

United Nations
**GENERAL
ASSEMBLY**

FOURTEENTH SESSION
Official Records



**SPECIAL POLITICAL COMMITTEE, 131st
MEETING**

Friday, 16 October 1959,
at 10.50 a.m.

NEW YORK

CONTENTS

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 (continued)

Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the membership of the Economic and Social Council (continued)

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 (continued)

Page

19

Chairman: Mr. Charles T. O. KING (Liberia).

In the absence of the Chairman, Mr. Voutov (Bulgaria), Vice-Chairman, took the Chair.

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 (continued)

Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the membership of the Economic and Social Council (continued)

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 (continued)

1. Mr. RAFIK (Afghanistan) said that since the establishment of the United Nations, its membership had increased from fifty-one to eighty-two and would certainly still further in the near future. The scope of its political, economic, social and cultural activities had therefore considerably expanded. The Asian and African countries had played an important part in that development, but their representation in the United Nations was not in keeping with their importance. It was only by increasing the membership of some of its

organs that the United Nations could be adapted to changes in the modern world. The composition of some of its principal organs should also be altered with a view to a more just distribution of seats, which would allow a larger number of countries to participate actively in its work. The distribution of seats among countries in the same geographical area was frequently far from satisfactory. Some countries were repeatedly re-elected and sometimes served simultaneously on several United Nations bodies, while others rarely occupied a seat. As even countries belonging to the same region had different problems, a more equitable system of rotation should be introduced in order to give each of them an opportunity of explaining their practical problems adequately.

2. The Security Council could carry out its functions more effectively if its membership included more African and Asian countries. The International Court of Justice would benefit from the participation of judges from countries with different civilizations and legal systems. There was also good reason to increase the membership of the Economic and Social Council. In view of the growing economic interdependence of all countries, serious economic problems, which might comprise the stability and well-being of peoples, should be examined in a genuinely world-wide setting in which all views could find expression.

3. It was true that the Charter could not be reviewed until a large measure of agreement prevailed. The atmosphere was not yet entirely propitious, but it was to be hoped that it would continue to grow calmer. Nothing should, however, prevent the Committee from immediately proposing amendments to the Charter on the basis of Article 108.

4. Mr. GUERRERO (Philippines) said that in the view of certain delegations, amendments to the Charter were contingent upon representation of the Government of the People's Republic of China. While it must be recognized that their arguments were not entirely illogical, it was none the less to be hoped that they would not carry their logic to extremes. The friends of the People's Republic of China were primarily concerned that it should be a permanent member of the Security Council, as its concurrence would then be required in any measure adopted by the Council for the maintenance of international peace and security. The point of law which they had raised was hardly applicable to the Economic and Social Council, on which the Republic of China at present had a seat but not as a permanent member. It had no right of veto in that body and the presence of representatives of the Republic of China had therefore little political importance. In addition, China's term on the Council would expire in 1960. It was to be hoped therefore that the friends of the People's Republic of China, if only to reciprocate the support they had so far received from many delegations of the developing countries, would find it possible to withdraw their opposition to the proposed increase in the membership of the Economic and Social Council.

5. To persist in the view that the international situation would not be propitious until the People's Republic of China was represented, despite the present perceptible easing of tension, would be to lose much valuable time. Two-thirds of the human race were today trying to make that great leap forward which the People's Republic of China was said to be making, and they urgently needed technicians, financial assistance, and enlightened and impartial guidance. The developing countries therefore urgently required increased and more effective participation in the Economic and Social Council, the principal organ concerned with promoting progress in that field. Consequently, even the Asian and African States which, unlike the Philippines, had voted in the General Assembly in favour of admission of the People's Republic of China were distressed by the attitude of certain friends of that country, as they felt they were being unjustly treated without being in any way responsible for the present situation.

6. The representative of the Soviet Union had maintained (129th meeting) that the African and Asian countries could be given more adequate representation on the Economic and Social Council by merely changing the distribution of seats. That solution, however, would not bring about an early improvement in the composition of the Council, as its members were elected for three years. In fact, the six members of the Economic and Social Council elected in 1959 did not include a single representative from a developing Asian or African country. In view of India's role in the social and economic revolution in Asia, it should certainly be represented on the Council. It had been unable to secure election in 1959, because it had had to compete for the only seat available to Asian and African countries with a highly industrialized State—Japan—whose experience was, of course, equally valuable.

7. His delegation was not wholly pessimistic about the prospects of an agreement on increasing the membership of the Economic and Social Council in the immediate future. If, however, such an agreement did not materialize, a solution which would admittedly be temporary and imperfect might be worked out. Article 69 of the Charter provided that the Economic and Social Council "shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member". In addition, Article 62 provided that the Economic and Social Council might deal with "international economic, social, cultural, educational, health, and related matters" and might seek to promote "respect for, and observance of, human rights and fundamental freedoms for all". All those matters could reasonably be described as being of special concern to the developing countries of Asia and Africa. That was particularly true of the questions which had recently been dealt with by the Economic and Social Council, including the establishment of the Special Fund; the Expanded Programme of Technical Assistance; trade reports; commodity surveys; UNICEF; and the International Covenants on Human Rights.

8. He believed that the Special Political Committee—or perhaps the Second Committee—might draw the attention of the Economic and Social Council to the desirability of widening participation in its work by issuing, to a certain number of developing Asian and African countries of its choice, standing or permanent invitations to participate in its deliberations. Naturally, that solution would not be entirely satisfactory, as the States concerned would not be entitled to vote in the

Economic and Social Council. They could, however, be heard and perhaps win over other delegations to their point of view.

9. At all events, the Philippine delegation would continue to support any proposal for amending the Charter which would provide for an increase in the membership of the Economic and Social Council.

10. Mr. URQUIA (El Salvador) recalled that, at the eleventh session of the General Assembly, several Latin American delegations, together with the Spanish delegation, had proposed the inclusion in the agenda of the items currently under discussion. At the 620th plenary meeting, on 14 December 1956, he had, on behalf of all the sponsors, submitted a draft resolution (A/3446 and A/L.217/Rev.1)^{1/} concerning an increase in the number of non-permanent members of the Security Council and the number of votes required for its decisions. The many delegations which had been consulted, including those of the permanent members of the Security Council, had all expressed the opinion that the substantial increase in the membership of the United Nations justified the enlargement both of the Security Council and of the Economic and Social Council. All of them had accepted the principle of raising the number of members of the Security Council from eleven to thirteen, of which eight would be non-permanent. With respect to the membership of the Economic and Social Council, some countries, among them the United Kingdom, were in favour of only a small increase, while others proposed that twenty-four members should be elected to the Council instead of eighteen.

11. It had, however, subsequently become evident that any proposal to amend the Charter would be opposed by the Soviet Union delegation so long as the People's Republic of China was not represented in the United Nations. Article 108 provided that amendments to the Charter must be ratified by all the permanent members of the Security Council. If a General Conference of the Members of the United Nations were convened for the purpose of reviewing the Charter, it would be necessary to reconsider not only the right of veto granted in Article 27, paragraph 3, but also the right to veto any amendment or revision of the Charter vested in five States by Article 108 and Article 109, paragraph 2.

12. At the moment, in view of the attitude of the Soviet Union, which was inspired by political rather than legal considerations, any proposal for amendment was doomed to failure. It was to be hoped, however, that an improvement in international relations and the end of the cold war would lead to an understanding among the great Powers and facilitate the adoption of the amendments to the Charter which the great majority of Member States deemed both necessary and timely.

13. Mr. MACOVESCU (Romania) felt that before embarking on an "improvement" of the Charter, which, in its present form, provided a sound foundation for the activities of the United Nations, it would be appropriate first, to guarantee respect for the fundamental principles embodied in it. In the prevailing circumstances, any amendment of the Charter could have only detrimental effects. It was true that certain geographical areas were not adequately represented in the organs of the United Nations; the remedy, however, was not purely and simply to increase the number of members. It was even more important that the members elected to those organs should be truly representative, and the

^{1/}Official Records of the General Assembly, Eleventh Session, Annexes, agenda items 56, 57 and 58.

provisions of the Charter as well as the agreements concluded on the subject should suffice to ensure that that requirement was met. Faithful implementation of those agreements would have prevented the present deadlock in the elections to the Security Council.

14. Care should also be taken not to jeopardize the principle of unanimity among the permanent members of the Security Council for, despite the changes which had taken place in the world since the San Francisco Conference of 1945, that principle retained its paramount importance. Was it not true that, after long years of cold war, the international atmosphere had recently improved precisely because there was a real prospect of constructive co-operation among the great Powers? Moreover, any attempt to amend the Charter in the absence of the People's Republic of China would be a step in the wrong direction.

15. The same considerations applied to the Economic and Social Council which, far from limiting itself to its practical activities, had only too often permitted itself to be guided by political considerations in its refusal to recognize even the existence of the People's Republic of China.

16. The delegations in favour of increasing the membership of the various organs had spoken of the role and the rights of the small States. The Romanian delegation, which had always attached great importance to the initiative and actions of the small States, thought that they should be second to none in defending the fundamental principles of international co-operation and international law. Illegality bred illegality and opened the door wide to power politics, which had already done so much harm to the United Nations and whose effects the small States were the first to suffer.

17. For all those reasons, the Romanian delegation believed that any attempt to amend the Charter at the present time could only be detrimental to the United Nations.

18. Mr. DIMECHKIE (Lebanon) pointed out that since the inception of the United Nations, more than thirty new Members had been admitted. It was only natural, therefore, that the membership of the United Nations organs should reflect that increase. Moreover, the number of Member States from Africa and Asia had more than doubled in the past fourteen years. Their attachment to the purposes and principles of the United Nations was universally recognized, but they could not make an effective contribution to the work of the Organization unless they were more fully represented in its organs.

19. During the last decade, the Economic and Social Council had largely been engaged in dealing with the problems facing the under-developed countries. A greater number of those countries should participate in the Council's activities, if it was to deal successfully with those problems. In that connexion, the delegation of Lebanon considered that the membership of the Economic and Social Council should be increased to at least twenty-four. If, however, it should, for certain reasons, prove impossible to enlarge the present membership of the Council, the Assembly might take up the constructive suggestion made by the representative of the Philippines and consider the possibility of the Council's taking greater advantage of the provisions of Article 69 of the Charter.

20. In the case of the Security Council the Lebanese delegation realized that the problem involved was

political in character. It considered, however, that the participation of four additional non-permanent members in the activities of the Council would provide a solution to the difficulties which arose at each new election.

21. As to the International Court of Justice, his delegation felt that since the Court was composed of jurists rather than representatives of States, there was no need at present to increase the number of its members.

22. Mr. ZAITON IBRAHIM (Federation of Malaya) recalled that, at the 129th meeting, the representative of the USSR had expressed the opinion that the Charter allowed for an increase in the number of Members of the United Nations, but nowhere provided for a reorganization of its principal organs following an increase in its membership. He could not accept that interpretation. The United Nations could not remain static, but must adjust itself to new conditions. The latter required an increase in the membership of United Nations organs, with the exception of the Trusteeship Council which was destined to decrease in size, to the satisfaction of many delegations, as more countries attained their independence.

23. An increase in the membership of the Security Council would, in his delegation's opinion, prevent the sorry spectacle provided by the General Assembly during elections to the Security Council. Some representatives had expressed the opinion that the continuing deadlock in the Assembly was a manifestation of the cold war. It was in reality due to the fact that there were too few seats in the Security Council with the result that there was a long-drawn-out struggle to secure the vacant seats at each election. The substantial increase in United Nations membership necessitated an increase in the membership of the Security Council, so that the Council would reflect more truly the views of Member States.

24. Where the International Court of Justice was concerned, there was merit in the argument that the rule of law transcended national boundaries. The Court should be composed of jurists representing different systems of law rather than representatives of different areas of the world. The principle of the equitable geographical distribution of members of the Court was undeniably important, and an increase in its membership might be desirable. His delegation, however, was merely expressing a preliminary opinion and reserved its stand until the question of an increase in the membership of the International Court of Justice was discussed in substance.

25. As for the Economic and Social Council, an increase in membership was imperative, more especially as the new Members of the United Nations were largely under-developed countries which had a special interest in the work of the Council.

26. The questions before the Committee were not new ones, but discussion of them had been postponed from year to year. That was attributable to the fact that the proponents of amendments to the Charter were pessimistic about obtaining the required majority for such amendments, because some Member States were setting a number of conditions for the revision of the Charter—in particular, the admission of the People's Republic of China to the United Nations. His delegation considered that issue entirely irrelevant to the question of Charter revision. Attempts to link the two questions would merely lead to frustration and dis-

satisfaction. His delegation thought that, in any case, at least the most urgent of the questions before the Assembly—the question of increasing the membership of the Economic and Social Council—should be settled at the current session. To postpone consideration of that question would reduce the effectiveness of the work of the Council and thus slow down the rate of progress of the under-developed countries.

27. Mr. MALILE (Albania) said that the question of amending the Charter and the Statute of the International Court of Justice with a view to increasing the membership of the Security Council, the Economic and Social Council and the Court, was most complex and delicate. His delegation was of the opinion that the Charter did not require amendment and had shown itself to be an effective instrument for safeguarding international peace and security. It was not, in fact, the Charter which was preventing the strengthening of the United Nations and of international co-operation in all fields, but rather the frequent failure to observe its provisions. Certain States had sought to interpret the Charter to the detriment of international peace. Thus, the legitimate right of the People's Republic of China to representation in the United Nations had not yet been recognized. According to Article 108, amendments to the Charter had, in order to come into force, to be adopted by a vote of two-thirds of the Members of the General Assembly and ratified by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council—that is to say, including China. But China's seat was being illegally occupied by the representatives of a group which had long been repudiated by the Chinese people. The Charter could not be amended and the United Nations could not function properly until the People's Republic of China, as a permanent member of the Security Council, had assumed its lawful place in the United Nations.

28. At earlier sessions of the General Assembly his delegation had shown that the principle of the equitable geographical distribution of the non-permanent seats on the Security Council had been violated to the detriment of the Eastern European countries. The gentleman's agreement reached in London in 1946 had not been respected. Certain Member States, and the United States in particular, were striving to prevent Poland, the candidate from the Eastern European countries, from being elected to the seat on the Security Council to which it was entitled, although it had obtained a majority of votes in the series of ballots in the General Assembly. His delegation believed that such efforts were incompatible with the spirit of the Charter and with the recent trend towards the relaxation of international tension.

29. Albania had supported the admission to the United Nations of new African and Asian countries and his delegation was glad that those countries were playing an important part in the maintenance of international peace. They had the right to be better represented in United Nations organs, but it was not necessary to increase the membership of those organs to achieve that purpose.

30. Certain Member States had sought to present the question of the amendment of the Charter with a view to increasing the membership of the Economic and Social Council and the Court as a purely technical issue which did not affect the basic principles of the Charter. His delegation could not accept that view because it had good reason to think that the proposed amendments

would merely be a first step towards a general revision of the Charter. His delegation was convinced that the effectiveness of the United Nations organs would be enhanced if the provisions of the Charter and the principle of equitable geographical representation on those organs were scrupulously observed.

31. Mr. URRUTIA APARICIO (Guatemala) said that the debate on the question of increasing the membership of the Economic and Social Council had revealed the existence of two schools of thought. The first, to which the majority of the Committee seemed to belong, was that the increase in United Nations membership necessitated an increase in the membership of the Council. The second was the view that there was no need to increase the membership of the Council and that the desired objective could be attained by giving the Asian and African countries newly admitted to the United Nations wider representation in the Council. The difficulties involved in amending the Charter could thus be avoided. His delegation favoured the first school of thought, because it believed that the Asian and African countries should rightly be given equitable representation in the Council without curtailing the representation of other Member States.

32. His delegation reserved the right to speak again in the debate, if it felt it necessary.

33. Sir Claude COREA (Ceylon) said that his delegation considered it necessary to make a second statement in order to comment on the legal position in the light of certain observations that had been made, in particular by the Soviet representative. He recalled that the Charter provided for two possibilities: a general review and the adoption of amendments. The right of the General Assembly to amend individual provisions of the charter was undeniable, but that right could be exercised only in accordance with the procedure laid down in the Charter. As the statutory requirements for the amendment of individual provisions could not be met at the moment owing to the attitude adopted by one of the permanent members of the Security Council, a revision of even a limited nature could not be contemplated for the time being. The legal position was therefore perfectly clear. That was the reason why the delegation of Ceylon had appealed to the USSR delegation to reconsider the rigidity of its position and it hoped that that appeal would not go unheeded. For his part, he believed sincerely that the time had come to alter the membership of the Security Council and the Economic and Social Council. It was very unlikely that the wishes of the Asian and African countries could be met by readjusting the distribution of seats in those bodies. It would be very difficult to redistribute the six Security Council seats occupied by non-permanent members. The process might perhaps give rise to fewer problems in the case of the Economic and Social Council, where a larger number of seats was available, but the current distribution was the result of certain long-standing agreements which it would be difficult to review. The best solution, therefore, would be to increase the number of members. He recognized, however, that the ratification of an amendment by China presented a problem for countries like his own, which had recognized the People's Republic of China and desired unreservedly to see it admitted into the United Nations. From the legal point of view, however, the delegation at present occupying the seat of China in the United Nations had unquestionably been recognized by all the

permanent members at the time of the drafting of the Charter.

34. In the circumstances, no practical purpose would be served by proposing an amendment to the Charter at the moment. His delegation would therefore be content to support any resolution drawing attention to the urgency and importance of such a measure in the hope that, at succeeding sessions of the Assembly, the international atmosphere would be more propitious to a revision of the Charter which would enable China to play its proper role and would ensure a more equitable geographical representation of the under-developed countries.

35. Mr. LIU (China) pointed out that the amendments under consideration were purely technical in character and in no way affected the substance of the Charter. Their adoption would serve to reflect the increase in the number of United Nations Members. The Chinese delegation thought that the membership of certain bodies, among them the Economic and Social Council, should be enlarged but did not consider that that was necessary in the case of the International Court of Justice. Some delegations recommending postponement of the question had argued that its consideration would be futile in the absence of the Chinese Communists. The delegation of China rejected those arguments as being based on false premises and pointed out that the question of the representation of China was entirely irrelevant to the debate. It did not object to postponement of the question, for it was of the opinion that the bodies in question would be able to operate effectively even without an enlarged membership if they had the trust and support of all the Member States.

36. Mr. MARDONES (Chile) said that the great majority of the Committee agreed that the membership of the Security Council and the Economic and Social Council should be enlarged. The Chilean delegation shared that view and also had reservations regarding the advisability of increasing the number of members of the International Court of Justice. It could not, however, agree to the argument that the less favoured areas could be given better representation by a redistribution of the existing seats. One injustice could not be rectified by another. He deplored the negative attitude adopted by the USSR delegation and associated himself with the Ceylonese appeal in the hope that the

USSR delegation would find it possible to alter its position. He would vote in favour of any resolution designed to enlarge the numerical membership of the two Councils.

37. Mr. ESCOBAR (Colombia) recalled that his delegation favoured increasing the membership of the Security Council and the Economic and Social Council and that it still had reservations regarding the advisability of enlarging the International Court of Justice. The Colombian delegation considered that, in view of all the arguments which had been advanced, a revision of the Charter would have to be undertaken gradually, in stages. The Committee might very well take an immediate and specific step in that direction by deciding to enlarge the membership of the two Councils. He did not agree with the USSR delegation that such a decision would serve no useful purpose. Indeed, all the members of the Committee acknowledged that the African and Asian countries should be given wider representation in the United Nations. A decision to increase the number of members of the Councils would be an important measure which would augur well for the future. If the international situation allowed, it would be possible to proceed later to the next stage—the ratification of that decision by the Security Council. The Soviet Union could then assert its constitutional rights.

38. He considered that it was the Committee's duty to rectify the injustice done to the Asian and African countries by giving them more equitable geographical distribution in the principal bodies of the United Nations.

39. Mr. URQUIA (El Salvador), speaking on a point of order, inquired whether the proposal submitted in 1956 on the items under discussion (A/3446 and A/L.217/Rev. 1) was still before the Committee.

40. Mr. SOBOLEV (Union of Soviet Socialist Republics) thought it was unlikely that an immediate reply could be given to that question. He therefore moved the adjournment of the debate.

41. The CHAIRMAN said that the Secretariat would supply the information requested at the following meeting.

The meeting rose at 1.5 p.m.