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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/Rev.2, 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/Rev.2, A/SPC/L.33 and Add.1) (continued)

1. Mr. URQUIA (El Salvador) introduced the second revised version of his draft resolution (A/SPC/L.32/Rev.2). In the new version, the first paragraph of the preamble referred specifically to the membership of the Security Council and the Economic and Social Council instead of the principal organs of the United Nations because there had not been the same unanimity in support of an increase in the number of judges of the

International Court of Justice. The second and third paragraphs of the preamble were statements of fact carried over from the original draft and should not give rise to any opposition. The fourth paragraph of the preamble was more or less identical with the terms of the twelve-Power draft resolution (A/SPC/L.33 and Add.1), and the fifth paragraph was a repetition of the idea expressed in his original draft resolution that further efforts must be made to secure the agreement of the greatest possible number of Member States. In the operative part, paragraph 2 represented a fundamental change from the original draft resolution. The title "Good Offices Committee" had been dropped and with it the authorization to enter into consultations with Member States, lest it should be thought that there was any notion of exerting pressure on those States which might have difficulty in agreeing to amendments to the Charter or in ratifying such amendments.

2. If the Salvadorian draft resolution was compared with the twelve-Power draft, it would be seen that the only major difference lay in operative paragraph 2. The twelve-Power draft resolution would in effect postpone the matter altogether until the fifteenth session of the General Assembly, and El Salvador wished to provide for continuing activity between the sessions. Its aim was that there should be a body of the General Assembly responsible for keeping the matter under consideration and for preparing conclusions to be submitted to the General Assembly in regard to the possibility of amending the Charter. He felt that the time had come for a new approach, however modest. He reserved the right to reply to any points that might be raised in connexion with the revised draft resolution.

3. Mr. RIFA'I (Jordan) said that a great variety of views had been expressed on the question of amending the Charter in order to provide for an increase in the membership of the two Councils which could improve the representation of the parts of the world now under-represented. Those views had not been determined by group affiliations but were the expression of independent convictions. The fact that the sponsors of the twelve-Power draft resolution were in agreement on the text of that draft resolution did not necessarily mean that they held identical views on the necessity of amending the Charter and the difficulty of so doing. For example, the Jordanian delegation did not consider the constitutional difficulties in the way of amending the Charter to be a valid argument.

4. The sponsors of the twelve-Power draft resolution believed that it constituted the most forceful expression of the need to increase the membership of the two Councils acceptable at the present time. The possibility of achieving any such increase in the near future was remote, but the twelve-Power draft would at least keep the item on the agenda. It avoided such specific matters as the exact number of new seats on the grounds that it was more important to secure general agreement first. He did not agree that it amounted merely to a

postponement of the question. It was a genuine expression of the common opinion of the Committee and the best that could be done in the way of a conclusion to the present debate.

5. The revised Salvadorian draft resolution (A/SPC/L.32/Rev.2) was fairly close to the twelve-Power text. However, its preamble did not make the point that the membership of the Councils should be enlarged so as appropriately to reflect the increase in the membership of the United Nations. Also, the fourth preambular paragraph implied that there was not as yet any extensive agreement although there was in fact a large majority which was convinced of the need to increase the membership of the Councils; the difficulty lay with the minority without whose concurrence nothing could be done. The most important difference between the two draft resolutions was the Salvadorian proposal to set up a committee. The twelve Powers believed that the proposal would make the draft more difficult to accept. From the practical point of view, it would be very difficult to constitute and to select such a committee. It was unlikely to achieve any practical results and the proposed report could only add to the difficulty of the debate. The Jordanian delegation therefore could not support operative paragraph 2, although it would not oppose it. If the paragraph was retained, it would abstain from voting on it and on the draft resolution as a whole.

6. Mr. DE VAUCELLES (France) regretted that the Committee was not being given an opportunity to vote on the proposals made by the representatives of Colombia (131st meeting) and Argentina (132nd meeting) that the General Assembly should immediately start the amendment procedures laid down in Article 108 of the Charter, with a view to increasing the membership of the two Councils; he thought the authors of those proposals had been afraid they would not obtain the necessary majority in the presence of the open hostility of some and the reluctance of others to make an empty gesture. He hoped that the Committee would be able to adopt one of the two remaining draft resolutions unanimously. The two texts were very similar in their main points, but the Salvadorian draft resolution contained a proposal to set up a committee.

7. Several delegations had raised doubts concerning the usefulness of such a committee. The French delegation felt that the establishment of such a body would constitute a step forward and would demonstrate the strong desire of the majority of Member States to bring about an increase. He considered that the small committee proposed should consist of one representative of each of the groups in favour of an increase, namely, the African and Asian States, the States of Western Europe and the Latin American States, whose representative should, he felt, occupy the Chair in recognition of the very important part which the group had played in trying to reach a solution. The French delegation would vote in favour of the Salvadorian draft resolution.

8. Sir Claude COREA (Ceylon) said that there had been three courses open to the Committee. It might, in order to give expression to the undoubted majority wish for an increase in the membership of the two Councils, have moved the necessary amendments to the Charter. The sponsors of the twelve-Power draft resolution had felt that such amendments could not achieve their purpose because they would not be ratified. On the other hand, they had felt that the question must be kept alive in

order to be taken up again at the fifteenth session of the General Assembly. The twelve Powers and El Salvador were agreed on those two points. However, on the question of taking some positive action at once, they differed. El Salvador had originally proposed the establishment of a good offices committee. There had been a certain logic in that proposal, although his delegation had disagreed with it. The present Salvadorian proposal to appoint a committee merely to study the possibility of arriving at an agreement seemed rather pointless. It was also unfortunate that the Salvadorian draft resolution made no reference to an increase in the membership of the Councils which would appropriately reflect the increase in the membership of the United Nations.

9. The Ceylonese delegation would have been prepared to accept a committee of the kind proposed, for the sake of unanimity, but it felt that the appointment of its members would be so difficult that it would merely complicate the situation. The most that could be done at the present time was to make a strong appeal to the Powers chiefly concerned. It was already perfectly clear that the question was insoluble unless the five permanent members of the Security Council were in agreement, and that the position of one of those members was frankly inflexible. The twelve-Power draft resolution was stronger than the Salvadorian draft resolution because it confined itself to enunciating the ardent desire of a large majority of Member States for an amendment to the Charter in order to expand the membership of the two Councils. A large measure of agreement on a joint draft resolution had been achieved in the consultations between El Salvador and the twelve Powers. They were united on the main point, but they had been unable to agree on the question of appointing a committee.

10. The Ceylonese delegation hoped that it would still be possible for both sides to combine in expressing the Committee's desires without dividing their forces and weakening their joint position. It hoped that the delegation of El Salvador would delete operative paragraphs 2 and 3 of its draft resolution. If it would not do so, Ceylon, together with the delegations of Afghanistan, Burma, Cambodia, India, Indonesia, Iraq, Nepal and Saudi Arabia, would be obliged to submit an amendment to that effect (A/SPC/L.34). In conclusion, he requested that the Salvadorian draft resolution should be voted on paragraph by paragraph.

11. Mr. YOSANO (Japan) congratulated the delegations of El Salvador and the twelve Powers on their efforts to find a joint solution to the question under consideration. The Japanese delegation shared the view that the General Assembly was competent to adopt a decision increasing the membership of the two Councils, although of course such a decision could not enter into force without the necessary ratifications, and it regretted that no specific proposal had been made to that effect. The Salvadorian draft resolution took a step forward in proposing the establishment of a committee to study the situation. Any progress, no matter how small, would be valuable and would help in the more detailed examination of the matter at the next session of the General Assembly. The Japanese delegation would support the Salvadorian draft resolution.

12. Mr. JHA (India) was not clear as to the exact nature of the proposed committee. If it was to be entrusted with the task of actually reaching an agreement, he asked with whom it was to negotiate. If it approached

the permanent member of the Security Council now opposed to amending the Charter unless certain pre-conditions were fulfilled, it would become a good offices committee of the sort proposed in the original version of the draft resolution (A/SPC/L.32). The Indian delegation felt that a committee of that kind was only useful where there were negotiable issues. It would create a very bad precedent if the General Assembly were to appoint a good offices committee in order to exert pressure on a great Power to alter its views on amending the Charter. The issue involved was so basic, and so closely related to another important issue, that the appointment of such a body would not only be inappropriate but might actually be harmful to the cause which both draft resolutions were designed to further. The Indian delegation felt that it would be better for the Assembly to be discreet and to apply methods of persuasion and appeal rather than become involved in action which might be misinterpreted as pressure tactics.

13. The French representative had suggested that the proposed committee should consist of the representatives of three groups of States. In view of the variety of opinions and the complicated nature of the question, the Indian delegation felt that that number was quite inadequate; a committee of the entire membership would be required. However, such a committee would certainly not serve the purpose in view. If the resolution finally adopted by the General Assembly was to have the desired effect, it must have the widest possible support. The Indian delegation hoped that the nine-Power amendment (A/SPC/L.34) introduced by Ceylon would be accepted. If the Salvadorian proposal was adopted as it stood, its effect would be weakened by the division of opinion in the Committee. It was important that the debate on the universally recognized need to amend the Charter should end on a harmonious note.

14. Mr. PACHACHI (Iraq) said that, despite the consultation between the Salvadorian delegation and the sponsors of the twelve-Power draft resolution for the purpose of finding a mutually acceptable text, the African-Asian group still disagreed with the proposal to set up a committee to study the possibility of arriving at an agreement which would facilitate the amendment of the Charter. As the procedure for amending the Charter was already clear, the proposed committee could only study the attitudes of Member States to such amendment and, in the last analysis, the attitude of one permanent member of the Security Council. It would not have the right to take the initiative and enter into direct consultation with Member States. Its function would therefore seem to be confined to a perusal of the summary records of the Special Political Committee's meetings—a function which did not warrant the establishment of a committee. It had been claimed that such a committee would prove useful if circumstances changed before the next session; but the Special Political Committee could itself always take such a change into account at the next session and act accordingly.

15. The proposed committee could, in fact, make the solution of the present problem more difficult. As most Members had admitted, any expansion of the membership of the two Councils would primarily benefit the African and Asian countries, and their views on the matter should be carefully considered. Their representatives had made serious reservations regarding the Salvadorian draft resolution and he hoped that El Salvador would be able to agree on a unified draft, otherwise he would have to press for the deletion of

operative paragraphs 2 and 3 of that resolution. He believed that the best course was to defer the matter until the next session, while expressing the view that an increase in the membership of the two Councils should be brought about as early as possible.

16. Mr. ASHA (United Arab Republic) regretted that it had not been possible to draft a mutually acceptable resolution. The main point of difference between the two draft resolutions was the proposal in the Salvadorian draft that a committee should be set up. He was opposed to the establishment of that committee for the reasons stated by Jordan, Ceylon, India and Iraq. Its terms of reference had not been clearly indicated and he felt that its composition would create additional difficulties: it would indeed only be fair for all the Special Political Committee's members to be represented on it. Like the representative of Iraq, he believed the matter should be left for another year, and hoped that the great Powers would then agree to a satisfactory and equitable solution. It was essential to preserve harmony among the members of the Committee and he too appealed to El Salvador not to press for the retention of operative paragraphs 2 and 3, which his delegation could not support.

17. Mr. CASSELL (Liberia) regretted that he could not agree with the sponsors of the twelve-Power draft resolution. He firmly believed that the African and Asian countries had a right to be adequately represented in the principal organs of the United Nations and that appropriate amendments of the Charter should be sought immediately, despite the likelihood of non-ratification by one of the permanent members of the Security Council. Whereas the twelve-Power draft resolution would simply leave the matter unchanged for consideration at the next session, the Salvadorian draft resolution would be a step forward. Something would at least be done in the interval between the fourteenth and fifteenth sessions.

18. He could not accept the arguments adduced against the establishment of the proposed committee, and failed to see how such action could be interpreted as an attempt to apply pressure: in any case, pressure could not be applied on a great Power without resort to war. However, he saw no objection to the use of persuasion, which was an accepted means of attaining an objective. Moreover, the terms of the draft resolution were sufficiently general to allow the proposed committee considerable freedom, and it was reasonable to suppose that a useful purpose would be served. He could not understand what harm such a committee could do and asked those who opposed its establishment to give more specific reasons for their apprehensions on that score. A properly constituted committee such as the one proposed might conceivably produce a solution to the problem in time for the next session. His delegation believed that the Charter should be amended without delay, but if that was not possible, the only alternative was such reallocation of the existing membership of those bodies as would ensure equitable representation for African and Asian countries. He would support the draft resolution of El Salvador, which went further than the twelve-Power draft.

19. Mr. MENEMENCIOLU (Turkey) expressed satisfaction at the large measure of agreement on the ultimate aims of the measures under discussion. As had been pointed out, the African and Asian countries stood to benefit most from an increase in membership, and the Latin American group had shown commendable

understanding of the position of those countries. It had not however been possible to arrive at a unified text and the Committee would have to vote on two draft resolutions. His delegation found the provisions of both entirely acceptable and would vote accordingly. It was in favour of the establishment of the committee proposed by El Salvador, in view of its aims and functions as set forth in the text and explained by the Salvadorian representative.

20. Mr. QUAISON-SACKEY (Ghana) supported the position taken by the representatives of Ceylon, India, Iraq and Jordan, since the present proposals seemed to be duplicating the General Assembly's efforts to deal with the problem of Charter revision. The Committee on arrangements for a conference for the purpose of reviewing the Charter, which had failed to reach agreement and was still in being, was in fact performing the function envisaged for the committee now proposed by El Salvador. Moreover, no clear indication had been given of the proposed committee's terms of reference. Its appointment would have the effect of bringing pressure to bear on the Soviet Union, and nothing could be achieved by that means, since the Soviet Union had made it clear that the Charter could not be amended so long as China was not represented in the United Nations. He therefore appealed to the representative of El Salvador to delete operative paragraphs 2 and 3 from his draft resolution.

21. Mr. RIFA'I (Jordan) said he would support the nine-Power amendment to El Salvador's draft resolution, which would thus be brought into line with the twelve-Power draft resolution. His delegation would nevertheless abstain from voting on the proposal to establish a committee and on the Salvadorian draft resolution as a whole.

22. Mr. GARCIA ROBLES (Mexico) said that in an exchange of views outside the Committee room earlier in the debate his delegation had expressed its approval of the inclusion of a reference to a good offices committee in the Salvadorian draft resolution. It had not approved of the functions of the committee as subsequently described by the representative of El Salvador; however, since any decision as to the committee's terms of reference would have been based on the actual text of the resolution, his delegation had been willing to support it. The essential basis of his delegation's position was, however, the necessity for general agreement on that part of the resolution, since there seemed no justification for creating a division of opinion in the Committee. What was essential, in his delegation's view, was that the resolution adopted should express the strong desire of the Assembly to bring about as early as possible an increase in the membership of the Economic and Social Council and the Security Council, and that such a resolution should be adopted if not unanimously at least by an overwhelming majority, so that it might have the greatest possible moral weight. When it later became evident that many delegations objected to the committee proposed by El Salvador, his delegation had intimated to the representative of El Salvador that the best solution might be to try to combine his proposal and that of the African-Asian delegations in a single draft resolution co-sponsored by a large number of representatives of the different groups of States within the United Nations. That was still the view of his delegation.

23. A close examination of the two draft resolutions before the Committee showed agreement in substance,

with the exception of the proposal in the draft resolution of El Salvador to set up a study committee. He saw no point in considering whether the committee would be useful or not, or in taking up the question raised by the representative of India as to the competence of a small body of that kind to deal with a question concerning the revision of the Charter. It was sufficient at the moment to emphasize what so many representatives had clearly pointed out, namely, that if operative paragraphs 2 and 3 of the Salvadorian draft resolution were retained there would be a considerable drop in the number of votes in favour of that draft and a corresponding increase in the number of abstentions and negative votes. That would give the impression that the Committee and, later, the General Assembly were divided on the issue when in reality the members of the Committee were all agreed as to the necessity for an amendment of the Charter in that particular direction, and some, including his own delegation and that of El Salvador, had actively co-operated in bringing the matter to the attention of the General Assembly in 1956.

24. He would therefore appeal to the delegation of El Salvador to withdraw operative paragraphs 2 and 3 of its revised draft resolution. Otherwise he would very reluctantly have to vote in favour of the nine-Power amendment for the deletion of those paragraphs.

25. Mr. PAZHWAQ (Afghanistan) said that his delegation would support the nine-Power amendment. With regard to the Salvadorian draft resolution, he did not find that the second revised text was any improvement on the first, and he would like clarification from the representative of El Salvador on certain points with regard to the composition and the function of the committee proposed in document A/SPC/L.32/Rev.2. The good offices committee mentioned in the original draft resolution had been replaced by a committee consisting of representatives of three or five States, but the aim was apparently the same. The second revision, however, no longer mentioned the method by which that aim could be achieved—namely, consultations with the representatives of Member States and in particular the permanent members of the Security Council. He wondered what steps the committee could possibly take if it was not to engage in consultations.

26. Mr. Taieb SLIM (Tunisia) said that in his view neither of the draft resolutions before the Committee stressed sufficiently the point that it was necessary not only to increase the membership of the principal organs of the United Nations but also to find a solution for the new problem of inequitable geographical distribution. A committee such as that recommended in the Salvadorian draft resolution might have its uses if it could study that problem, and if its terms of reference could include some revision of the system of allocation of the existing seats in the Security Council and the Economic and Social Council. Since no such task was proposed, he regretted that his delegation could not support the draft resolution of El Salvador, particularly operative paragraphs 2 and 3. The twelve-Power draft resolution was only a diffuse statement of the desires of the Member States with regard to increased membership of certain United Nations organs, and lacked precision on the matter of equitable geographical distribution.

27. Mr. GUERRERO (Philippines) thought that the Committee was wasting time trying to frame resolutions for which all could be expected to vote. The two it had before it were similar in so far as they postponed action; they said nothing new and both evaded issues

such as equitable geographical distribution. His delegation felt that it was far better not to adopt a resolution at all than to adopt one which meant nothing, and it would abstain from voting on such resolutions.

28. Mr. URQUIA (El Salvador) said that it was difficult for him to withdraw parts of a draft resolution which had won so much support not only from Latin American delegations, but from European, African and Asian delegations as well. He would like to respond to the appeal made to him by the African and Asian delegations during the meeting, but he had to remind them that he, and not they, had given proof of a willingness to compromise. He had incorporated some of their ideas in his revised draft resolution; he had, for instance, modified paragraph 2 to delete "good offices" from the name of the proposed committee and to omit the authorization to engage in consultations with representatives of Member States and in particular the permanent members of the Security Council. He could not be expected to yield on every point while their position remained unchanged.

29. The representative of Ghana confused things in saying that the new committee envisaged in the draft resolution of El Salvador would duplicate the work of the Committee on arrangements for a conference for the purpose of reviewing the Charter. Whereas that Committee had been established with reference to Article 109 of the Charter, the items now under discussion pertained to Article 108, which related to amendments.

30. Some delegations were objecting to the idea of a committee for reasons exactly opposite to those which had led them to reject the good offices committee he had proposed in his first draft—namely, that it would not have the power of consultation. He noted also a certain forgetfulness on the part of the delegations which had spoken disparagingly of a study committee, for they themselves had proposed the same thing in 1956. Sixteen African and Asian countries, including all those who had spoken in the present debate, had sponsored a draft resolution (A/3468/Rev.1)^{1/} under which the General Assembly would decide to appoint a committee of fifteen members to study, in all its aspects, the question of increasing the membership of the Security Council, in the light of the Assembly's deliberations, and to report to the Assembly.

31. If the proposal to establish a study committee had not been a futile notion in 1956, he wondered what had changed to render it so now. There need not be any apprehension concerning the composition of the committee, which could be made to reflect the principle of geographical distribution if one member were chosen from the African and Asian States, one from Latin America, one from Western Europe, one from Eastern Europe, and one from the British Commonwealth of Nations. With regard to the question of consultation, the Committee, while not officially authorized to hold

consultations on behalf of the Assembly, could still consult permanent members of the Security Council unofficially and could feel the pulse of opinion prevailing in Member States in the interval prior to the next session of the General Assembly.

32. The representative of Mexico had announced his intention of voting in favour of the nine-Power amendment which would delete operative paragraphs 2 and 3 of the Salvadorian draft resolution. The representative of Mexico seemed to have forgotten that he had himself suggested the revision of paragraph 3 as contained in the first revision of the draft resolution (A/SPC/L.32/Rev.1) and had afterwards approved the revised wording during consultations among the Latin American representatives.

33. He had hoped that his draft resolution would help the Committee to take a real step forward instead of repeating the same words of postponement every year, and that the study committee might serve some useful purpose, especially if political circumstances changed. With regard to the Soviet Union's position concerning the representation of the People's Republic of China in the United Nations, he would point out that the vote of that country was not required in order to amend the Charter, nor indeed were the votes of all the permanent members of the Security Council. Those who felt that ratification by the People's Republic of China was required could perhaps satisfy themselves by inducing the People's Republic of China to ratify. He did not consider that such ratification was necessary, since the Soviet Union had already allowed important decisions to be taken without the affirmative vote of the five permanent members of the Security Council. The representative of the Soviet Union would no doubt argue—as he had done at the 134th meeting—that the member concerned had simply abstained from voting in those cases, but under Article 27, paragraph 3, the Charter did not allow such abstentions. The Soviet Union could give proof of its sympathy towards the African and Asian countries and their need for greater representation in the organs of the United Nations by prevailing on the People's Republic of China to ratify an amendment of the Charter in Peking—that was all that was necessary.

34. In conclusion he would say that interest in the amendment of the Charter was not confined to the African and Asian States; some countries might derive more benefit from an amendment than others, but every Member of the United Nations was equally interested.

35. With regard to the request by the representative of Ceylon for a vote paragraph by paragraph on the Salvadorian draft resolution, his understanding was that if the nine-Power amendment was adopted, paragraphs 2 and 3 of the Salvadorian draft resolution would be deleted; if, however, that amendment was rejected, the Committee would not vote again on the separate paragraphs of the draft resolution, but on the draft as a whole.

The meeting rose at 6,20 p.m.

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