

## ARTICLE 3

### TEXT OF 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 United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

### NOTE

1. The provisions of Article 3 do not contemplate any action by organs of the United Nations. However, during the period under review, a question concerning the interpretation of this Article arose in connexion with the representation in the United Nations of an original Member State.

2. The question of the "Restoration of the lawful rights of the People's Republic of China in the United Nations" was placed on the provisional agenda of the twenty-sixth session of the General Assembly as 17 members<sup>1</sup> had requested<sup>2</sup> on 15 July 1971. In the explanatory memorandum accompanying their request, the 17 States stated that the People's Republic of China, which was "a founding member of the United Nations and a permanent member of the Security Council, had since 1949 been refused by systematic manoeuvres the right to occupy the seat to which it is entitled *ipso jure*".

3. On 25 September 1971 a draft resolution<sup>3</sup> was submitted to the General Assembly, sponsored by 23 States, including the 17 States which had joined in placing the question on the agenda. According to this draft, the General Assembly would restore to the People's Republic of China all its rights and expel forthwith the representatives of Chiang Kai-shek.

4. Another draft resolution<sup>4</sup> sponsored by 22 Member States<sup>5</sup> was submitted on 29 September 1971. By this text the General Assembly, recalling the provisions of the Charter, would have the Assembly decide that any proposal in the General Assembly which would result in depriving the Republic of China of representation in the United Nations was an important question under Article 18 of the Charter.

5. At the 1976th meeting, on 25 October 1971, the General Assembly, by a vote of 61 to 53, with 15 abstentions, adopted a motion submitted by the representative of the United States that priority be given in the voting to resolution A/L.632 and Add.1 and 2. It then rejected that draft resolution by a vote of 59 to 55, with 15 abstentions. The General Assembly, by a vote of 61 to 51, with 16 abstentions, rejected a United States motion that a separate vote be taken on the words "and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupied at the United Nations and in all the organizations related to it", in the operative paragraph of draft resolution A/L.630 and Add.1 and 2. Thereupon, the representative of China, speaking on a point of order, stated that the rejection of draft resolution A/L.632 and Add.1 and 2 calling for a two-thirds majority was a flagrant violation of the Charter which governed the expul-

sion of Member States and that the delegation of the Republic of China had decided not to take part in any further proceedings of the General Assembly.<sup>6</sup> The Assembly then adopted draft resolution A/L.630 and Add.1 and 2, by a roll-call vote of 76 to 35, with 17 abstentions, as resolution 2758 (XXVI). It reads as follows:

"The General Assembly,

"Recalling the principles of the Charter of the United Nations,

"Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

"Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

"Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it."

### NOTES

<sup>1</sup> Albania, Algeria, Cuba, Democratic Republic of Yemen, Guinea, Iraq, Mali, Mauritania, People's Republic of the Congo, Romania, Somalia, Sudan, Syria, Tanzania, Yemen, Yugoslavia and Zambia.

<sup>2</sup> G A (26), Annexes, a.i. 93, A/8392.

<sup>3</sup> *Ibid.*, A/L.630 and Add.1 and 2.

<sup>4</sup> *Ibid.*, A/L.632 and Add.1 and 2.

<sup>5</sup> Australia, Bolivia, Colombia, Costa Rica, Dominican Republic, El Salvador, Fiji, Gambia, Guatemala, Haiti, Honduras, Japan, Lesotho, Liberia, Mauritius, New Zealand, Nicaragua, Philippines, Swaziland, Thailand, United States and Uruguay.

<sup>6</sup> G A (26), Plen., 1976th mtg., para. 474. References to the representative of China must be seen in the light of the adoption of General Assembly resolution 2758 (XXVI).