

particular conditions which I mentioned were fulfilled in China to our satisfaction, and I quote from my words, we "would have to face the facts which confront us."

The four conditions--I think three of them were mentioned last Friday night by the leader of the opposition, but there are at least four, are as follows. One is the effectiveness of the authority of the government concerned. The second is the independence of the government concerned--something that is not always easy to determine, especially in the case of countries like Tibet, Viet Nam and China. The third is the ability and the willingness of the government concerned to carry out its international obligations. That condition, of course, cannot always be applied too rigorously and too exactly. If it were always applied in that way we might today be recognizing the government of Mr. Kerensky in Moscow. Finally there is the question of acceptability of the new government by the people over whom it exercises authority.

In dealing with this fourth question, acceptability--and it is an important question--Professor Lauterpacht, the authority previously quoted, has stated, and I think he is right, that acceptability does not necessarily mean now acceptability by--and I quote his words--"freely expressed popular approval." There must be other evidence. There must be the question of the people's resistance to the challenger of the government, or the reaction of the people to the new government--how they accept the new government's rule. But in dealing with this question the other night the leader of the opposition said that the United Nations resolution passed in 1946 establishes once again the principle that acceptability must be by freely expressed popular approval. I should like to refer to that part of his statement. He said that in 1946 a resolution of the United Nations Assembly was passed dealing with Franco Spain, and that its purport was that a decision was made by the United Nations that there would not be recognition of the government of Franco Spain until it was a government with the consent of the governed. He then went on to argue that it altered the existing system of international law in so far as this point is concerned, because this was a resolution of the United Nations, and as the leader of the opposition said at that time:

This--

The reference is to the resolution.

--becomes a most emphatic statement of international law, and remains so until it has been repealed.

On that point I should only like to remark that resolutions of the United Nations do not make international law by their passage at Lake Success. It has been well established there, and it is accepted by every delegation attending the United Nations, that a resolution of that body is not international law. It is an expression of international opinion, but it does not of itself alter international law, and, as I understand it, it did not alter international law on this occasion.

Furthermore this particular resolution had nothing whatever to do with recognition. It was a resolution which concerned the government of Spain. Among other things it was a resolution against the participation of the present government of Spain in meetings of the United Nations, and it was a resolution for the recall of ambassadors and ministers from Madrid. It did not concern in any way, shape or form the recognition of Franco. As