.

<sup>123</sup> *Ibid.*

<sup>124</sup> On the point see, A/RES/550(1951).

Union was firmly convinced that a State could be an Administrative Power without being a UN member State<sup>125</sup>.

Until 1955, neither the USSR nor the other members of the Security Council were inclined to change their positions. Indeed, the former insisted on the package admission, while the latter on denouncing the Soviet behavior that was in contrast with the Charter's provisions. Hence, even if the *leitmotiv* was admitting Italy to the UN, the members of the Security Council were not willing to accept the Soviet proposal of the *en bloc* admission since it would have entailed the infringement of the UN Charter. On the point, it is relevant to report the French declaration: "We do not accept the bargain; we shall not pay for the admission of these States [...] by abandoning a single one of the principles on which the United Nations is based"<sup>126</sup>.

From the Soviet perspective, the opposition wall erected against the Italian admission was always more fortified in light of the beginning of the Cold War and the creation of the North Atlantic Treaty Organization (NATO) in 1949<sup>127</sup>. For the USSR, the vetoes applied by the Western permanent members of the Security Council to the Eastern applicants (Hungary, Rumania, and Bulgaria) were explicable to the extent that they fell outside the Western sphere of political interest and military aims. Particularly, the US aimed at assuming the world leadership by diffusing and imposing the American and Western ways of life and thinking through military organizations, such as NATO, ANZUS (Australia, New Zealand, United States Security Treaty), and MEDO (Middle East Defense Organization). Italy is one of NATO's founding members and due to its strategic geographic position and domestic political situation, it was listed among the first countries that should have been admitted to the Alliance. As a consequence of this international scenario, the USSR started to justify its attitude towards the admission of new members to the UN in light of the protection that it would have given to certain Western countries, like Italy, that would have collapsed under the American sphere of influence<sup>128</sup>.

Besides the efforts of the members of the Security Council to prioritize the Italian admission and to defend it against the Soviet vetoes, it is equally essential to examine the engagement of the General Assembly until 1955 since it actively committed itself in supporting the case. Indeed, the General

---

<sup>125</sup>On the point see, Official Records of the General Assembly (1950), 5<sup>th</sup> Session, Supplement no. 10, A/1294.

<sup>126</sup> On the point see, Official Records of the Security Council, 596<sup>th</sup> meeting, September 5, 1952, S/PV 596, p.3.

<sup>127</sup> For the purpose of this thesis, it is relevant to recall the original reasons why NATO had been created and its original mandate. NATO had been founded on April 4, 1949, after the ratification of the Washington Treaty signed by twelve founding members for "detering Soviet expansionism, forbidding the revival of nationalist militarism in Europe through a strong North American presence on the Continent, and encouraging European political integration". On the point see, Nato.int, A Short History of NATO, available at [https://www.nato.int/cps/en/natohq/declassified\\_139339.htm](https://www.nato.int/cps/en/natohq/declassified_139339.htm), accessed on July 26, 2023. Hence, it is plausible to admit that NATO was seen as a direct Western mean to control and limit the Soviet Union.

<sup>128</sup>On the point see, Official Records of the Security Council, 596<sup>th</sup> meeting, September 5, 1952, S/PV 596.

Assembly had worked next to the Security Council like a right-hand man by constantly requesting it to reconsider the application in light of both its eligibility under Article 4 para.1 of the UN Charter and the commitments undertaken and defined at the Potsdam Conference by the Big Three<sup>129</sup>. Anyway, due to the second-class status and limited powers assigned to the General Assembly by the founders of the UN in comparison with the Security Council's ones, the Organ had not been able to remove the impasse generated inside the Organization and the Council only unblocked itself autonomously in 1955 by positively voting the Soviet request of the package deal. However, in order to assist the Security Council during the deadlock, the General Assembly even decided to establish and entrust the Committee of Good Offices to discuss on any plausible solutions with the Security Council to rapidly solve the question<sup>130</sup>. But, in spite of the efforts and research, the Committee did not detect any efficient remedies, so, the General Assembly could only continue re-addressing the admission of Italy to the Security Council<sup>131</sup>.

In 1955, the members of the Security Council eventually decided to accept the Soviet proposal of the package deal with any other possibilities because otherwise any countries would have entered the Organization, the aim of creating a universal organization would not have been achieved, and the standstill inside the Security Council would have remained. Therefore, through Resolution no. 109 of 1955, the Security Council recommended the admission of sixteen new countries to the General Assembly, including Italy, that acquired the membership to the UN through General Assembly Resolution no. 995 adopted on December 14, 1955.

All in all, the Italian admission to the UN had been a very tumultuous and laborious event since the country eventually served as an instrument of the USSR to grant the membership to certain Eastern States. Therefore, it shall be affirmed that the Italian admission to the Organization had been entirely subjected to a Soviet decision, because since it enjoyed the right to veto, neither the other members of the Security Council nor the General Assembly could have done anything else except of constantly supporting the Italian application and denouncing the package deal, the Soviet attitude, and the infringement of the Charter. The analysis of this case study is imperative because it pinpoints the unbalance of powers inside the UN, in particular it highlights the unmeasurable supremacy and control enjoyed by the permanent members of the Security Council in comparison with the General Assembly. In addition to this, the Italian case is instrumental for shedding light on the East-West confrontation inside the UN, because the delay in becoming a member emulated the dialectic between the Eastern and Western permanent members that aimed at achieving their own objectives.

---

<sup>129</sup> On the point see, A/RES/197(1948), A/RES/296(1949), A/RES/506(1952).

<sup>130</sup> On the point see, A/RES/718(1953).

<sup>131</sup> On the point see, A/RES/817(1954) and chapter 1.

Especially, it is representative of the Soviet concern that the UN would have evolved in a Western international organization characterized by the majoritarian membership of countries located in the West and allied to the US and the UK. Besides historical steps, it is mandatory to assess whether Italy was veritably eligible to UN membership in light of the requirements prescribed by the Charter.

### **3.2 Assessing Italian eligibility to the United Nations membership: domestic policy and international affairs**

The Italian admission to the UN had been a real complicated event and part of the explanation lies on its involvement in the Second World War and all the consequences it triggered. Even if Italy assumed the status of co-belligerent since 1943 until the end of World War Two fighting with the Allies against its former allies, this did not ensure its automatic admission to the UN (Aga-Rossi, 2007). Alike, contrarily to the deal reached by the Big Three at the 1945 Potsdam Conference, the mere ratification of the peace treaty did not automatically allow the country to enter the Organization.

Becoming a member of the UN was one of the primary objectives of the Italian ruling class because it would have been an opportunity firstly to re-gain the international status lost after the War, but it also offered the possibility to cooperate in the management of world affairs, since the UN was considered as the forum where the most important issues of that time were discussed and where the world leaders met. In addition to this, membership was also perceived as a matter of national dignity by the Italian ruling class, because in light of the relevance the country played in the past it could not be excluded from the most important international organization of that time (Bolech, 2009). But, in order to achieve the goal, Italy had to re-build itself starting with the establishment of a democratic regime. Hence, the Italian ruling class undertook a series of choices to make the country compliant with the requirements enumerated in Article 4 para.1 of the UN Charter. Indeed, scholars largely agree that the aftermath of the Second World War can be labelled as one of the most prominent periods of change for the Italian Republic in light of the establishment of the democratic system, of the involvement in new international businesses, and of the measures adopted in order to contain and counteract the threat posed by Communists<sup>132</sup>.

To begin with, in order to re-acquire international prestige, Italy had to foster a process of democratization for founding a democratic State that would have signaled the complete rupture with the Fascist regime. Hence, on January 1, 1948, the Constituent Assembly adopted the Italian Constitution that set the bases for the new democratic system and that, together with the ratification of the peace treaty were considered as the main elements that would have granted the Italian independence (Aga-Rossi, 2007). In addition, the Constituent Assembly even decided to include a

---

<sup>132</sup> On the point see, Gallo & Rossi, 1968, Aga-Rossi 2007, Agosti 1990.

special provision inside the Italian Constitution that should have worked as a demonstration and guarantee to the Allies that Italy was inclined and mature to become a member of the UN and it specifically refers to Article 11 (Aga-Rossi, 2007). Through this constitutional provision, Italy firstly repudiates the War affirming that it will not no longer be used as a mean to solve international disputes and to offend people and, secondly, it expresses its complete support for every international organization that would have aimed at the same objectives<sup>133</sup>, that can be considered as a clear reference to the UN. Besides, the mere decision to deploy with the Allies adopting the status of co-belligerent was veritably linked to a strategic reasoning for which cooperating with them would have allowed the country to obtain the status of European Great Power (Varsori, 1998). Indeed, as well as Article 11, even this decision would have performed the same function eventually ensuring the Allies' support (Gallo & Rossi, 1968).

As well as the choices adopted at the domestic level, even the trajectory adopted in foreign policy would have triggered consequences on the role Italy would have assumed at the international level, mainly because in the aftermath of the Second World War it was a zone of contestation between the Western and the Eastern front. On the one hand, the West (headed by the US) aimed at bringing Italy under the Western sphere of action preventing an utter and irreversible Communist conversion. On the other hand, the USSR aimed at spreading the Communist ideology among the Italian society in order to get the country closer to the Eastern front and preventing its fall under the American aegis. Indeed, the years immediately after the end of the War were signed by the presence of the threat posed by the Communist drift since in many European countries, such as Italy, but also France, the Soviet Union aimed at implementing a policy for spreading the Communist principles and for strengthening the relations with the East. By the way, for becoming a member of the UN and preventing the likelihood of the veto that could be applied either by the US, whether it would have stand with the USSR, or by the Union, whether it would have sided with the US, Italy should have adopted a position as neutral as possible not siding neither with the Western nor with the Eastern allies so that it would not have been perceived as being deployed on one of the two fronts. However, it was a foregone conclusion that Italy would have come closer to the West, mainly because it was thanks to the efforts of the Allies that it had been freed from the enemy forces at the end of the Second World War, but

---

<sup>133</sup> Article 11 of the Italian Constitution states “*L'Italia ripudia la guerra come strumento di offesa alla libertà degli altri popoli e come mezzo di risoluzione delle controversie internazionali; consente, in condizioni di parità con gli altri Stati, alle limitazioni di sovranità necessarie ad un ordinamento che assicuri la pace e la giustizia fra le Nazioni; promuove e favorisce le organizzazioni internazionali rivolte a tale scopo*”. On the point see, Senato.it, Articolo 11, available at [https://www.senato.it/Leg18/1025?sezione=118&articolo\\_numero\\_articolo=11#:~:text=L%27Italia%20ripudia%20la%20guerra,la%20giustizia%20fra%20le%20Nazioni%3B](https://www.senato.it/Leg18/1025?sezione=118&articolo_numero_articolo=11#:~:text=L%27Italia%20ripudia%20la%20guerra,la%20giustizia%20fra%20le%20Nazioni%3B), accessed on July 30, 2023.

also because it had been economically assisted by the US in the aftermath of the War, for instance through the Marshall Plan (Gualtieri, 1998).

The initial position adopted by the Italian ruling class at the international level was effectively oriented to avoid both to prominently side with the Western allies and to contribute to deteriorate the USSR – US relations since it was the historical period during which the Cold War was about to begin. Indeed, during this period, the majority of Western States pursued a delicate foreign policy strategy aiming at containing the Communist drift in a way that would have ensured the maintenance of stable relations with the USSR in order to prevent that the policy of spreading Communism would have become too violent (Varsori, 1998). For instance, for what concerns Italy, contrarily to the choice adopted in 1947 to completely exclude the Left from the Executive, the government formed on June 21, 1945, by PM Ferruccio Parri was the result of a compromise between different political forces, including the Communist Party (Salvadori, 2018).

In spite of the earliest avoidance of pale positioning in the international arena, many choices taken during the years immediately after the end of the Second World War veritably manifested the latent interest of the Italian ruling class in getting closer to the Western rather than the Eastern front. Examples that can be cited are NATO membership and the ousting of left parties from the government. Indeed, if at first, the latter were still involved in the formation of the Executive in spite of the constant threat posed by the Italian Communist Party (PCI), that was always more loyal to the Soviet one and always more dependent to the Soviet Union, since 1947 the cooperative-kind relation began to worsen (Salvadori, 2018). Specifically, the presence of a Communist Party extremely loyal to Moscow was the main element that threatened the Italian affiliation to the Western Front (Aga-Rossi, 2007). While in 1946 the second Government of Alcide De Gasperi still granted the possibility to the Italian Communist Party to form the Government, in 1947 it had been ousted.

Accordingly, 1947 is considered as the great year of change for Italy due to its approach to the Western front. Especially, the turning point was represented by the double-track strategy policy pursued by De Gasperi that aimed on the one hand at excluding and isolating left parties from the political scene and, on the other hand, to increase consensus among centrist ones. The decision to eventually oust the Left was primarily due to the fact that the ties between the Italian and Soviet Communist parties strengthened and the Italian ruling class feared the likelihood of increasing violence and direct confrontation with the Communists. Consequently, in May 1947, by excluding the Communist Party from the formation of the government, Italy was openly deploying with the West since its policy was part of the anti-communist international strategy headed by the US (Salvadori, 2018). The change was embodied by De Gasperi's travel in the US and the influence exercised by the Italian Ambassador in the country, Mr. Alberto Tarchiani, since he explicitly

declared that Italy should have distanced from the USSR and from Communism (Varsori, 1998). Indeed, it was after the stay in the US that left parties had been excluded from the Executive. The formation of the new government in May 1947 consequently signed the end of the cohabitation of different forces in the organ and the constitution of a monochrome coalition, merely characterized by the presence of center-right forces. In the meantime, the Italian Communist Party continued consolidating the relations with the Soviet counterpart adopting an increasing aggressive line of action against the new government as suggested by the USSR with the constitution of Cominform<sup>134</sup> in September 1947 (Bernardi, 2007). The decision of the Italian authorities to prevent left parties forming the government can be listed among the actions demonstrating the Italian will to deploy with the Western front. Furthermore, the choice was veritably in line with the containment policy adopted by the American President Harry S. Truman, whose objective was containing the spread of Communism in Western countries, especially among the European allies (Varsori, 1998).

The decisive choice of field only occurred with the Italian elections of April 18, 1948. In spite of the massive electoral campaign organized by the Italian Communist Party, the centrist forces of the Christian Democrats (DC) gained (Mammarella, 1974). The 1948 elections were perceived as the most important ones after the end of the Second World War by the Italian political parties, especially by the Communists, because they were the last occasion for containing the increasing support centrist forces were gaining in the country. Therefore, in order to get more votes, the Italian Communist Party not only intensively worked in the preparation of the electoral campaign, but it also formed an alliance with the Italian Socialist Party (PSI) that gave birth to the so-called People's Democratic Front. In spite of the efforts of the Communist Party throughout the electoral campaign and at the elections, Christian Democrats gained, especially because they took advantage of the people's concern of a likely Communist government. In addition to this, centrist forces also attempted to gain more votes by stressing the importance of economic aid that would not have been delivered by the US in case of a Communist victory (Mammarella, 1974).

As a matter of fact, the 1948 elections marked the decisive Italian positioning on the Western front, that eventually offered the possibility to sign the Washington Treaty, hence making the country one of NATO's founding members. Besides the efforts of the Italian ruling class, even Western allies, especially the US, aimed at including the country in the new-born Western international organizations, such as NATO, pushing it away from the Eastern bloc. The reason lied in the fact that Italy was considered as the country mainly threatened by the Communist drift. In addition to this, Western allies were also firmly convinced that in case of military attack by the Communists, Italy

---

<sup>134</sup> Cominform was the Communist Information Bureau and it had been created by the USSR in 1947 in order to provide Communist parties a channel of coordination among themselves for defining a common policy line to follow.



would not have been able to defend itself due to the military limitations and losses inflicted with the peace treaty (Aga-Rossi, 2007). Therefore, NATO membership “was a first step towards the integration of Italy into the Western European community”<sup>135</sup>.

Italy undertook other international commitments in the aftermath of the Second World War, for instance in the foundation of the European Community (EC) (Gallo & Rossi, 1968). Besides, after having entered NATO on April 4, 1949, after one month, Italy participated in the foundation of the Council of Europe together with other nine countries (Varsori, 1998). Indeed, while awaiting its admission to the UN, Italy entered all the other main international organizations that have been founded during those years<sup>136</sup>, also like the WHO<sup>137</sup> and UNESCO<sup>138</sup>. Eventually, the Italian ruling class chose the Western, European, and Atlantic alternatives, whose choices shall be added in the list of actions demonstrating the Italian determination to become a member of the UN and to side with the Western front (Gaja, 1978). As a consequence of the 1948 turn, Italy became always more engaged in international affairs, hence obtaining the opportunity to re-establish and re-define its international status. In addition to the aforementioned organizations of which Italy became a member, in 1949, the UN even decided to establish FAO headquarters in Rome, even if Italy was not a member of the Organization yet (Di Nolfo, 2015). The choice of the location was due to the fact that historically Italy was actively engaged in international agricultural and food cooperation, for instance through the work executed by the International Institute of Agriculture since 1908 until 1946, whose headquarter was located in Rome as well (Di Nolfo, 2015). All things said, it was evident that the Italian involvement in international affairs was veritably boosted and supported by Western allies. To cite another example, the Italian NATO membership was bolstered by the Allies in light of its strategic geographic position in the Mediterranean Sea, that was tactical for defending the Southern part of the Atlantic area<sup>139</sup>. Last but not least, this was also the moment when Italy was assigned with the administration of the former colony Somaliland becoming an Administrative Power. Cooperating with the Trusteeship Council shall be considered as a pivotal milestone reached by the country because being admitted to the International Trusteeship System was synonym both of support

---

<sup>135</sup> On the point see, Nato.int, My Country and Nato, available at [https://www.nato.int/cps/en/natohq/declassified\\_162356.htm](https://www.nato.int/cps/en/natohq/declassified_162356.htm), accessed on July 30, 2023.

<sup>136</sup> On the point see, Farnesina.ipzs.it, Mostra Virtuale ONU, available at <https://www.farnesina.ipzs.it/mostra/322/sezioni/1644/bacheche/8548>, accessed on August 18, 2023.

<sup>137</sup> On the point see, Salute.gov.it, Organizzazione Mondiale Sanità, available at <https://www.salute.gov.it/portale/rapportiInternazionali/dettaglioContenutiRapportiInternazionali.jsp?area=rapporti&id=1784&lingua=italiano&menu=mondiale>, accessed on August 18, 2023.

<sup>138</sup> On the point see, Unesco.it, Il Nostro Ruolo, available at <https://www.unesco.it/it/ChiSiamo/Detail/201>, accessed on August 19, 2023.

<sup>139</sup> *Ibid.*

provided by the Allies and of acknowledgment of its international status by the international community (Gallo & Rossi, 1968).

After having presented the national and international Italian political scenario in the aftermath of the Second World War, it is now possible to assess whether the Soviet vetoes were consistent with reality. In summary, Italy undertook a series of commitments both at the domestic and at the international level in order to be compliant with the requirements prescribed by Article 4 para.1 of the UN Charter, and they included: founding a democratic regime, declaring its readiness and willingness to become a member through Article 11 of the Constitution, collaborating in the foundation of certain international organizations and accessing them. Therefore, in light of the requisites applicant States shall possess for becoming members of the UN, Italy could be firstly defined as a State, since it had been founded with the adoption of the Italian Constitution in 1948. Besides, contrarily to other applicant States that did not entertain international relations with foreign countries, Italy actively engaged in international affairs in order to re-establish its status in the international community, for instance, by ratifying a series of conventions and bilateral agreements with different States all over the world, like the Convention on Judicial Cooperation and Extradition signed with Bahamas on March 13, 1948<sup>140</sup>. Furthermore, Italy even declared its peace-loving nature, its readiness and willingness to become a member of the UN not just through Article 11 of the Constitution but also through the formal declaration drafted by the Italian Minister of Foreign Affairs Carlo Sforza that had been sent to the UN Secretary-General on May 7, 1947<sup>141</sup>.

Therefore, the Soviet justifications to the vetoes applied since 1947 until 1955, when Italy had been eventually admitted to the Organization, were veritably inconsistent with the Italian reality, especially because from the analysis developed, it is plainly understandable that the applicant complied with all the requirements. Especially, the USSR claimed that Italy was not an independent State when it submitted its application in May 1947 because there were still some American troops on its territory in light of the clauses defined in the peace treaty. Nevertheless, in conformity with what the treaty itself prescribed under Article 73 para.1, the Americans did indeed leave the country by the end of 1947, hence, it was effectively an independent State<sup>142</sup>. Consequently, any vetoes justified on the basis of the ineligibility of the Italian Republic under Article 4 para.1 of the UN Charter shall be labelled as inconsistent with real facts.

---

<sup>140</sup> On the point see, [Atrio.esteri.it](https://atrio.esteri.it), Archivio dei Trattati Internazionali Online, available at <https://atrio.esteri.it/Home/Search>, accessed on August 18, 2023.

<sup>141</sup> On the point see, [Farnesina.ipzs.it](https://www.farnesina.ipzs.it), Presentazione da parte dell'Italia della Domanda di Ammissione all'ONU, available at [https://www.farnesina.ipzs.it/mostra/322/sezioni/1644/bacheche/immagine/010106\\_onu/galleria](https://www.farnesina.ipzs.it/mostra/322/sezioni/1644/bacheche/immagine/010106_onu/galleria), accessed on August 18, 2023.

<sup>142</sup> On the point see, Constituent Assembly (1947), Disegno di Legge Presentato dal Ministro degli Affari Esteri (Sforza) di Concerto col Presidente del Consiglio dei Ministri e con tutti i Ministri, n.23.

Once the USSR openly admitted that its vetoes were not applied in view of the lack of requirements<sup>143</sup>, it switched to another reasoning, affirming that it was not yet time to discuss about the Italian admission since the peace treaty was not yet entered into force and ratified. Nonetheless, even this justification was incorrect because it was the Soviet Union itself that delayed the ratification triggering the postponement of the Italian admission to the Organization and breaching what defined at the Potsdam Conference by the Big Three on the necessity to rapidly admit Italy. In the end, once the justifications had been exhausted, the USSR eventually admitted that as well as other countries, Italy was an ex-enemy State of the Second World War and for this reason all of them should have been treated in the same way, without favoritisms.

All things considered, Italy was veritably eligible to UN membership since when it applied in 1947 as confirmed by the positive votes cast by the members of the Security Council and the efforts of the General Assembly. Consequently, the vetoes applied by the Soviet Union purely intended to use Italy as a pawn of revindication in order to ensure the membership of certain Eastern countries, that being all ex-enemy of World War Two they should have received the same treatment in the procedure of admission regardless of their eligibility.

### **3.3. The Italian perception of the delay in becoming a member State of the United Nations**

Acquiring the membership to the UN was among the main objectives to which Italy aimed in the aftermath of the Second World War. Indeed, either the Italian ruling class and the public opinion profoundly hoped in participating and collaborating with the Big Three in the preparatory works for founding the Organization (Gallo & Rossi, 1968). Although the Italian authorities had never given up with the membership to the UN in spite of the vetoes applied by the USSR, both the denial and the delay in being admitted triggered confusion and resentment among the public opinion<sup>144</sup> (Mammarella, 1974). This was due to the fact that since 1947 (when the application had been submitted) until 1955 (when membership had been effectively acquired), Italy was stucked in a limbo where although supported by the majority of the UN members, it could not access it. Consequently, this situation was primarily reflected in an alternation of periods characterized by a strong desire and excitement to acquire the UN membership and periods in which the Italian public opinion turned

---

<sup>143</sup> On the point see, Memorandum of the Historical Background of the Question of the Admission of New Members (1953), A/AC.64/L.1.

<sup>144</sup> On the point it is relevant to make a specification because the reference is not to all the Italian population since the question was not unanimously upheld. Social support was essentially influenced by the political belonging, indeed, there was a correspondence between the political parties that promoted the UN membership and the relative electorate. Therefore, social support was mainly provided by the middle-upper class and by Catholics. On the contrary, the proletariat and the working class followed the Italian Communist Party's line, that firmly disagreed with the deployment with the Western Front being a manifestation of servitude to the American will. On the point see, Salvadori 2018.

disenchanted with the UN dream especially because of the inability either of the permanent members of the Security Council and of the General Assembly to keep the promise to admit the country to the Organization and, consequently, to force the Soviet Union to stop applying the veto.

As soon as the peace treaty had been ratified with the Allies and Italy assumed the status of co-belligerent in the last phase of the Second World War, there was a widespread and solid aspiration to enter the UN. However, the opportunity for the country to cooperate with the Big Three in the preparatory works was prevented by its involvement in the War and the situation it lived during the years in which the Big Three met for founding the UN. Italy had not been even invited to the San Francisco Conference, consequently, missing the possibility to be listed among the original members of the UN. Indeed, in light of these lost opportunities, the years immediately after the birth of the UN in 1945 were characterized by a combination of hope and resentment among the Italians. On the one hand, hope was fueled by the ratification of the peace treaty that ultimately conceded Italy the right to legally apply to membership, but, on the other hand, resentment was predominantly caused by the missed chance to be included under Article 3 of the UN Charter (Gallo & Rossi, 1968). Benedetto Croce (1973) entirely embodied the Italian perception of the lack of invitation to the 1945 Conference since he harshly denounced the way in which the Big Three were treating the country, especially because they did not consider the role that Italy had always played in the past, for instance concerning the contribution in the development of the modern civilization.

By the way, the Italian exclusion from the original members' list and from the preparatory works was not without logic. In particular, entering the Second World War triggered disastrous and long-term consequences for the Italian reputation at the international level, because the country completely lost the status of great Power it enjoyed in the past, and reacquiring it had been challenging and arduous for the new ruling class. Anyway, acknowledging the loss of international prestige had been a slow process especially because the new ruling class did not consider itself as the responsible for the atrocities committed by the Fascist regime, hence as the one that had to pay for (Aga-Rossi, 2007). Indeed, Italian authorities became effectively aware of the consideration Italy enjoyed at the international level only with the exclusion of the country from the preparatory works and with the lack of invitation to the San Francisco Conference. Despite the acknowledgement, as soon as Italy did not receive the invitation, the Italian Ministry of Foreign Affairs expressed his disappointment on behalf of the entire Italian population<sup>145</sup>. However, it shall be even affirmed that the Italian absence both at the 1945 Conference and in the list of the original members was an anomaly, because Italy

---

<sup>145</sup> On the point see, Italian Ministry of Foreign Affairs and International Cooperation (1945), Telegram sent on April 26, 1945, by Minister Alcide de Gasperi, Secretary-General 1943 – 1947, Diplomatic historical archives, Volume 22.

cooperated in the establishment of many other international organizations, such as NATO, the EC (and then the EU), and the Council of Europe.

The hope that accompanied the Italian people in the years following the birth of the UN was much more fostered by the discussion held on November 1945 between the members of the UN concerning the place where they would have established the headquarters of the Organization because among the proposals, some were Italian. Venice, Capri, Como, and Rome were among the suggested locations especially thanks to the attraction they evoked to certain foreign authorities, such as the British PM Churchill, who took vacations in these cities<sup>146</sup>. The mere conversation on the likelihood that the UN headquarters would have been established in Italy clearly fueled the conviction and expectation that the country would have been admitted to the Organization, since it was considered as a manifestation of respect and estimation Italy enjoyed among the Great Powers.

Nonetheless, the original confidence for which Italy would have soon become a UN member weakened anytime the Soviet Union vetoed its application. Then, anytime the General Assembly recalled the attention of the Security Council to its admission, hope came back to grow. For instance, on February 23, 1952, the Italian representative to the UN sent a formal telegram to the British, American, and French embassies to denounce the fifth Soviet veto applied to the Italian admission regardless of the support manifested by the General Assembly and by the other members of the Security Council<sup>147</sup>. As written in the document, the Italian Ministry of Foreign Affairs and International Cooperation had constantly exposed its dissent and resentment against the Soviet attitude on the matter, for example by sending formal notes to the Soviet embassy in Rome declaring that the USSR was infringing the clauses set in the peace treaty.

These were not the sole reasons why the public opinion switched from fervently supporting membership to expressing resentment against the UN because change of mind was also influenced by additional events that had repercussions on the Italian political system. The election of the governor for administering the city of Trieste was an example. Indeed, Italy aimed at becoming a UN member even for influencing the choice that would have been adopted by the Security Council on the matter. Anyway, when the Italian authorities and the public opinion acknowledged that the discussions on the topic were endless and without results, the UN completely lost its credibility before them and, consequently, the desire to access the Organization faded (Gallo & Rossi, 1968).

Despite the increasing disaffection in the UN, Italy had always supported the activities undertaken by the Organization, and it continued aiming at being included in those tasks that sincerely

---

<sup>146</sup> On the point see, *In Italia la Sede delle Nazioni Unite?*, 1945.

<sup>147</sup> On the point see, Italian Ministry of Foreign Affairs and International Cooperation (1952), Telegram n.3/160/C, Diplomatic historical archives, b.21 dossier 549.

corresponded to the management of world affairs. As well, even the UN aimed at succeeding in the admission of Italy to the Organization. This mutual desire was evidently embodied in the Albert Hall manifestation that had been organized in London in 1947 in memory of the Second World War dead. Indeed, although Italy was not a member of the UN yet, both the Organization and the country agreed in including the Italian flag in the parade testifying the resilient desire of membership and the support it constantly showed for the Organization<sup>148</sup>.

Resentment and disaffection reached the peak with the Soviet request of the package deal, since it had been perceived as a real pride wound by the Italian people and authorities (Gallo & Rossi, 1968). It was the mere fact that the Italian status had been equated to the one of the other States that were to be included in the package that led the Italians to disbelieve the UN increasing their disaffection (Pastorelli, n.d.). Equally, the US proposal of a kind of “interim partnership” or “associate membership” had been negatively perceived and defined as a dishonoring proposal (Pastorelli, n.d., p. 10). Italy was firmly convinced of enjoying a special status *vis-à-vis* other applicants both in light of the primacy attached to its application by some permanent members and the support it constantly received. However, the uniqueness of the Italian membership ultimately vanished with its admission under the package deal together with the other fifteen countries. The pride wound was even more painful because the real way in which Italy became a member of the UN did not symbolize an achievement of the Italian foreign policy manifesting the ability of the Italian Ministry of Foreign Affairs, but it merely embodied the final triumph of the Soviet will (Pastorelli, n.d.).

The opinion the Italians built on the UN was also influenced by the national press. Indeed, since 1947 to 1955, Italian newspapers, such as *La nuova Stampa*, spread the idea that the principle of equality inside the UN was just a deceit, falsely embodied by the presence of all member States’ flags in the General Assembly that were all of the same size and alphabetically distributed (Bartoli, 1948). In addition to this, Italian special correspondents at Lake Success (the location where the UN member States met) reported that the UN was an international organization completely unrepresentative of the European continent. The justification was that not just Italy was missing inside the UN, but also many other European countries, such as Spain, Portugal, Switzerland, Finland, Ireland, Germany, and Austria. Therefore, the European voice was portrayed only by France and the UK, that were just two on many more countries that had to be represented in the world’s largest international organization. As a matter of fact, whether a European would have gone at Lake Success, he/she would have certainly felt to be a foreigner since he/she would have got into a kind of United Nations without Europe (Lilli, 1949). Additionally, the local press denounced the dialectic built by the Soviet Union

---

<sup>148</sup> On the point see, Alla Albert Hall, l’Italia con le Nazioni Unite, 1947.

around the Italian admission stressing its inconsistency in light of the Advisory Opinion adopted by the ICJ and the provisions of the UN Charter. Therefore, the Italians were aware that every Soviet justification to the application was illegitimate in accordance with the Charter<sup>149</sup>.

However, local newspapers did not only engage in denouncing and criticizing the delay of the Italian admission to the Organization, because they even contributed to increasing hope on the future Italian membership defending and calling for its eligibility.

### **3.4 Hungary applies to membership to the United Nations: the justifications under the Soviet positive votes and under the negative votes of the other members of the Security Council**

Hungary submitted the application to the United Nations on April 22, 1947<sup>150</sup> and as soon as it had been received by the Security Council, the Organ decided to refer the question to the Committee on Admission of New Members, like for the Italian case. The decision reported by the Committee to the Security Council stated that it was not still time to consider the Hungarian application, especially because the peace treaty had not still been ratified.

Since when Hungary applied for membership, many members of the Security Council, including certain permanent ones, like the US, the UK, and France expressed their disagreement in admitting the country<sup>151</sup>. Above all, their concern was justified in light of the Hungarian incompliance with the pre-requisites prescribed by Article 4 para.1 of the Charter. As stressed by the US representative, the Hungarian government did not seem veritably willing to respect and execute the obligations that would have arisen once membership would have been acquired. Contrarily to the majority of UN members that were not entirely convinced of the Hungarian willingness to enter the Organization, the USSR had fervently supported its application since the early stage. Indeed, the claim for the Hungarian ineligibility on the one hand and the deep efforts of the Soviet Union to oppose the statement and to admit the country on the other had structured the dialogue between the members of the Security Council until 1955.

Following the Committee's directives, the question had been reconsidered by the Security Council in October 1947, and in this occasion the Hungarian application had been object of five positive votes to six abstentions<sup>152</sup>. Except for France and the USSR, all the other permanent members abstained.

The vote on the Hungarian application had been characterized by an extremely significant feature that is worthy to be analyzed since it reveals the veiled intention of the Security Council members'

---

<sup>149</sup> On the point see, *Nuovo Gesto degli Anglo-Americani*, 1948.

<sup>150</sup> On the point see, *Official Records of the Security Council (1947)*, Supplement Special no. 3.

<sup>151</sup> *Ibid.*

<sup>152</sup> On the point see, *Official Records of the Security Council (1947)*, 206<sup>th</sup> meeting, Supplement No. 92.

attitudes. In the Italian case, the USSR chose to veto the application triggering the complete arrest of the discussion and action of the Council. On the contrary, in the Hungarian case, the US, the UK, and China opted for abstention and there is a fundamental difference between the case in which a permanent member exercises the veto and the case in which it abstains, because in the latter case, the Council can continue working.

Since 1946 abstention became subject to a customary rule inside the UN system according to which the Security Council could adopt a decision regardless the abstention of its members<sup>153</sup>. Consequently, abstaining does not count as a negative vote, or a veto and it does not foreclose the possibility to circumvent it (Conforti & Focarelli, 2016). An abstention is comparable to a vote not intended to block the adoption of a decision and, so, the working of the Council, but it aims anyway at expressing opposition and dissent on the matter under analysis. As a consequence, even if certain members of the Security Council contested the Hungarian membership, they did not express their objection in an obstructive and paralyzing manner. Therefore, whether the aforementioned vote would have counted six positive votes and five abstentions, Hungary would have been admitted to the UN.

All things said, it shall be pinpointed that contrarily to the fair intentions of these members of the Security Council that aimed at expressing their disagreement but at the same time without halting the functioning of the Organ, the persistent application of vetoes by the USSR on the Italian application, contrarily revealed the underlying objective to intentionally paralyze the Council preventing the possibility for Italy to enter the Organization. The point had been highlighted by the American representative Mr. Austin at the 595<sup>th</sup> meeting of the Security Council held on September 3, 1952<sup>154</sup>. The claim aimed at uncovering and denouncing the Soviet attitude on the admission of new members by underling the use of negative vote exercised by the USSR. As explained by the US, the difference between the American and the Soviet use of the negative vote lied on the fact that the former cast negative votes to those applicants that already failed to obtain a majority of positive votes, hence, the action pursued by the US did not contribute to halt the functioning of the Security Council. Contrarily, the USSR sincerely vetoed certain applications, like the Italian one, that contrarily enjoyed a majority of positive votes, consequently blocking the Council's action. Indeed, "a negative vote becomes a

---

<sup>153</sup> The first time abstention had been discussed inside the Security Council was in 1946 in occasion of the analysis of the Spanish question and of Franco's regime. In that occasion, the Soviet Union decided to abstain stating that, even though it disagreed with the decision that was going to be adopted, in this way its vote would not have prevented the possibility to adopt the decision. On the point see, Conforti & Focarelli, 2016.

<sup>154</sup> On the point see, Official Records of the Security Council (1952), 595<sup>th</sup> meeting, September 3, 1952, S/PV. 595.



veto only when it thwarts the will of the majority”<sup>155</sup>. Then, for the US, the Soviet claim that all negative votes shall be labelled as vetoes was incorrect.

The US and the UK continued abstaining and not supporting the Hungarian membership also in 1948, when the issue had been re-considered by the Security Council during its 279<sup>th</sup> meeting<sup>156</sup>. The main reason behind their abstentions was linked to the fact that Hungary was accused of having infringed certain human rights’ provisions prescribed by the peace treaty that was signed with the Allies. The accusation prevented its lawful admission to the UN because it proved the Hungarian in compliance with the requisites defined in Article 4 para.1 of the Charter. However, the American and British statement was actively contested by the Soviet Union that was contrarily convinced of the Hungarian eligibility and compliance with all the requirements. According to the Soviet viewpoint, as well as all the other Eastern applicants, Hungary was “honestly and punctually”<sup>157</sup> executing and respecting every commitment undertaken with the ratification of the peace treaty. Hence, the allegations assessed and levelled against it were merely oriented to portray an evil and violent country in order to influence the world public opinion and get it on the Western front. In addition to this, the USSR accused the US and the UK of having infringed the agreement set at Potsdam for which all ex-enemy States of the Second World War would have been admitted to the UN once the peace treaties would have been ratified<sup>158</sup>. On the point it is worth mentioning that the same accusations had been made by the US and the UK to the USSR for the Italian case, hence, they were accusing themselves on the same issues.

The opposition to the Hungarian admission had been reiterated also in 1949 in occasion of the 444<sup>th</sup> and 445<sup>th</sup> meetings of the Security Council when the question on the admission of new members had been reconsidered<sup>159</sup>. The USSR insisted on the concomitant admission of both Eastern and Western applicants in light of their compliance with the requirements prescribed by the Charter, while the majority of the Security Council’s members continued highlighting and denouncing the ineligibility of Eastern States. For example, the Cuban representative Mr. Ribas stated that Cuba could not support the Hungarian admission to the Organization until the country would not have respected the principles of the Charter, hence proving to be willing to carry out the obligations set in it<sup>160</sup>. Therefore, eight members of the Security Council including China, France, the US, and the UK

---

<sup>155</sup> *Ibid.* p. 19.

<sup>156</sup> On the point see, Official Records of the Security Council (1948), 279<sup>th</sup> meeting, April 10, 1948, S/PV. 279, No. 54.

<sup>157</sup> *Ibid.* p. 13.

<sup>158</sup> *Ibid.*

<sup>159</sup> On the point see, Official Records of the Security Council (1949), 444<sup>th</sup> and 445<sup>th</sup> meetings, September 15, 1949, S/PV. 444 and S/PV.445, No. 42.

<sup>160</sup> *Ibid.*

abstained in the vote even in 1949, while Canada voted against, and only the Ukrainian SSR and the USSR cast a positive vote in order to recommend the Hungarian application to the General Assembly.

According to the Soviet Union, the American and British hostility to admit Hungary to the UN was the result of a policy of discrimination they were exercising against all Eastern applicants and a policy of favoritism that they contrarily pursued in favor of the Western ones, like Italy. Indeed, for the Soviets, the justifications provided by the US and the UK to the continuous abstentions that were based on their opposition to the regime established and policies enacted in Hungary, were only *de façade*, being oriented to cover their discriminatory policy<sup>161</sup>. Accordingly, the Soviet Union erected a dialectic around the American and British bias both to justify and legitimize the package deal, since “without any partiality, favouritism or discrimination, that draft resolution proposes, in a completely objective manner, the admission of all the thirteen States into the United Nations”<sup>162</sup>. Therefore, from the Soviet perspective, the proposal was veritably representative of the Union’s neutrality before any applicants because it neither favored nor discriminated any States by recommending their concomitant admission.

In reality, the claims and accusations made between the Big Three concerning the Italian and Hungarian applications were two sides of the same coin. Indeed, they were contesting one against the other the same violations and making the same claims but concerning different cases. On the one hand, from the Soviet viewpoint it was due to the policy of discrimination exercised by the US and the UK against Hungary that its application was hindered, hence they were violating the UN Charter’s provisions and the clauses set at Potsdam. On the other hand, from the American and British perspective, the USSR was the only responsible for delaying and blocking the admission of new countries. Indeed, by pursuing a policy of preferentialism towards Eastern applicants that was embodied by the association of their admission to the Western countries’ one under the formula of the package deal, it was violating many principles of the UN Charter.

The 595<sup>th</sup> meeting of the Security Council had been the occasion for certain permanent members of the Security Council to clearly express their opposition to the Hungarian admission<sup>163</sup>. In particular, the Chinese representative Mr. Tsiang challenged and criticized the situation developed in the people’s democracies, including Hungary, that had been contrarily taken by the USSR as a parameter of justification to their admission. Unlike the fairy-like image provided by the Soviet Union, the Chinese representative detected a completely diverging situation. For instance, labor market had been a hot topic of discussion, because while the USSR firmly stated that the level of

---

<sup>161</sup> *Ibid.*

<sup>162</sup> *Ibid.* p.44

<sup>163</sup> On the point see, Official Records of the Security Council (1952), 595<sup>th</sup> meeting, September 3, 1952, S/PV. 595.

advancement of workers' rights in Hungary was incomparable to the one present in Western countries, the Chinese representative reported about slavery and extremely underpaid jobs *vis-à-vis* Western standards. In addition to this, the representative even mentioned the report drafted by Leland Stowe in 1952 on Eastern States that had been labelled as “prisoners of the Kremlin”, whose “resources are directed solely to the building-up of Soviet power”<sup>164</sup>. Hence, the Hungarian precarious respect of human rights was incompatible with UN membership, which is contrarily based on defined requirements, including the peace-loving nature of the applicant State. In addition to this, being under the aegis of the Soviet Union, Hungary could not be even considered as an independent country, that is another requirement of admission. As a consequence, since Hungary was included in the list of countries not possessing the “minimum standards” of a “civilized society”<sup>165</sup>, its admission to the UN could not be supported.

The British declaration is also worth mentioning because it contested the allegation made by the USSR against the British and American violations of the peace treaty signed with Hungary and the agreement reached at Potsdam. According to the British representative Mr. Coulson, neither the peace treaty nor the clauses set at the Conference obliged the signatories to support the applications of the ex-enemy States of the War, but they were just “enabling clauses”<sup>166</sup> that would have merely enabled them to support the applications. Therefore, in absence of any duties, since Hungary was among the applicants not in compliance with the requirements prescribed by the UN Charter for becoming a member, both the UK and the US were not violating any provisions and they were free to not support its application.

During the 596<sup>th</sup> meeting of the Security Council held in 1952, the Soviet Union denounced even more harshly the American and British attitude towards the Hungarian application. In particular, it underlined that their interest in the Italian admission and their resistance to the Hungarian one were due to the fact that while Italy was “regarded [...] as a military ally”<sup>167</sup>, Hungary completely fell outside their political and military circles of interest. Therefore, Hungary would not have become a NATO member, while Italy was among the first countries to be included in the Alliance. According to the Soviet viewpoint, this event contributed to sponsor the policy of favoritism towards Western applicants, especially in favor of Italy. As a consequence, they were accused of violating the Charter’s aim that is oriented to establish “an international organization of free and sovereign States with different political structures, different ideologies and different ways of life, but united in one noble

---

<sup>164</sup> *Ibid.* p.16.

<sup>165</sup> *Ibid.* p.17.

<sup>166</sup> *Ibid.* p. 21.

<sup>167</sup> On the point see, Official Records of the Security Council, 596<sup>th</sup> meeting, September 5, 1952, S/PV. 596, p.13.

idea and desire”, that is “to live in peace together and jointly to fight for the strengthening of international peace and security on the basis of free and equal relations”<sup>168</sup>.

Before concluding, it is relevant to analyze the involvement of the General Assembly in the Hungarian application, because contrarily to the Italian case, it supported the leading perception the members of the Security Council had on the matter. Indeed, on every occasion in which the General Assembly re-addressed the question on the admission of new members to the Security Council recommending the admission of Italy, and other applicants, Hungary had never been included. In particular, in 1948<sup>169</sup>, it recommended the admission of Portugal, Transjordan, Italy, Finland, Ireland, Austria, and Ceylon. In 1949<sup>170</sup>, the Security Council had been requested to reconsider the applications of Austria, Ceylon, Finland, Ireland, Italy, Jordan, the Republic of Korea, Portugal, and Nepal. In 1952<sup>171</sup>, the General Assembly supported the applications of Japan, Vietnam, Cambodia, Laos, Libya, and Jordan. Therefore, while the General Assembly actively contributed to support the Security Council in admitting Italy, Hungary did not enjoy the same treatment.

On the contrary, in 1951, the General Assembly called the attention of the Hungarian government on the respect of the Charter’s provisions, especially the ones concerning the establishment and maintenance of peaceful relations with other States; in that case the reference was to the Yugoslav issue<sup>172</sup>. This appeal implicitly expressed the standpoint of the General Assembly on the Hungarian admission, because by claiming the infringement of certain Charter’s provisions, it was implicitly disclosing the Hungarian incompliance with the UN Charter and, consequently, its ineligibility as a member under Article 4 para.1.

Nevertheless, as well as Italy, Hungary had been ultimately admitted to the UN in 1955 being included in the package of sixteen countries recommended to membership<sup>173</sup>.

All things said, from the analysis developed it is a matter of fact that contrarily to Italy, the Hungarian application failed in obtaining the majority of positive votes required for becoming a member of the UN since the early beginning. The justifications provided by the members of the Security Council for having cast negative votes concerned the Hungarian incompliance with the requirements prescribed by Article 4 para.1 of the UN Charter. In particular, they contested its peace-loving nature and its independence that prevented the possibility to include it among the civilized States. However, as accomplished for the Italian case, the next paragraph aims at assessing the

---

<sup>168</sup> *Ibid.* p. 17.

<sup>169</sup> On the point see, A/RES/197(1948).

<sup>170</sup> On the point see, A/RES/296(1949).

<sup>171</sup> On the point see, A/RES/620(1952).

<sup>172</sup> On the point see, A/RES/509(1951).

<sup>173</sup> On the point see, A/RES/995(1955) and S/RES/109(1955).

consistency or inconsistency of the negative votes and abstentions cast by the members of the Security Council by analyzing the events that occurred in Hungary during that time.

### **3.5 Assessment on the Hungarian eligibility to the United Nations membership: peace-loving nature and independence**

The Hungarian application to UN membership met the opposition of many member States whose justifications revolved around the ineligibility of the applicant in light of the requirements prescribed by the UN Charter. In particular, claims were oriented towards two main aspects; firstly, the Hungarian lack of independence from the USSR prevented the possibility to be recognized as a sovereign State under International Law. Secondly, since the Hungarian government was accused of human rights' violations, it could not be either defined as a peace-loving State. The two points are interrelated because being under the Soviet aegis, the Hungarian system was totally dependent from the center and, consequently, the policies pursued and enacted mirrored the Communist doctrine radicalized in the Soviet system and widespread in the satellite States.

When Hungary submitted its application on April 22, 1947, it was even going through the process of Soviet penetration that would have transformed the country into a people's democracy. The USSR was not composed just of Soviet Socialist Republics, but it even included the so-called people's democracies, that were all those countries located in the border of the Union, like Hungary, that had been subjected to the Soviet influence and the kind of relations established with them was almost entirely comparable to the system envisaged inside the Union itself (Sabbatucci & Vidotto, 2008).

The possibility for the USSR to expand its sphere of influence in Hungary (as well as in other countries, like Rumania and Bulgaria) found its *raison d'être* in the end of the Second World War. In particular, the agreement reached by the UK and the USSR in 1944 at the Moscow Conference on the concentration of forces in the Balkans in order to contain the German influence offered the Union the opportunity to achieve a privileged position in the zone. Indeed, it would have been granted with "a 75/25 or 80/20 predominance in Bulgaria, Hungary, and Rumania" *vis-à-vis* the Western counterparts (Hoptner, 1954, p. 97). In addition to this, the Soviet influence was strengthened through the peace treaties set with these countries that relegated the Western allies in a border position.

The USSR found itself almost entirely free to extend the power because in any cases in which the US and the UK would have questioned on its expansion, it would have replied referring to the American relation with Italy and the British one with Greece. The justification provided for the Soviet infiltration lied in the ultimate objective of building a security wall that would have defended all the

countries included in it from external attacks, hence, reminding to Chapter VIII of the UN Charter<sup>174</sup>. But securitization of the entire zone would have been achieved only if the States included in the network would have been loyal to the center. Hence, the USSR also committed itself in the ratification of agreements of “friendship, cooperation and mutual assistance” with every State, that eventually contributed to the erection of a military union in order to prevent that its members would have entered any alliances that would have acted against the USSR itself (Hoptner, 1954, p.99). In particular, the ones signed with the satellite States located in the Balkans, like Hungary, aimed at securing the Union from Western capitalism and influence. However, the underlying objective to which the Soviet Union aspired since the early beginning was preventing any likely Western interference in the Eastern front. Therefore, the Soviet aim was establishing a network of international organizations that would have fostered and granted economic and political cooperation between socialist countries preventing that they would have moved closer to Western programs and organizations (Grzybowski, 1964).

The kind of relation the Soviet Union attempted to establish with Hungary was totally unbalanced, because both the treaties that had been concluded and the policies enacted in its territory contributed to its annihilation making it a mere satellite of the Soviet orbiter. In particular, the Soviet penetration triggered a political, economic, and humanitarian crisis that eventually led to the 1956 Hungarian Revolution (Arendt, 1958). However, at the beginning, even if the Soviet Union was almost free to act, it was still bound to respect the agreements set with its Western Allies, especially with the US and the UK concerning the Declaration on Liberated Europe (Hoptner, 1954). This document embarked the Big Three on assisting the liberated countries of the Second World War in establishing democratic States and fostering the organization of free elections, hence, even the USSR was bound to its respect in the Eastern front.

Accordingly, the Soviet Union established both a “Provisional Government” and a new parliament in Hungary in order to comply with the clauses, but they just worked on a theoretical ground (Szövérfy, 1955, p. 271). Indeed, the members of both organs were appointed by the center, they were Communist, and they came from or had been trained in Russia. As a matter of fact, both the government and the parliament worked as marionettes of the center. Likewise, even the presence of a pluralistic political spectrum characterized by the presence of five different political parties<sup>175</sup> was a *de façade* democratic element. For instance, the Hungarian Communist Party (HCP) was headed by Zoltán Vas, who was both a Red Army’s colonel and a member of the Hungarian

---

<sup>174</sup> Chapter VIII of the UN Charter admits the possibility to establish regional arrangements or agencies in every case in which the maintenance of international peace and security would be reached more effectively through regional rather than international action.

<sup>175</sup> They were the Hungarian Communist Party (HCP) that enjoyed the Russian support, the Small Holders, the Social Democratic Party, the Peasant Party, and the Liberal Party. On the point see, Szövérfy, 1955.

Communist Committee located in Moscow (Szövérfy, 1955). Therefore, the presence of political members directly chosen by the Soviet Union itself did not just facilitate the diffusion of the Communist dogmas in the satellite States, but it also deeply contributed to drain the independence of such countries, suppressing their real identity. However, although deprived from their national traits, the general sentiment in the satellite States tended to consider the installation of such regimes as illegitimate both because the process was accomplished through “puppet parliaments installed by the Soviets” but also because it violated “their natural independence and right to self-determination” (Saxer, 1992, p. 632). Indeed, the Communist Party’s victory at the 1947 elections had been secured by disenfranchising thousands of people, by casting thousands of fraudulent votes, and by detaining the prisoners of war until the end of the vote (Balogh, 2010).

Dependence from the center was also detectable in the transformation of the Hungarian kingdom into a republic, whose change had been executed by the Hungarian parliament that, however, had not been fairly elected hence it did not possess a legitimate mandate of action (Szövérfy, 1955). In addition to this, the center held the ultimate legislative control retaining “the power to annul decrees [...] that failed to conform to the law” that was exercised by the Supreme Soviet (Saxer, 1992, p. 617). Indeed, the Hungarian independence to which the USSR advocated during the discussions inside the Security Council veritably contrasted with reality. Just apparently Hungary was granted with freedom of political manoeuvre because such autonomy veritably contrasted with the process of centralization fueled by the central organs, that aimed at governing the Union and its satellite States as a “de facto unitary state” (Kreptul, 2003, p. 70). In addition to this, the Hungarian dependence was even embodied by the peace treaty itself that allowed the Soviet forces to stay in the Hungarian territories “until three months after the coming into force of the treaty with Austria” (Szövérfy, 1955, p. 275).

For what concerns international relations, Hungary’s sovietization prompted a deterioration of its international status, because Western countries did not trust Hungarian politicians and feared a likely Communist influence in case of direct interactions (Bottoni, 2009). Furthermore, the inconsistency of the Hungarian freedom of independently managing its international status was embodied by the kind of relations established within the Soviet borders, since both the SSRs and the satellite States could only enter into bilateral relations among themselves. The explanation underlying this aspect is strictly embodied in the Soviet ideology itself, that is centered on the “distrust and fear of multilateral groupings”, hence the aim was preventing the likelihood of any alliances that could have been created by the members and that could have been directed against the Union itself (Hoptner, 1954, p.101).

Hungary was not independent from the center even from an economic viewpoint. Even if the initial economic reforms were not so intrusive, the Hungarian economy gradually became compelled

to the Soviet will and the economic system proved to be the field in which Soviet expansionism had been mainly intrusive (Balogh, 2010). Therefore, it had been affected both by a process of nationalization and centralization, where production was administered from the center, collective production was preferred to private one, and economic ties could be entertained just with the SSRs, with the center, and with the other satellite States. In particular, the majority of exportations were directed to Russia while economic relations with Western countries almost faded. In addition to this, the Soviet economic infiltration in Hungary also envisaged the confiscation of firms in order to detain a direct control of the strategic sites of production (Balogh, 2010).

Hence, even the economy was subject to strict control that was exercised by the so-called West-Orient organization<sup>176</sup> and by the economic police founded by the HCP (Szövérfy, 1955). In addition to the internal control exercised by these entities, imports and exports were also regulated by the Council for Mutual Economic Assistance (COMECON) that was a centralized Soviet body set in 1949 to which all the members of the Eastern front adhered (Grzybowski, 1964). COMECON was not just entrusted with the aforementioned function, but it had been set up as the organization that would have regulated and served the entire economic system of the Union. Therefore, its activity was assisted “by a number of technical organizations in charge of special fields of international cooperation between the socialist countries”, including “railway and river transport organizations, conferences of government departments dealing with communications and custom formalities, the Joint Institute for Nuclear Research, the Danubian Commission, and various organizations for the protection of the maritime and fresh water fisheries” (Grzybowski, 1964, p.890). On the whole, the accomplishment of the economic plan triggered human rights’ violations and limitation, in particular in light of the process of collectivization that entailed the expropriation of properties from private owners (Mark, 2005).

Besides the lack of political and economic independence, violations of human rights were included among the justifications for having opposed the Hungarian membership to the UN. Indeed, contrarily to the level of advancement in the respect of workers’ rights advocated by the USSR, the Hungarian workforce had been victim of slave labor, especially in the construction sector. In addition to this, locals had been also subjected to humiliating practices exercised by the soldiers, like the one of “undressing” the people in the streets for selling the clothes and buying something else (Szövérfy, 1955, p.271). Furthermore, the kind of economic system envisaged by the Soviet Union that was essentially oriented to improve the richness of the Union deeply contributed to increase poverty, food shortage, and to generally decrease the quality of life (Lavigne, 1983).

---

<sup>176</sup> West-Orient was a trade organization established at the end of the 40s in Hungary especially to control the import-export activities.



Labor exploitation, physical violence, and poverty were accompanied by a severe deterioration and limitation of political, civil, and social rights. For example, freedom of thought, of expression, of the press, of association, and of religion were all at stake in light of the ultimate objective of establishing political and social uniformity in all the Republics and satellites. People were obliged to “attend party “training courses” and “democratic demonstrations” that were organized for spreading anti-Western dogmas, the press had to comply with Soviet directives, and people’s religious life had been strictly affected by the Communist doctrine (Szövérfy, 1955, p. 279). Likewise, political opposition and dissent were prevented in view of the control exercised by the security system envisaged by the Soviet Union, and, in particular, the middle-class was primarily victimized for its political affiliation (Mark, 2005). People that cooperated with the Fascist regime during the Second World War and the ones who supported different political parties from the Communist one became subjected to targeting, persecution and harassment being classified as revolutionists, hence threats to the installed regime. Therefore, political opponents had been arrested and excluded from political life. However, the measures envisaged by the Soviet regime between 1945 and 1947 were not oriented just to limit political participation, but those people had been even deprived from their voting right and job whether they were public employees. Furthermore, since 1948, the regime also outlawed their access to “secondary or higher education” (Mark, 2005, p. 967). Considering the attitude adopted and the choices made by the HCP, even the Hungarians that had always supported it began to distance, no longer identifying themselves in its principles.

As a consequence of the regime erected, even if the leading sensation coincided with hostility to the system, political resistance was almost inexistent since people were frightened by the consequences it would have triggered in view of the reaction of political and military authorities. Moreover, even political parties were not so keen on challenging the system and, especially, the level of commitment was different for each of them. For instance, although the Conservatives were the main opponents of the regime, they were the least prone to action, as well as the Socialists. On the contrary, the Liberal Party undertook more active commitments, like joining resistance organizations (Mark, 2005). Therefore, the outbreak of the 1956 Revolution was perceived as a totally unexpected event, especially in light of the amorphism that affected both the Hungarian civil society and political parties. Accordingly, the most relevant aspect of this episode was the lack of a leader that guided the revolts and the lack of organization since “the will of freedom was the moving force in every action”, asking for the leaving of the Russians from Hungarian territories, free elections, and a democratic State (Arendt, 1958, p.8). Indeed, as evidenced by Hannah Arendt (1958), who was a philosopher belonging to the Western front, the Hungarian Revolution exploded as a students’ and intellectuals’ demonstration and promptly became a national manifestation against the installed regime.

Hence, contrarily to the justifications provided by the Soviet Union within the Security Council as to convince the members of the UN that Hungary was totally compliant with the requirements prescribed by Article 4 para.1 of the Charter for acquiring the membership, historical facts prove the opposite. Even if the Hungarians deeply opposed the Soviet penetration in the country and the inclusion in the Soviet orbiter, the system that had been established was not willing and ready to carry out the obligations that would have been undertaken once having accessed the UN. As advocated by the US, the UK, and many other member States, contrarily to Italy, Hungary could not be defined as a sovereign and independent State as defined under International Law because it was essentially administered by the Soviet Union being one of its satellite States. This because the kind of political and economic union the USSR installed between Eastern socialist countries veritably aimed at neutralizing their independence in order to establish a highly centralized system. Therefore, in this way, the SSRs and satellite States were prevented from being influenced and contaminated by Western principles and ideology. The creation of “a system of international organizations and cooperation programs, strictly confined to the community (or Commonwealth) of socialist nations” was essentially oriented to achieve this purpose, because the kind of cooperation that would have been defined would have created a sort of protective wall that would have defended the Eastern front from any kind of Western interference (Grzybowski, 1964, p. 889).

Hungary could not be even classified as being peace-loving especially for two reasons. First, the system opted for human rights’ violations and limitation in their enjoyment. Second, as claimed by the General Assembly through Resolution no.509 adopted in 1951, the Hungarian government was also accused of having taken part in the hostilities in Yugoslavia<sup>177</sup> together with the USSR. It is even ventured to admit that it entered and maintained foreign relations with third States, because just theoretically the satellite States were allowed to define their foreign policy even though they did not directly fall into the Soviet Union, like the SSRs.

On the whole, this chapter has attempted to compare the Italian and Hungarian cases of admission to the UN because they are fairly representative of the injustice experienced by certain countries during the period in which the Organization had been affected by the blockade caused by the Soviet Union. In particular, they proved both the inconsistency of the Soviet vetoes to the Italian application and of the positive votes to the Hungarian case. The historical analyses that have been offered both for Italy and Hungary have attempted to provide a solid basis of analysis to the votes and to the cases

---

<sup>177</sup> Yugoslavia was included among the satellite States and the allegation refers to the moment in which Josip Broz Tito, the Yugoslav president, decided to unilaterally break the relations with the Soviet Union. As a consequence, Yugoslavia had been labelled as a diversionary country and both the USSR and its satellite States, including Hungary, carried out hostile activities in the country, like supporting the anti-Tito movements. On the point see, Sabbatucci & Vidotto, 2008.

in order to assess whether the veto to the Italian application was consistent with reality or not and the same for the opposition to the Hungarian one.

In conclusion, the Soviet resistance to the Italian admission is entirely illustrative of an inclination for which even if Italy was eligible to membership, its entrance to the Organization was prevented by the fact that being an ex-enemy State of the Second World War it had to be treated in the same way as the others. Therefore, Italy had to wait until the member States of the Security Council positively voted for the admission of Eastern countries even though they did not possess the requirements prescribed by the Charter for being UN members. Likewise, the strong support provided by the USSR to the Hungarian application in spite of its ineligibility manifests its determination to admit Eastern and not just Western countries to the UN, fearing that the UN would have become a complete Western-directed organization. Eventually, the price of the package deal had been paid by countries like Italy that have been prevented to join the Organization and the related rights and benefits associated with the membership until the Soviet desire had not been satisfied.

## CONCLUSIONS

The objective of this thesis has been oriented to the analysis of the United Nations with a defined focus on how the institutional design envisaged by the founding fathers of the Organization has permitted and facilitated the USSR in proposing the concomitant acquisition of membership to sixteen countries. The underlying assumption that has been supported throughout the entire work has been centered on the fact that in light of the features envisaged and assigned to the UN since its early foundation, the USSR has found fertile ground for its proposal.

In particular, the thesis has demonstrated that the ease has been provided by the right to veto possessed by the permanent members of the Security Council, of which the Soviet Union was part, by the unbalanced distribution of powers between the organs of the Organization, especially between the Security Council and the General Assembly, and by the peculiar role assigned to the ICJ. The intent has been to explain and show how the impasse generated inside the UN system, that eventually caused the deadlock of the Security Council on the admission of new members to the Organization, has been veritably provoked by the decisions adopted and the choices made by the founding members, in particular by the Big Three.

For what concerns the veto right, although the US, the UK, and the USSR had long and significantly debated on the voting procedure that would have characterized the Security Council, they eventually agreed on providing the P5 with such a powerful instrument. When the decision had been made, the Big Three did not probably take account of all the eventualities that an excessive use of the veto right could have triggered, but in any case, they attempted to contain the threat and prevent any negative consequences by assuming the responsibility and promising to fairly use the veto right since Dumbarton Oaks. The confidence they had on the fair behavior they would have adopted was influenced by the historical moment in which the UN had been founded. Therefore, they were cooperating in re-establishing international peace and security during one of the most fragile moments of the second half of the 20<sup>th</sup> Century, hence, they were veritably united in the pursue of the same objective in spite of the ideological differences that had always identified each of them. But, in addition to this, the research has demonstrated how the latent intent of the Big Three was also to prioritize their position as lead States in the process of maintaining and granting international peace and security and the veto right was just one among other elements that would have permitted so.

Besides the right to veto held by the P5, the distribution of powers and the division of competencies between the Security Council and the General Assembly that had been envisaged by the Big Three has been described as the second element that facilitated the adverse Soviet attitude and the relative standstill of the Security Council since 1947 until 1955. Like the aim conceived for the veto right, powers and competencies had been divided between the two organs in an unbalanced

but wished and deliberate way. Therefore, since the early conferences organized and attended by the Big Three, there was the firm conviction of establishing an international organization where the leading role would have been held by the Security Council and the General Assembly would have contrarily been the representative organ of the UN but entrusted with weaker powers. Even though it was envisaged that the Assembly would have actively cooperated next to the Council in the maintenance of international peace and security, the way in which the work would have been carried out would not have been comparable. Hence, the General Assembly was thought to be primarily responsible for representing the voice of all the member States of the Organization, while the Security Council was conceived to be the operational body. This thesis has explained how the choice to proceed with an unequal division of powers and competences was partly influenced also by the structure of the League of Nations where the lack of a stable and robust Council caused its collapse. Consequently, in order to not repeat the same mistakes of the past, the Big Three preferred concentrating the majority of powers and responsibilities directly in the Security Council, and in particular in the hands of the P5 of which they were part.

The real design envisaged by the Big Three for the General Assembly contributed to enable and allow the Soviet attitude. Therefore, in light of the limited freedom of action and limited powers assigned, the General Assembly could not have done and acted in a different way but what and as it did. Even if the Security Council was blocked in the admission of new members by the veto game played by the Soviet Union, the General Assembly did not hold any means for unblocking the standstill and it could not even take the role of the Council in the matter. Hence, as well as for the veto right, even the disproportionate distribution of powers and competences between the organs that had been firmly advocated by the founding members of the UN, contrarily contributed to cause unexpected and negative consequences. It may be considered as a real anomaly and a paradox that the representative body of the entire Organization was completely unable to solve the question not being provided with the necessary tools for acting but it could just see as a spectator that the Council was unable to act.

Furthermore, even the conceptualization of the ICJ as a judicial organ but entrusted with weak judicial powers and relative ability to bind the member States with the advisory opinions that are adopted did not contribute to solve the standstill. Indeed, in spite of the referral to the Court by the General Assembly and the opinion that it delivered, the situation did not change. Even in this case, the thesis has attempted to highlight how the inability of the ICJ to act was veritably linked with the choices made by the Big Three in the process of founding the UN. Therefore, if the ICJ did not hold the classic powers a court possesses, it was due to the features the Big Three decided to assign to this

body. Consequently, even this organ could not do anything else but what it did for unblocking the Security Council.

All things said, the deadlock in which the Security Council lied for eight years was primarily caused by a legitimate but unfair use of the veto right exercised by the USSR. On the one hand, it shall be affirmed that it was legitimate because the UN Charter does not place any limits to the P5 in exercising their veto right. On the other hand, it was unfair not just in light of the consequences it triggered inside the entire system preventing the action of the Security Council and the enlargement of the UN membership, but especially because the way in which the right had been exercised was intentionally oriented to provoke the standstill. Therefore, even though the Charter is silent on the use of the veto right, the responsibility of a fair and reasonable use is remitted upon the P5 themselves. In particular, the USSR was among the designers of the veto right, hence, it knew the consequences of its use. For this reason, the Soviet Union although not acting directly in contrast with the Charter behaved in a negligent way.

If the veto right had been the instrument that directly allow the Soviet Union to impose its will until proposing the package deal, the contour embodied by the distribution of competences and powers assigned to the other organs contributed to the survival of the deadlock for so many years. It was as if the system itself helped the USSR in imposing its will against the majority. In particular, the wished centralization of powers in the hands of the permanent members of the Security Council, in order to acquire a leading role, relegated the Council in such a position of pre-eminence that it could not be reached by the other organs. Indeed, the veto right, the division of competences and powers, and the real conceptualization of the organs were having a boomerang effect, favorizing a hostile attitude. In addition to this, another point to consider is that in the historical period when the UN had been founded, the Big Three did not foresee the possibility that the Security Council would have been blocked in light of the unfair use of the right to veto. Therefore, they did not even provide a resolution method for such cases neither resorting to the General Assembly nor to the ICJ, but they just trusted one the other in light of the commitments undertaken and promises made between themselves.

In order to offer a full-fledged knowledge of the topic, since the package deal relates to the issue of admission of new members to the Organization, an analysis of the matter in relation to what is prescribed by the UN Charter has been included. In particular, the second chapter has offered an examination of the content of Article 4 para.1 concerning the requirements a candidate State must possess for becoming a member of the UN. Like the institutional features described above, also the Charter partially contributed to induce the Soviet Union to propose the package deal, because in spite of enumerating the requisites, it does not specifically define their meaning. Therefore, the member

States had attempted to associate different explanations to them, developing different interpretations. Moreover, as stated by the ICJ, even though the provision shall be reckoned to be exhaustive, the Charter does not prevent the Security Council from considering even further elements that are not contemplated by the Charter itself. Hence, this means that in the process of assessing the eligibility of applicants, members are left with an almost large space of manoeuvre. But especially, as happened during the years the Security Council was affected by the deadlock, the interpretations associated to the requirements may be so diverging to trigger the incomprehension between the members themselves.

The last part of this thesis has been dedicated to an in-depth analysis of the package deal with the objective of penetrating inside it selecting two different cases of applications that would have been subject to the formula proposed by the Soviet Union. The choice has reversed on the Italian and Hungarian cases in order to highlight two main points.

First, the research has aimed at demonstrating the inconsistency of the Soviet assumption that being both ex-enemies States of the Second World War they should have been treated in the same way in becoming members of the UN. Hence, according to the Soviet Union the mere fact that Italy and Hungary shared the same status during the War was enough for admitting them to the Organization without considering the requirements defined by Article 4 para.1 of the Charter that contrarily must be possessed by the applicants for becoming members. Therefore, the examination that has been executed on the cases that has been centered on their domestic political condition and their international status has revealed the incorrectness of the Soviet claim. On the one hand, the analysis has shown that Italy was veritably eligible to membership since 1947, when the request of admission had been presented to the UN. On the other hand, Hungary was ineligible to membership in light of its incompliance with the requirements. Consequently, the package deal claimed by the Soviet Union that would have granted the membership to Hungary concomitantly admitting it with other countries, including Italy, was just a way to cover its ineligibility annulling it with the *en bloc* admission. Therefore, while the resistance exercised by majority of the members of the Security Council to the Hungarian admission was consistent with real facts, the Soviet support and the justifications provided to the Hungarian membership were just propaganda for convincing the other members that the applicant was eligible.

Second, the focus on these two specific cases has been also oriented to pinpoint the injustice that has been experienced by certain countries due to the veto game played by the Soviet Union. For this reason, the Italian case has been selected because Italy was compliant with the requirements prescribed by the UN Charter since 1947. However, its right to become a member had been hindered by the Soviet attitude. Therefore, in spite of the justifications provided by the Soviet Union, it

eventually declared that the vetoes applied to the Italian application were oriented to avoid treating Italy in a preferential way in comparison with the other ex-enemy States of the Second World War. The choice to further include an analysis of the perception the Italian public opinion and national authorities had on the delay in being admitted has been oriented to stress the resentment spread in the country and the increasing disenchantment they were reserving to the UN in light of its inability to secure its admission. Indeed, the study has underlined how the will of one permanent member of the Security Council has caused the deadlock of an entire international organization, because even though the General Assembly could recommend the admission of certain countries, it could not do anything else, because as confirmed even by the ICJ the organs shall comply with the division of competences and powers that the Charter assigns them. Therefore, without cooperating, without fairly using the veto right, and without acting in good faith, a question that allows the exercise of the veto right is able to trigger the inaction of the UN as a whole.

In addition to this, the analysis that has been made on the perspective adopted by the Soviet Union on the matter has demonstrated and confirmed the Soviet concern that the UN would have become an international organization primarily and mostly directed and represented by Western countries. The unfair use of the veto right, the justifications provided both for negative and positive votes to the applications, and the proposal of the concomitant admission of Eastern and Western countries are not the only representative elements. Therefore, the research has shown how this concern was veritably present since the early foundation of the UN by reporting another case study that centered on the analysis of the participation of the Ukrainian and Byelorussian SSRs to the 1945 San Francisco Conference and their relative inclusion among the original members of the Organization, that are recognized under Article 3 of the Charter. By extending the participation to the Conference to the Republics, the Soviet Union aimed at securing and increasing the Soviet and, generally speaking, the Eastern level of representation inside the Organization.

Thanks to the focus on the Ukrainian and Byelorussian SSRs, not just the Soviet fear of underrepresentation inside the Organization has been accented but the aim was even to stress the injustice certain Western countries experienced with the package deal formula, like Italy. This because the two Republics had been granted not just with membership to the UN but even with the participation to the San Francisco Conference and the relative inclusion among the original members of the Organization in spite of their ineligibility to membership, that was essentially due to the fact that they were Republics entirely under the Soviet aegis. On the contrary, some Western countries, like Italy, have long suffered the delay in admission, in spite of their complete compliance with the UN requirements, and the lack of invitation to the San Francisco Conference that would have given the opportunity to collaborate in the preparatory works and in the final draft of the Charter. The central



reason why Italy, and even other countries, had been excluded from San Francisco found its logic in the status they had during the Second World War and the fact that peace treaties between them and the Allies had not been ratified yet.

In addition to this, the essence of the relation between the examination performed on the two cases of Soviet Republics' inclusion among the original members of the UN and the package deal is located in the inconsistency of the Soviet requests. Therefore, in both cases the claims raised by the Soviet Union in incorporating autonomously the two SSRs in the Organization and in associating the membership of Western and Eastern applicants diverged from the Charter's principles and provisions. Accordingly, as highlighted by this study, the process of creating the UN has also been accompanied by a great halo of accommodation in the different requests that had been made in order to find compromises despite controversies.

All in all, this research has drawn attention on how the real conceptualization envisaged for the UN by the Big Three facilitated the Soviet attitude adopted since 1947 until 1955. Therefore, without siding with any member States or fronts, the objective has been to reveal and describe that the system and the features conceived by the Big Three for the organs and for the international organization manifested a boomerang effect. In particular, the Security Council that should have been the beating heart and security regulator was working in reverse, eventually appearing as the main organ for the entire system inaction. The institutional and organizational choices made by the Big Three in the early foundation of the UN could be reasonably justified in light of the historical background and aims that were going to be achieved. However, this thesis has shown how they proved to be flaws of and threats to the Organization as soon as it had been founded and that had been able to hamper, affect, and undermine the functioning of the entire system. The case study that has been selected is just one example among several that can represent this fallacy, but it has been selected because it occurred once the UN had been founded promptly raising the question. Despite the relevance of the case study, it concerned and affected the right of States to become members of the UN, but the magnitude of the threat posed by these flaws exponentially increases in the cases involving Chapter VII of the Charter, that is when the Security Council shall face threats to and breaches of international peace and security and acts of aggression. Even in this case, in light of the institutional arrangements envisaged, the UN is able to act just if the P5 will work unanimously.

It can be stated that the standstill that affected the Security Council should have been avoided just if the system would have been conceptualized in a different way. For example, whether the P5 would not have enjoyed the veto right on the matter, whether the Security Council would have had the possibility to resort to a specific procedure for unblocking itself, whether the General Assembly would have had larger competences and greater authority before the Council, or whether the ICJ

would have been entrusted with more powerful judicial governance. Besides the constant efforts of the General Assembly to come up with more comparable powers *vis-à-vis* the Security Council, like in the case of Uniting for Peace Resolution, claims have been raised in order to modify even other characteristics of the UN. Most of the attention has been reversed on the expansion of the Security Council membership, especially of the permanent seats (Budrich, 2018)<sup>178</sup>. The main reason lies in the fact that the Council is the operational body of the Organization, but it is not really representative of the entire membership, hence of the general will. Since the General Assembly cannot be entrusted with the functions and powers that are held by the Security Council, expanding the permanent seats could be seen as a way to counterbalance the pre-eminent position in which the Council lies, consequently filling the gap between the two organs. Secretary-General Kofi Annan has attempted to find a solution to the institutional weaknesses emerged since the 1940s by proposing the enlargement of the Security Council membership up to 24 members<sup>179</sup>. In 2009 the initiative has been also subjected to assessment and analysis of the Intergovernmental Negotiations (ING) although any “actionable plan” has been devised (Soderberg, 2015, p. 42).

To conclude, the analysis that has been developed in this thesis has aimed at identifying and highlighting the institutional flaws of the UN that contributed to cause unexpected events, like the package deal proposal, that eventually triggered the deadlock of the Organization. The uniqueness and perfection of the UN lies in the core functions and powers it possesses, in its world-wide membership, and in the Charter that is reckoned as the Constitution of the entire international community. However, the lack of remedies and the reluctance to amend<sup>180</sup> the Charter in light of the challenging and onerous process have revealed the UN flaws, unearthing some imperfections inside its perfection.

---

<sup>178</sup> It is relevant to underline that the Security Council membership had been already expanded in 1965 after the amendment of Article 23 of the UN Charter. The reform has just enlarged the number of non-permanent members of the Council that has been increased from 6 to 10. However, the number of non-permanent members has not been modified. On the point see, Conforti and Focarelli 2016.

<sup>179</sup> Two different alternatives have been proposed. The first aimed at introducing six extra permanent seats, while the second was oriented to create a new group of non-permanent members that would have been elected for four years. On the point see, Soderberg, 2015.

<sup>180</sup> Chapter XVIII regulates the procedure for amending the UN Charter. Article 108 states that an amendment to the Charter comes into force only when it is adopted by a two-thirds majority of the General Assembly and when it is ratified by a two-thirds majority of all the member States of the Organization, including the P5. Therefore, it follows that the permanent members enjoy the veto right, hence in any cases in which they disagree with the amendment they can exercise their veto. Accordingly, this is the core challenge in reforming the Security Council, because being the P5 reluctant in extending the privileges they enjoy to other members, they can veto the amendment blocking the activity of the Organization.

## **BIBLIOGRAPHY**

- Aga-Rossi E. (2007), «De Gasperi e la scelta di campo», *Ventunesimo Secolo*, 6(12), pp. 13-39.
- Agosti A. (1990), «Il Partito comunista italiano e la svolta del 1947», *Studi Storici*, 31(1), pp. 53-88.
- Ahmad M. (1953), «ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS», *Pakistan Horizon*, 6(4), pp. 161-171.
- Alla Albert Hall, l'Italia con le Nazioni Unite, *La Nuova Stampa*, February 23, 1947.
- Arendt H. (1958), «Totalitarian Imperialism: Reflections on the Hungarian Revolution», *The Journal of Politics*, 20(1), pp. 5-43.
- Balogh A. (2010), «Hungary in the Cold War, 1945-1956: Between the United States and the Soviet Union», [Review of the work *Hungary in the Cold War, 1945-1956: Between the United States and the Soviet Union* by L. Borhi], *Journal of Cold War Studies*, 12(1), pp. 189-191.
- Bartoli D. (1948), «Una riunione dei tre a Parigi mentre si apre l'Assemblea dell'UNO», *La Nuova Stampa*, September 22, 1948.
- Bernardi E. (2007), «L'ordine pubblico nel 1947», *Ventunesimo Secolo*, 6(12), pp. 105-129.
- Bishop W.W. (1948), «Conditions of Admission of a State to Membership in the United Nations», *The American Journal of International Law*, 42(4), pp. 927-934.
- Blum Y.Z. (1992), «Russia Takes over the Soviet Union's Seat at the United Nations», *European Journal of International Law*, 3(2), pp. 354-361.
- Bolech D. (2009), «L'Italia e la sicurezza collettiva. Dalla Società delle Nazioni alle Nazioni Unite», *Il Politico*, 74(1), pp. 230-232.
- Borchard E. (1945), «The Dumbarton Oaks Conference», *The American Journal of International Law*, 39(1), pp. 97-101.
- Bottoni S. (2009), «Sovietization and Nationalism in Hungary», [Review of the works *Hungary from the Nazis to the Soviets: the establishment of the communist regime in Hungary*, by P. Kenez and *Agents of Moscow: The Hungarian Communist Party and the origins of socialist patriotism*, by M. Mevius], *The Historical Journal*, 52(3), pp. 789-797.
- Boyd A. (1970), «The Role of the Great Powers in the United Nations System», *International Journal*, 25(2), pp. 356-369.
- Budrich V.B. (2018), «Evolving International Organizations: the UN Past and Present», in John Trent and Laura Schnurr (eds), *A United Nations Renaissance*, Oxford, Saint Philip Street Press.

- Butros-Ghali B. (1992), «Empowering the United Nations», *Foreign Affairs*, 71(5), pp. 89-102.
- Chamberlin W.H. (1947), «U.S.S.R. and U.N.», *The Russian Review*, 6(2), pp. 37-43.
- Chen F. (2001), «The meaning of “states” in the Membership Provisions of the United Nations Charter», *Indiana International & Comparative Law Review*, 12(1), pp. 25-52.
- Conforti B. (2006), *Diritto Internazionale*, Napoli, Editoriale Scientifica, 7<sup>th</sup> edition.
- Conforti B., Focarelli C., Blokker N. (ed) (2016), *The Law and Practice of the United Nations*, Boston, Brill Nijhoff, 5<sup>th</sup> edition.
- Croce B. (1973), «L'Italia e la Conferenza di San Francisco», *Scritti e Discorsi Politici (1943 – 1947)*, Bari, Gius. Laterza & Figli, 2<sup>nd</sup> volume.
- Dallin A. (1962), «The Soviet View of the United Nations», *International Organization*, 16(1), pp. 20-36.
- Di Nolfo E. (2015), *Storia delle Relazioni Internazionali Gli anni della guerra fredda 1946-1990*, Bari, Laterza, 4<sup>th</sup> edition.
- Duffy C.G. (1950), «The League of Nations», *The Irish Monthly*, 78(922), pp. 166-174.
- Eichelberger C.M. (1961), «The Role of the United Nations in the East-West Dispute», *The Annals of the American Academy of Political and Social Science*, 336, pp. 106-113.
- Eke M.S. and Kuzio T. (2000), «Sultanism in Eastern Europe: The Socio-Political Roots of Authoritarian Populism in Belarus», *Europe-Asia Studies*, 52(3), pp. 523-547.
- Gaja R. (1978), «La politica estera italiana, note per un esame critico», *Rivista di Studi Politici Internazionali*, 45(3), pp. 405-411.
- Gallo P.J. & Rossi G. (1968), «Nazioni Unite e Italia», *Rivista di Studi Politici Internazionali*, 35(2), pp. 290-306.
- Gardner R.N. (1964), «The Soviet Union and the United Nations», *Law and Contemporary Problems*, 29(4), pp. 845-857.
- Goodrich L.M. (1947), «From League of Nations to United Nations», *International Organization*, 1(1), pp. 3-21.
- Gross L. (1954), «ELECTION OF STATES TO UNITED NATIONS MEMBERSHIP», *Proceedings of the American Society of International Law at Its Annual Meeting*, 48, pp. 37-59.

Gross L. (1956), «Progress Towards Universality of Membership in the United Nations», *The American Journal of International Law*, 50(4), pp. 791-827.

Grzybowski K. (1964), «International Organizations from the Soviet Point of View», *Law and Contemporary Problems*, 29(4), pp. 882-895.

Gualtieri R. (1998), «Piano Marshall, commercio estero e sviluppo in Italia: Alle origini dell'europeismo centrista», *Studi Storici*, 39(3), pp. 853-897.

Hoptner J.B. (1954), «Soviet Policy in Eastern Europe since 1945», *Journal of International Affairs*, 8(1), pp. 95-106.

Hotz A.J. (1961), «The United Nations Since 1945: An Appraisal», *The Annals of the American Academy of Political and Social Science*, 336, pp. 127-136.

Hughes E.J. (1974), «Winston Churchill and the Formation of the United Nations Organization», *Journal of Contemporary History*, 9(4), pp. 177-194.

Hurd J. (2002), «Legitimacy, Power, and the Symbolic Life of the UN Security Council», *Global Governance*, 8(1), pp. 35-51.

In Italia la sede delle Nazioni Unite?: Venezia, Capri, Como, Roma... Gusti americani e inglesi – Problemi politici e turistici, *La Nuova Stampa*, November 28, 1945.

James A. (1961), «The Soviet Troika Proposals», *The World Today*, 17(9), pp. 368-376.

Johnstone A. (2019), «The Perils of Perfectionism», *Journal of Contemporary History*, 54(2), pp. 284-302.

Kelsen H. (1945), «The Old and the New League: The Covenant and the Dumbarton Oaks Proposals», *The American Journal of International Law*, 39(1), pp. 45-83.

Kelsen, H. (1946), «Membership in the United Nations», *Columbia Law Review*, 46(3), pp. 391-411.

Klooz M.S. (1949), «The Role of the General Assembly of the United Nations in the Admission of Members», *The American Journal of International Law*, 43(2), pp. 246-261.

Kreptul A. (2003), «The Constitutional Right of Secession in Political Theory and History», *Journal of Libertarian Studies*, 17(4), pp. 39-100.

Lande G.R. (1966), «The Effect of the Resolutions of the United Nations General Assembly», *World Politics*, 19(1), pp. 83-105.

Lavigne M. (1983), «The Soviet Union inside Comecon», *Soviet Studies*, 35(2), pp. 135-153.

- Liang Y. (1949), «Conditions of Admission of a State to Membership in the United Nations», *The American Journal of International Law*, 43(2), pp. 288-303.
- Ligustro A. (2016), «Sessant'anni dell'Italia all'ONU: per una celebrazione senza retorica», *Diritto pubblico comparato ed europeo*, 1, pp. 3-10.
- Lilli V. (1949), «L'Inghilterra ha mancato alla sua missione: Nazioni Unite senza Europa», *La Nuova Stampa*, August 28, 1949.
- Mammarella G. (1974), *L'Italia dopo il fascismo: 1943 – 1973*, Bologna, Il Mulino.
- Marchisio S. (2000), *L'ONU Il diritto delle Nazioni Unite*, Bologna, Il Mulino.
- Mark J. (2005), «Society, Resistance and Revolution: The Budapest Middle Class and the Hungarian Communist State 1948-56», *The English Historical Review*, 120(488), pp. 963-986.
- Mazzei F., Marchetti R., and Petito F. (2010), *Manuale di Politica Internazionale*, Milano, Egea, 1<sup>st</sup> edition.
- Miele M. (1960), *Principi di Diritto Internazionale*, Padova, Cedam, 2<sup>nd</sup> edition.
- Morrison Skelly J. (1996), «Ireland, the Department of External Affairs, and the United Nations, 1946-55: A New Look», *Irish Studies in International Affairs*, 7, pp. 63-80.
- Nuovo Gesto degli Anglo-Americani: Sarà Riproposta l'Ammissione dell'Italia alle Nazioni Unite, *La Nuova Stampa*, June 11, 1948.
- Padelford N.J. (1948), «The Use of the Veto», *International Organization*, 2(2), pp. 227-246.
- Pastorelli P. (n.d.), «Italy's accession to the United Nations Organization», (n.p.), available at [https://www.diplomatie.gouv.fr/IMG/pdf/ONU\\_pietro\\_pastorelli.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/ONU_pietro_pastorelli.pdf), accessed on August 27, 2023.
- Piccarolo M. (1957), «Un termine molto usato ed un concetto poco conosciuto: la sovranità», *Rivista di Studi Politici Internazionali*, 24(1), pp. 151-157.
- Popovski V. (2020), «Towards Multiple Security Councils», *Stimson Center*.
- Riggs R.E. (1968), «The U.N. in East-West Confrontation», *Journal of the Minnesota Academy of Science*, 35(2), 146-150.
- Roberts G. (2007), «Stalin at the Tehran, Yalta, and Potsdam Conferences», *Journal of Cold War Studies*, 9(4), pp. 6-40.
- Roberts G. (2019), «A League of Their Own: The Soviet Origins of the United Nations», *Journal of Contemporary History*, 54(2), pp. 303-327.

- Ronzitti N. (2019), *Diritto Internazionale*, Torino, G. Giappichelli Editore, 6<sup>th</sup> edition.
- Sabbatucci G. & Vidotto V. (2008), *Storia Contemporanea: Il Novecento*, Bari, Editori Laterza, 18<sup>th</sup> edition.
- Salvadori M.L. (2018), *Storia d'Italia: Il cammino tormentato di una nazione. 1861-2016*, Torino, Giulio Einaudi s.p.a.
- Saxer U.W. (1992), «The Transformation of the Soviet Union: From a Socialist Federation to a Commonwealth of Independent States», *Loyola of Los Angeles International and Comparative Law Review*, 14(3), pp. 585 -715.
- Singh S.C. (1958), «The veto problem in the U.N.», *The Indian Journal of Political Science*, 19(2), pp. 129-133.
- Sloan F.B. (1950), «Advisory Jurisdiction of the International Court of Justice», *California Law Review*, 38(5), pp. 830-859.
- Soderberg N. (2015), «Time to Bring the United Nations Security Council into the 21<sup>st</sup> Century», *Georgetown Journal of International Affairs*, 16(2), pp. 39-46.
- Stalin J.V., Truman H.S., Attlee C.R. (1945), «The Big Three Report on The Potsdam Conference», *Current History*, 9(49), pp. 240-250.
- Szövérfy J. (1955), «Satellite State», *An Irish Quarterly Review*, 44(175), pp. 271-280.
- The Economic Weekly (1955), «United Nations Package Deal», *The Economic Weekly*, December 10, 1955.
- «The Moscow Conference» (1943), *Current History*, 5(28), pp. 335-339.
- Thornton R.C. (2014), «FDR's New World Order: A Chimerical Vision», *Journal of Strategy and Politics*, 1, pp. 14-45.
- Udina M. (1963), *L'organizzazione delle Nazioni Unite*, Padova, Cedam.
- Uibopuu H.T. (1975), «International Legal Personality of Union Republics of U.S.S.R.», *The International and Comparative Law Quarterly*, 24(4), pp. 811-845.
- Varsori A. (1998), *L'Italia nelle Relazioni Internazionali dal 1943 al 1992*, Bari, Editori Laterza, 1<sup>st</sup> edition.
- Wouters J. & Ruys T. (2005), *Use and Abuse of the Veto Power*, Egmont Institute, pp. 9-18.

Zimmern A. (1936), *The League of Nations and the Rule of Law*, London, MacMillan.

## **SITOGRAHY**

Atrio.esteri.it, Archivio dei Trattati Internazionali Online, available at <https://atrio.esteri.it/Home/Search>, accessed on August 18, 2023.

Britannica.com, Non-Aligned Movement, available at <https://www.britannica.com/topic/Non-Aligned-Movement>, accessed on July 15, 2023.

Farnesina.ipzs.it, Mostra Virtuale ONU, available at <https://www.farnesina.ipzs.it/mostra/322/sezioni/1644/bacheche/8548>, accessed on August 18, 2023.

Farnesina.ipzs.it, Presentazione da parte dell'Italia della Domanda di Ammissione all'ONU, available at [https://www.farnesina.ipzs.it/mostra/322/sezioni/1644/bacheche/immagine/010106\\_onu/galleria](https://www.farnesina.ipzs.it/mostra/322/sezioni/1644/bacheche/immagine/010106_onu/galleria), accessed on August 18, 2023.

Finlandabroad.fi, Finland in United Nations Permanent Mission of Finland to the UN, New York, available at <https://finlandabroad.fi/web/un/history>, accessed on March 16, 2023.

G77.org, The Member States of the Group of 77, available at <https://www.g77.org/doc/members.html>, accessed on July 15, 2023.

Ilsa.org, Montevideo Convention on the Rights and Duties of States, available at <https://www.ilsa.org/Jessup/Jessup15/Montevideo%20Convention.pdf>, accessed on September 17, 2023.

Nato.int, A Short History of NATO, available at [https://www.nato.int/cps/en/natohq/declassified\\_139339.htm](https://www.nato.int/cps/en/natohq/declassified_139339.htm), accessed on July 26, 2023.

Nato.int, My Country and Nato, available at [https://www.nato.int/cps/en/natohq/declassified\\_162356.htm](https://www.nato.int/cps/en/natohq/declassified_162356.htm), accessed on July 30, 2023.

Nato.int, U.S. Senate Resolution, available at [https://www.nato.int/cps/en/natohq/official\\_texts\\_17054.htm](https://www.nato.int/cps/en/natohq/official_texts_17054.htm), accessed on July 8, 2023.

Salute.gov.it, Organizzazione Mondiale Sanità, available at <https://www.salute.gov.it/portale/rapportiInternazionali/dettaglioContenutiRapportiInternazionali.jsp?area=rapporti&id=1784&lingua=italiano&menu=mondiale>, accessed on August 18, 2023.

Senato.it, Articolo 11, available at [https://www.senato.it/Leg18/1025?sezione=118&articolo\\_numero\\_articolo=11#:~:text=L%27Italia%20ripudia%20la%20guerra,la%20giustizia%20fra%20le%20Nazioni%3B](https://www.senato.it/Leg18/1025?sezione=118&articolo_numero_articolo=11#:~:text=L%27Italia%20ripudia%20la%20guerra,la%20giustizia%20fra%20le%20Nazioni%3B), accessed on July 30, 2023.



State.gov, Independent States in the World, available at <https://www.state.gov/independent-states-in-the-world/>, accessed on March 16, 2023.

Un.org, About Permanent Observers, available at <https://www.un.org/en/about-us/about-permanent-observers>, accessed on April 5, 2023.

Un.org, About Us, available at <https://www.un.org/en/about-us>, accessed on September 17, 2023.

Un.org, Countries Elected Members, available at <https://www.un.org/securitycouncil/content/countries-elected-members>, accessed on July 10, 2023.

Un.org, Growth in United Nations membership, available at <https://www.un.org/en/about-us/growth-in-un-membership>, accessed on April 5, 2023.

Un.org, Model United Nations History of the United Nations, available at <https://www.un.org/en/model-united-nations/history-united-nations>, accessed on April 5, 2023.

Un.org, Model United Nations History of the United Nations, available at <https://www.un.org/en/model-united-nations/history-united-nations>, accessed on February 24, 2023.

Un.org, Provisional Rules of Procedure Chapter X: Admission of New Members, available at <https://www.un.org/securitycouncil/content/rop/chapter-10>, accessed on September 17, 2023.

Un.org, Trusteeship Council, available at <https://www.un.org/en/about-us/trusteeship-council#:~:text=The%20Trusteeship%20Council%20is%20made,Kingdom%20and%20the%20United%20States>, accessed on July 25, 2023.

Un.org, United Nations Charter, available at <https://www.un.org/en/about-us/un-charter>, accessed on April 5, 2023.

Unesco.it, Il Nostro Ruolo, available at <https://www.unesco.it/it/ChiSiamo/Detail/201>, accessed on August 19, 2023.

## ***OFFICIAL DOCUMENTS***

Constituent Assembly (1947), Disegno di Legge Presentato dal Ministro degli Affari Esteri (Sforza) di Concerto col Presidente del Consiglio dei Ministri e con tutti i Ministri, n.23.

Foreign Relations of the United States, «1946, General; the United Nations, Volume I», Document 136.

Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 1.

Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 2.

Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 6.

Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 8.

Foreign Relations of the United States, «Diplomatic papers, 1945, general: the United Nations, volume I», Document 76

Foreign Relations of the United States, «Diplomatic Papers, 1945, general: the United Nations, volume I», Document 91.

Foreign Relations of the United States, «Diplomatic Papers, 1945, general: the United Nations, volume I», Document 97.

Foreign Relations of the United States, «Diplomatic Papers, 1945, general: the United Nations, volume I», Document 108.

Foreign Relations of the United States, «Diplomatic Papers, 1945, general: the United Nations, volume I», Document 148.

Foreign Relations of the United States, «Diplomatic papers, Conferences at Malta and Yalta, 1945», Document 70.

Foreign Relations of the United States, «Diplomatic papers, Conferences at Malta and Yalta, 1945», Document 331.

Foreign Relations of the United States, «Diplomatic papers, Conferences at Malta and Yalta, 1945», Document 352.

Foreign Relations of the United States, «Diplomatic Papers, Conferences at Malta and Yalta, 1945», Document 373.

Foreign Relations of the United States, «Diplomatic Papers, Conferences at Malta and Yalta, 1945», Document 385.

Foreign Relations of the United States, «Diplomatic papers, The Conferences at Cairo and Tehran, 1943», Document 378.

Foreign Relations of the United States, «Wilson's Fourteen Points, 1918».

General Assembly of the United Nations (1946), «Question of the Re-Examination by the Security Council of Certain Applications for Admission to Membership in the United Nations», A/RES/35 (1946).

General Assembly of the United Nations (1947), «Admission of New Members», A/RES/113(1947).

General Assembly of the United Nations (1947), «Resolution Adopted on the Report of the *Ad Hoc* Committee on the Palestinian Question», A/RES/181(1947).

General Assembly of the United Nations (1948), «Admission of new Members», A/RES/197(1948).

General Assembly of the United Nations (1949), «Question of the disposal of the former Italian colonies», A/RES/289(1949).

General Assembly of the United Nations (1949), «Admission of new Members», A/RES/296(1949).

General Assembly of the United Nations (1950), «Official Records of the General Assembly», 5<sup>th</sup> session, Supplement No.10 (A/1294).

General Assembly of the United Nations (1950), «Uniting for Peace», A/RES/377/V(1950).

General Assembly of the United Nations (1951), «Complaint of hostile activities of the Government of the Union of Soviet Socialist Republics and the Governments of Bulgaria, Hungary, Romania and Albania, as well as the Governments of Czechoslovakia and Poland, against Yugoslavia», A/RES/509(1951).

General Assembly of the United Nations (1951), «Question of the full participation of Italy in the work of the Trusteeship Council», A/RES/550(1951).

General Assembly of the United Nations (1952), «Admission of new Members», A/RES/620(1952).

General Assembly of the United Nations (1952), «Admission of new Members, including the right of candidate States to present proof of the conditions required under Article 4 of the Charter», A/RES/506(1952).

General Assembly of the United Nations (1953), «Admission of New Members », A/RES/718(VIII) (1953).

General Assembly of the United Nations (1953), «Memorandum on the Historical Background of the Question of the Admission of New Members», A/AC.64/L.1.

General Assembly of the United Nations (1954), «Admission of New Members to United Nations», A/RES/817 (1954).

General Assembly of the United Nations (1954), «Report of the Committee of Good Offices», Letter of Transmittal, A/RES/2720(1954).

General Assembly of the United Nations (1955), «Admission of New Members to the United Nations», A/RES/918(1955).

General Assembly of the United Nations (1955), «Admission of New Members to the United Nations», A/RES/995(1955).

General Assembly of the United Nations (1955), «Official Records of the General Assembly», A/PV.552, 10<sup>th</sup> session.

General Assembly of the United Nations (1955), «Official Records of the General Assembly», A/PV.555, 10<sup>th</sup> session.

Italian Ministry of Foreign Affairs and International Cooperation (1952), Telegram n.3/160/C, Diplomatic historical archives, b.21 dossier 549. Available at [https://www.farnesina.ipzs.it/mostra/322/sezioni/1644/bacheche/immagine/010107\\_onu/galleria](https://www.farnesina.ipzs.it/mostra/322/sezioni/1644/bacheche/immagine/010107_onu/galleria), accessed on August 19, 2023.

Italian Ministry of Foreign Affairs and International Cooperation (1945), Telegram sent on April 26, 1945, by Minister Alcide de Gasperi, Secretary-General 1943 – 1947, Diplomatic historical archives, Volume 22. Available at [https://www.farnesina.ipzs.it/mostra/322/sezioni/1644/bacheche/immagine/010103\\_onu/galleria](https://www.farnesina.ipzs.it/mostra/322/sezioni/1644/bacheche/immagine/010103_onu/galleria), accessed on August 18, 2023.

Security Council of the United Nations (1946), «Official Records of the Security Council», S/PV.54, 53<sup>rd</sup> meeting.

Security Council of the United Nations (1946), «Official Records of the Security Council», S/PV.55, 55<sup>th</sup> meeting.

Security Council of the United Nations (1946), «Official Records of the Security Council», S/PV.56, 56<sup>th</sup> meeting.

Security Council of the United Nations (1946), «Official Records of the Security Council», S/PV.57, 57<sup>th</sup> meeting.

Security Council of the United Nations (1946), «Official Records of the Security Council», S/PV.81.

Security Council of the United Nations (1947), «Official Records of the Security Council, Report of the Committee on the Admission of New Members», Supplement Special no.3.

Security Council of the United Nations (1947), «Official Records», 2<sup>nd</sup> year, Supplement no. 19.

Security Council of the United Nations (1947), «Official Records of the Security Council», S/PV 136 and S/PV 137, 136<sup>th</sup> and 137<sup>th</sup> meetings, Supplement no.42.

Security Council of the United Nations (1947), «Official Records of the Security Council», S/PV 190, 190<sup>th</sup> and 191<sup>st</sup> meetings, Supplement no.81.

Security Council of the United Nations (1947), «Official Records of the Security Council», S/PV 206, 206<sup>th</sup> meeting, Supplement no.92.

Security Council of the United Nations (1947), «Resolution of 22 May 1947», S/RES/25(1947).

Security Council of the United Nations (1948), «Official Records of the Security Council», S/PV 279, 279<sup>th</sup> meeting, Supplement no.54.

Security Council of the United Nations (1948), «Official Records of the Security Council», S/PV.351, 351<sup>st</sup> meeting.

Security Council of the United Nations (1949), «Official Records of the Security Council», 442<sup>nd</sup> and 443<sup>rd</sup> meetings, Supplement no. 41.

Security Council of the United Nations (1949), «Official Records of the Security Council», S/PV 445, 444<sup>th</sup> and 445<sup>th</sup> meetings, Supplement no. 42.

Security Council of the United Nations (1951), «Official Records of the Security Council» S/PV 569, 569<sup>th</sup> meeting.

Security Council of the United Nations (1952), «Official Records of the Security Council», S/PV 595, 595<sup>th</sup> meeting.

Security Council of the United Nations (1952), «Official Records of the Security Council», S/PV 596, 596<sup>th</sup> meeting.

Security Council of the United Nations (1955), «Resolution of 14 December 1955», S/RES/109(1955).

United Nations (1945), «Dumbarton Oaks Proposals comments and proposed amendments», *Documents of the United Nations Conference on International Organization San Francisco*, Volume III.

United Nations (1946), «Documents of the United Nations Conference on International Organization San Francisco, 1945», Volume XVI.

## Plagiarism Declaration

Considering that plagiarism is an unacceptable fault on the legal, ethical and intellectual levels;

Aware that tolerating plagiarism would negatively affect all student, scientific and academic bodies by undermining the reputation of the institution and jeopardizing the future of certain pedagogical approaches;

Noting that students are made aware of intellectual integrity issues in their first year of university study and that the ULB Libraries website clearly indicates how to avoid plagiarism:

<https://bib.ulb.be/version-francaise/navigation/support/boite-a-outils/evitez-le-plagiat>

Reminding that plagiarism is not limited to the borrowing of a text in its entirety without the use of quotation marks or without mentioning the complete bibliographic reference, but also refers to the borrowing of raw data, freely translated text, or ideas paraphrased without the full reference being clearly indicated;

Reminding Articles 105 and 106 of the General Rules of Studies 2022-2023 :

<https://www.ulb.be/fr/documents-officiels/reglement-general-des-etudes>

Agreeing that no justification, such as medical considerations, lack of previous disciplinary history or level of education, can be a mitigating factor.

The Faculty of Philosophy and Social Sciences reminds that the minimum sanction for proven plagiarism is the award of a grade of 0 for the entire course in question. This reminder does not presage the sanction finally proposed to the jury by the Dean according to the details of the case of plagiarism which was transmitted.

I Anastasia Pioli, confirm having read this regulation and certify that I have not committed plagiarism for this research.

Done in (location) Calvi dell'Umbria

Date September 18, 2023

Signature of the student

