

Memorandum

Iraq's Participation in UN

1- The question of UN membership

The UN Charter deals with the question in Chapter two, articles 3 & 4.

Article 3

"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 the United Nations of 1 January 1942, signed the present Charter and ratify it in accordance with Article 110"

It should be noted that Iraq is an original member of the United Nations.

Article 4

"1-Membership in the UN is open to all other peace-loving states, which accept the obligation contained in the present charter and, in the judgment of the Organization, are able and willing to carry out these obligations".

It is important to point out that the charter does not define the word "state" nor it mentions the word "sovereignty". So the word might cover "dominion" or colony as long as it accepts its obligations and gets a positive judgment by the Organization. The first demand concerns the applying states. The second is a mere political judgment by the Organization.

A case in point is the membership of India in the Organization. India is one of the original members who signed the UN Charter at San Francisco. It joined the UN on 30 October 1945 while still not an independent state. Its independence was proclaimed in 1947.

The Ukraine & Byelorussia were also accepted as original members of UN at the insistence of the Soviet Union. - So much for the question of sovereignty.

2- Effects of Government change on membership

Members of the UN are nations, not governments. However the UN may concern itself with the character of the government at the time a nation applies for admission. Once a nation becomes a member any government change thereafter does not affect the status of its membership, provided, of course, the nation continues to fulfill its Charter obligations.

3- Representation at the United Nation

Nations are represented at UN proceedings by delegations that are specifically authorized by their governments to speak on their behalf. Hence when a new session of a UN organization convenes, it is necessary to examine the credentials of persons claiming to represent the member state. The Credentials Committee must be satisfied that the person was duly appointed by his government, and that the government is the official government of the respective member nation. The matter can become controversial at the UN if, for example, two rival governments claiming to be the only legitimate of a member state and each demand that its own representative be the one to occupy the seat. However, this is not the case for Iraq.

It might be appropriate to take note of the procedure regarding the issue of credentials

Article 27

The credentials of the representative and the names of the delegation are submitted to the Secretary General about a week before the opening of the session if possible. The credentials are to be issued by either the head of state or the prime minister / head of the government or the minister for foreign affairs.

Article 28

At the beginning of each session a Credentials Committee is appointed composed of nine members selected by the General Assembly upon the recommendation of its president. The Committee selects its bureau, and examines the credentials documents of the representatives and submits its report without delay.

Article 29

If any representative is challenged by a member objecting to his participation in the session, he will be allowed to occupy the seat temporarily and enjoy all the rights of other representatives until the report of the Credentials Committee, is submitted to the General Assembly to decide on the matter.

(Articles 27, 28, 29 are unofficial translations)

4- The flexibility of procedures

In January 1965 Indonesia announced its withdrawal from the UN. In 1966 just before the opening of the GA session, Indonesia announced its decision to "resume full cooperation" with the UN. Arrangements were made to insure that Indonesia's re-entry would take place with minimum formality. The Assembly's President recommended that the administrative procedures to reinstate Indonesia could be taken. No objections were raised, and Indonesia was immediately invited to resume its functions in the Assembly.

This shows that such matters could be dealt with quietly through the consent of the secretariat and the President of the GA with minimum formalities.

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