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**SPECIAL POLITICAL COMMITTEE, 134th  
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**Chairman:** Mr. Charles T. O. KING (Liberia).

**AGENDA ITEMS 19, 20 AND 21**

Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the number of non-permanent members of the Security Council and the number of votes required for decisions of the Council (A/SPC/L.32, A/SPC/L.32/Rev.1, A/SPC/L.33 and Add.1) (continued)

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Question of amending the Statute of the International Court of Justice, in accordance with the procedure laid down in Article 108 of the Charter of the United Nations and Article 69 of the Statute of the Court, with respect to an increase in the number of judges of the International Court of Justice (A/SPC/L.32, A/SPC/L.32/Rev.1, A/SPC/L.33 and Add.1) (continued)

1. Mr. URQUIA (El Salvador), referring to the Soviet Union representative's statement (130th meeting) that any amendment to the Charter adopted by the General Assembly but not subsequently ratified by all the permanent members of the Security Council, including the People's Republic of China, would be illegal, asked the representative of the USSR whether he regarded as illegal all the decisions taken by the Security Council as a result of an affirmative vote of seven of

its members, including all the permanent members but without the People's Republic of China taking part. In that case he presumably ought to consider as illegal the admission of new Members, particularly Poland, Hungary, Bulgaria and Albania, and the election of the Secretary-General of the United Nations, since those decisions had been taken by the General Assembly on the recommendation of the Security Council which required the unanimity of its permanent members. The USSR delegation presumably did not hold that view, so that it was bound to recognize the legality of amendments to the Charter ratified by those same five permanent members of the Security Council.

2. Introducing the draft resolution submitted by his delegation (A/SPC/L.32), he said that while opinions might be divided on the question of increasing the number of judges of the International Court of Justice, there seemed to be unanimity with regard to the necessity for enlarging membership of the Councils. The objections raised by the USSR were connected with a political problem of quite a different kind and not within the province of the Committee. His delegation, realizing that certain delegations were not prepared to vote for a draft resolution by which the General Assembly would decide to increase the number of members of the Economic and Social Council and the Security Council, had thought it preferable to submit a proposal for the setting up of a good offices committee which would consult with representatives of Member States, and in particular the permanent members of the Security Council, and submit a report to the fifteenth session of the General Assembly. It was to be hoped that, as in the case of the Committee of Good Offices set up by the General Assembly in 1953, by resolution 718 (VIII), to assist in finding a solution of the problem of the admission of new Members, the proposed committee would manage to persuade the Soviet Union to fall in with the overwhelming majority of the General Assembly. It would be presumptuous to think that the good offices committee would be able to solve every aspect of the problem, but he ventured to hope that it would at least obtain the agreement of all the permanent members of the Security Council on the question of increasing the number of members of the Economic and Social Council.

3. His delegation's draft resolution laid emphasis on increasing the number of members of the Economic and Social Council; that was an urgent necessity, as was unanimously recognized. However, in order not to exclude the possibility of increasing the membership of other principal organs of the United Nations, it had amended paragraph 3 of the operative part of the draft resolution (A/SPC/L.32/Rev.1).

4. If, of course, other delegations were able to have a draft resolution for increasing the number of members of the Economic and Social Council put to the vote at the present session, his delegation would perhaps have to amend its own draft resolution, so as to deal only with an increase in the membership of the

Security Council and the number of judges of the International Court of Justice.

5. Mr. SOBOLEV (Union of Soviet Socialist Republics) said that many of the questions which had been put to his delegation by the representative of El Salvador were outside the scope of the debate, but as the impression had been given that the attitude of the Soviet Union was the only obstacle to the amendment of the Charter, he felt compelled to make some reply. The delegation of El Salvador had deliberately distorted the facts. Before embarking on any discussion of the amendment of the Charter it must be decided whether or not the present form of the Charter was satisfactory. That point had not yet been raised, and it was no accident that discussion of the question was postponed year after year with the agreement of all Member States: the requisite conditions for a revision of the Charter did not yet exist. The representative of El Salvador had dismissed too lightly the question of the absence from the Committee of one of the permanent members of the Security Council, but the Soviet delegation could not consider the question of the revision of the Charter in the absence of a permanent member. The previous decisions of the Security Council to which the representative of El Salvador had referred did not require ratification and were in quite a different category from the decision now proposed. Such a measure would be unconstitutional and contrary to the provisions of the Charter. The Soviet Union considered that before any amendment of the Charter was contemplated, its provisions, which were in conformity with the aims of the United Nations, should be observed. There must in particular be strict observance of provisions relating to the participation of all permanent members of the Security Council in the work of the United Nations and therefore the question of the representation of the People's Republic of China must be settled.

6. The draft resolution submitted by El Salvador (A/SPC/L.32/Rev.1) proposed the setting up of a good offices committee empowered to engage in consultations with representatives of Member States, in particular with the permanent members of the Security Council. But in the absence of one of the permanent members, he could not see with whom the Committee would consult. His delegation considered that the draft resolution submitted by El Salvador was not satisfactory, since it ignored the facts.

7. Mr. URQUIA (El Salvador), replying to the Soviet Union representative's last question, explained that the good offices committee would obviously deal with the representative of China sitting in the General Assembly, the same representative as the Committee of Good Offices set up in 1953 had consulted concerning the admission of new Members. The Soviet representative had evaded the question put to him. Would the juridical position taken up by the USSR with regard to the question of amending the United Nations Charter apply to all decisions taken by the Security Council by an affirmative vote of seven members including the concurring votes of the five permanent members of the Council? Recommendations of the Security Council concerning the admission of new Members and the appointment of the Secretary-General had been adopted by a vote which included the affirmative votes of the five permanent members of the Council, with no representative of the People's Republic of China participating. Did the representative of the Soviet Union contest the validity of those decisions?

8. Mr. SOBOLEV (Union of Soviet Socialist Republics) replied that on the occasion of the Secretary-General's appointment there had been unanimity among the permanent members of the Security Council, with the exception of China, which had not voted. His delegation held that China had abstained and it did not recognize votes cast by the representative occupying China's seat on the Security Council. The situation with regard to amendments to the Charter was quite different, because they required ratification. There could be no abstention with regard to ratification.

9. Sir Claude COREA (Ceylon) paid a tribute to the valiant efforts made hitherto to obtain recognition of the urgent need to enlarge the membership of some of the principal organs of the United Nations. The action taken in previous years by the countries of Europe and Latin America, particularly El Salvador, was now supported by the countries of Asia and Africa which were the most adversely affected by the existing situation. Whatever the defects of the Charter in other respects, it was obvious that the membership of the Security Council and the Economic and Social Council was too small to provide the peoples of the underdeveloped areas with the advantages which the United Nations was expected to give them. The trouble had been diagnosed by all; differences of opinion arose only with regard to the remedy. Even the delegations which did not consider the time appropriate for an amendment of the Charter did not deny that there was a case for more equitable representation in those organs. It could accordingly be stated with certainty that the overwhelming majority of Members of the United Nations held the opinion that some expansion of the membership of the principal organs was necessary.

10. The constitutional obstacles were well known. There could be no amendment to the Charter because the Soviet Union, a permanent member of the Security Council, was opposed to it. Under those circumstances, the delegations which, like his own, had intended to submit specific proposals for the amendment of the Charter had been obliged, at least for the time being, to refrain from doing so. Some other procedure would accordingly have to be found. The countries of Africa and Asia, after a careful study of the problem, had thought that, as in the past, an appeal might be made to the five permanent members of the Security Council in the hope that they would find a solution to the problem raised by the fact that the People's Republic of China was not represented in the Organization. Until that could be done, there would be no point in considering the question and only further postponement could be suggested.

11. On behalf of twelve countries of Africa and Asia, his delegation was presenting a draft resolution (A/SPC/L.33 and Add.1) which expressed the opinion of millions of helpless people, and he hoped the Committee would approve it. While they were prepared to accept postponement, the sponsors of the draft resolution none the less stressed the urgency of the necessary measures. His delegation understood the difficulties encountered by the Soviet delegation, but he wondered whether the fact that no decision had been reached on the question of the representation of China should be allowed to prejudice the interests of the peoples of Asia and Africa, who maintained friendly relations with all countries. In the light of those considerations, it might well be that the People's Republic of China would be the first to grant approval of the desire of



those peoples, which could only be achieved through an amendment of the Charter.

12. Some representatives would have liked to include in the draft resolution an expression of opinion as to the distribution of the seats, when the number had been increased. The sponsors, while sympathizing with their view, had not thought it appropriate to go into detail in a text which was meant only as a first step. But they were agreed in thinking that when an increase did take place, it should be based on the principle of equitable geographical distribution. As that principle was expressly laid down in the Charter, there was no need to introduce it.

13. The draft resolution of El Salvador was in the main inspired by the same idea as the twelve-Power draft resolution, particularly in regard to the preamble. There were minor differences in the two texts. The Salvadorian draft resolution referred more to the Economic and Social Council, while the twelve Powers had thought it better to refer specifically to the other organs. They had considered the number of non-permanent members of the Security Council insufficient; he could not agree that more adequate geographical distribution could be achieved by changing the present distribution of seats. Nor could it be maintained that the Security Council was less important than the Economic and Social Council. The Security Council was the very basis of the United Nations, and it would be a good idea if the smaller countries could have more say in its proceedings. The point of difference lay in paragraph 3 of the Salvadorian draft resolution, which called for the setting up of a good offices committee. His delegation did not see any substantial ground for that at present. The establishment of such committees had proved useful in the past, but in the present case there was a factor which was widely known and could not be ignored: the opposition of the Soviet Union. The best course would be to ask that Power to reconsider the problem, in the hope that it might be prepared to meet the wishes of the peoples of the three continents, represented by their delegations in the Assembly.

14. Mr. URQUIA (El Salvador) believed that a good offices committee would have a task to perform. In political matters there were often surprising turns of events. A case in point had been the admission, "en bloc", of sixteen new Members some years earlier (General Assembly resolution 995 (X)). On that occasion, as now, the Soviet Union had appeared adamant, and yet an agreement had suddenly been reached. It was not unreasonable to hope that a similar change might occur in relation to amendments to the Charter. Furthermore the future number and the new distribution of seats in the Security Council and the Economic and Social Council could form the subject of discussions with Member States and in particular with the permanent members of the Security Council. In such negotiations a good offices committee could be very useful.

15. Mr. PACHACHI (Iraq) said that his delegation had co-sponsored the twelve-Power draft resolution (A/SPC/L.33 and Add.1) because it too believed that the distribution of seats in the Security Council and the Economic and Social Council no longer reflected the real situation. At the same time it was aware that there were serious political obstacles to the ratification of an amendment to the Charter by the five permanent members of the Security Council. The repre-

sentative of the Soviet Union had explained those difficulties very clearly, and a number of delegations were concerned over a problem which was preventing an understanding at the present time—namely, what would happen if an amendment to the Charter came into force after being ratified by a State which was not really a permanent member of the Security Council or at least was not entitled to that position. That problem could only be solved if there were substantial agreement between the Powers concerned. Nevertheless the General Assembly should continue to keep the matter under review until such time as it was possible to amend the Charter in accordance with the provisions of the Charter itself, and bearing in mind the political problems involved.

16. The two draft resolutions coincided on one point: they both advocated the postponement of the consideration of the question until the fifteenth session. But the representative of El Salvador in his draft resolution had placed more emphasis on the Economic and Social Council than on the Security Council. The authors of the Twelve-Power draft, however, had not wanted to prejudge the issue before the debate to be held at the next session and had therefore given the same importance to the two Councils.

17. The main difference between the two drafts was that the representative of El Salvador had suggested the setting up of a good offices committee to conduct negotiations. He wondered, however, with whom it would negotiate. The representative of the Soviet Union had given the Committee to understand that the question of the representation of China—a matter of principle for his country—was not a matter for bargaining. That difficulty appeared to the delegation of Iraq to be insurmountable.

18. The representative of El Salvador had also suggested that the good offices committee could discuss the increase in the membership of the bodies in question and the distribution of the new seats among the various groups. But the very wording of the draft resolution excluded that function from the terms of reference of the proposed committee. Its task would be to facilitate the amendment of the Charter, without going into detail. Without specific instructions from the General Assembly a good offices committee should not have the authority to discuss the number and distribution of seats. The African and Asian countries certainly were not prepared so to empower a good offices committee.

19. For all those reasons the authors of the twelve-Power draft resolution would appeal to the representative of El Salvador to withdraw his text and to support theirs, since it contained the same basic idea—the only one which could realistically be entertained at the present time.

20. Mr. DE VAUELLES (France) observed that according to the statement of the representative of El Salvador his draft resolution would not conflict with a broader draft calling for the initiation of the procedure for the amendment of the Charter. Furthermore, the Colombian delegation had reserved its right (132nd meeting) to submit such a draft resolution and the delegation of Argentina had already prepared a preliminary draft. The Committee might thus soon have before it a number of drafts which it would be useful to consider together.

21. Mr. ESCOBAR (Colombia) said that the Latin American delegations were engaged in consultations

and were trying to find common ground with other delegations, particularly those from the African and Asian countries. Since they needed more time for further conversations it might perhaps be wise to adjourn the meeting.

22. Mr. PLAJA (Italy) felt that both draft resolutions (A/SPC/L.32/Rev.1 and A/SPC/L.33 and Add.1) had some merit and might perhaps be combined in a single text. He proposed that the Committee should adjourn until the next day, or the day after, to enable the delegations concerned to undertake the necessary consultations.

23. Mr. SANZ (Argentina) confirmed that consultations on a new preliminary draft resolution were under way between various Latin American countries. He, too, was in favour of an adjournment to enable the informal discussions to continue.

24. Mr. JHA (India) suggested that a time-limit should be agreed on for the submission of the draft resolutions.

25. Mr. BEELEY (United Kingdom) thought that any time-limit set for the submission of new draft resolutions should not preclude the possibility of the Committee's combining two resolutions at a later stage if it so wished.

26. The CHAIRMAN suggested that the Committee should adjourn until 23 October, and that draft resolutions should be submitted at the latest by 5 p.m. on 22 October. That would not prevent the Committee, if it so wished, from combining a number of draft resolutions into one after the conclusion of the discussions.

*It was so decided.*

The meeting rose at 5.10 p.m.