

and noted that both political and legal considerations had been put forth to show that a state should or should not be admitted to membership. He added, however, that political considerations were not warranted if they were inconsistent with the principles of the Charter and therefore stated that a Member is not justified in basing his opposition on arguments which relate to matters falling essentially within the domestic jurisdiction of the applicant state.

In connection with the admission of ex-enemy states, he believed that a bloc or composite vote is not forbidden by the Charter. Consequently, when it is a case of admitting states whose applications are presented in identical circumstances, particu-

larly since the applications for admission to the United Nations of the five ex-enemy states were favored by participants of the Potsdam Agreement and by the signatories of the peace treaties, it was stated by Judge Krylov, "there was no warrant for an unjustified discrimination between the five candidates on the ground of their domestic regime".

Judge Krylov concluded therefore that a Member is entitled to declare, during the discussion and before the vote, that it takes into account "(1) the legal criteria prescribed in paragraph 1 of the said Article [Article 4], and (2) political considerations consistent with the Purposes and Principles of the United Nations".

### G. OBSERVATION OF TENDE AND LA BRIGUE (TENDA-BRIGA) PLEBISCITE

In response to a request of the French Government, the President of the International Court of Justice on July 24, 1947, designated three neutral persons to participate as observers in the plebiscite held in the Tende and La Brigue (Tenda-Briga) districts, ceded to France by Italy as provided in the Italian Peace Treaty. The three neutral ob-

servers were Dr. J. A. van Hamel, President of the Special Court of Justice (War Crimes) of Amsterdam; Francois Perréard, Counsellor of State of Geneva and National Counsellor of the Swiss Confederation; and Eric Sjöborg, Minister Plenipotentiary, Swedish Foreign Office. The plebiscite was held on October 12, 1947.<sup>24</sup>

#### ANNEX: STATES ACCEPTING COMPULSORY JURISDICTION<sup>25</sup>

##### BELGIUM:

Date of Signature: June 10, 1948.  
Date of Deposit of Ratification: June 25, 1948.

##### Conditions:

Ratification.

Reciprocity.

5 years.

For any legal dispute which may arise after gratification with regard to any situation or fact arising after such ratification.

Except in cases where the parties have agreed or agree to employ other means of peaceful settlement.

##### BOLIVIA:

Date of Signature: July 5, 1948.

##### Conditions:

5 years.

##### BRAZIL:

Date of Signature: February 12, 1948.

##### Conditions:

Reciprocity.

5 years (as from March 12, 1948).

##### HONDURAS:

Date of Signature: February 2, 1948.

##### Conditions:

Reciprocity.

6 years (as from February 10, 1948).

For all legal disputes concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

##### MEXICO:

Date of Signature: October 23, 1947.

##### Conditions:

Reciprocity.

5 years (as from March 1, 1947), and thereafter until notice of termination is given.

For any future legal dispute arising out of events subsequent to October 23, 1947.

The declaration does not apply to disputes arising from matters that, in the opinion of the Mexican Government, are within the domestic jurisdiction of the United States of Mexico.

##### PAKISTAN:

Date of Signature: June 22, 1948.

##### Conditions:

Reciprocity.

<sup>24</sup>International Court of Justice Yearbook, 1947-48, pp. 44-45.

<sup>25</sup>See footnotes 10-13, p. 792