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President: Mr. Rüdiger von WECHMAR
(Federal Republic of Germany).

AGENDA ITEM 8

Adoption of the agenda and organization of work (*concluded*):

- (a) Report of the General Committee;
(b) Report of the *Ad Hoc* Committee on Subsidiary Organs

1. The PRESIDENT: The request of the Secretary-General for the inclusion in the agenda of the thirty-fifth session of an additional subitem under agenda item 15 is contained in document A/35/244.

2. Under the proposal, the following subitem would be included under item 15:

“(c) Election of two members of the International Court of Justice:

“(i) Vacancy caused by the death of Judge Richard R. Baxter;

* Resumed from the 41st meeting.

“(ii) Vacancy caused by the death of Judge Salah El Dine Tarazi.”

May I take it that the General Assembly agrees to that proposal?

It was so decided (decision 35/402).

AGENDA ITEM 102

Draft Code of Offences against the Peace and Security of Mankind: report of the Secretary-General

REPORT OF THE SIXTH COMMITTEE (A/35/615)

AGENDA ITEM 105

Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations

REPORT OF THE SIXTH COMMITTEE (A/35/623)

AGENDA ITEM 107

Report of the United Nations Commission on International Trade Law on the work of its thirteenth session

REPORT OF THE SIXTH COMMITTEE (A/35/627)

AGENDA ITEM 29

Drafting of an international convention against the recruitment, use, financing and training of mercenaries: report of the Secretary-General

REPORT OF THE SIXTH COMMITTEE (A/35/655)

3. Mr. HAMPE (German Democratic Republic), Rapporteur of the Sixth Committee: I have the honour of introducing to the General Assembly the reports of the Sixth Committee on agenda items 102, 105, 107 and 29 [A/35/615, A/35/623, A/35/627 and A/35/655].

4. Taking up agenda item 102, I should like to draw the attention of the Assembly to paragraph 7 of the report of the Committee [A/35/615], containing the draft resolution recommended by the Committee for adoption by the General Assembly.

5. Under the terms of the draft resolution, which was adopted in the Committee by consensus, the General Assembly would request the Secretary-General to reiterate the invitation to Member States and relevant international intergovernmental organizations to submit or to bring up to date, not later than 30 June 1981, their comments and observations on the draft Code of Offences against the Peace and Security of Mankind and, in particular, to inform

him of their views on the procedure to be followed in the future consideration of that item, including the suggestion of having the item referred to the International Law Commission. In this connexion, it may be recalled that by an earlier General Assembly resolution Member States and relevant international intergovernmental organizations had already been invited to submit their comments and observations on the draft Code of Offences against the Peace and Security of Mankind prepared by the International Law Commission in 1954.

6. Under the terms of the draft resolution recommended by the Sixth Committee, the General Assembly would further request the Secretary-General, on the basis of the replies submitted by Member States and relevant international intergovernmental organizations and the statements made during the debate on this item, to prepare an analytical paper in order to facilitate the further consideration of the item. The Secretary-General would also be requested to prepare a report to be submitted to the General Assembly at its thirty-sixth session, and the Assembly would decide to include an item entitled "Draft Code of Offences against the Peace and Security of Mankind" in the provisional agenda of its thirty-sixth session and to accord it priority and the fullest possible consideration.

7. I should now like to refer to that provision of the draft resolution in which the General Assembly would reiterate its belief that the elaboration of a code of offences against the peace and security of mankind could contribute to strengthening international peace and security and thus to promoting and implementing the purposes and principles set forth in the Charter.

8. I should like therefore to express my sincere hope that the Assembly will adopt by consensus the draft resolution recommended by the Sixth Committee.

9. Turning now to agenda item 105, delegations may wish to take up the draft resolution recommended by the Sixth Committee in paragraph 12 of its report [A/35/623]. In that draft resolution, the General Assembly, taking into account that the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations has not completely fulfilled the mandate entrusted to it under General Assembly resolutions 32/150, 33/96 and 34/13, would decide that the Special Committee "shall continue its work with the goal of drafting, at the earliest possible date, a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee deems appropriate."

10. The General Assembly would also request the Special Committee to consider thoroughly, and to take duly into account, all the proposals submitted to it with a view to ensuring the successful completion of its mandate. The General Assembly would further invite the Special Committee to submit a report on its work to the Assembly at its thirty-sixth session and would decide to include an item entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations" in the provisional agenda of that session.

11. This is the fourth time that the General Assembly, since its adoption of resolution 31/9 of 8 November 1976 inviting Member States to examine further the

draft World Treaty on the Non-Use of Force in International Relations submitted by the Union of Soviet Socialist Republics as well as other relevant proposals, has dealt with the issue of enhancing the effectiveness of the principle of non-use of force in international relations. In so doing, the General Assembly has consistently been reaffirming the need for universal and effective application of that principle and for assistance by the United Nations in that endeavour. That commitment to assistance is once again embodied in the draft resolution before the Assembly.

12. Paragraph 9 of the report of the Committee contains the record of the adoption of the draft resolution by the Committee, which speaks for itself in expressing the overwhelming desire of the United Nations membership for the continuation of the work of the Special Committee and for a successful completion of the task before it at the earliest possible date.

13. Turning now to agenda item 107, I have the honour to state to the General Assembly that, following a detailed discussion of the report of the United Nations Commission on International Trade Law, the Sixth Committee adopted by consensus draft resolutions I and II in document A/35/627.

14. By adopting draft resolution I, the General Assembly would, *inter alia*: reaffirm its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic co-operation among all States on a basis of equality, equity and common interests and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples; would further underline the need to take into account the different social and legal systems in harmonizing the rules of international trade law; and would recommend that the United Nations Commission on International Trade Law should continue its work on the topics included in its programme of work.

15. By adopting draft resolution II, entitled "Conciliation Rules of the United Nations Commission on International Trade Law", the General Assembly would recommend the use of those rules in cases where a dispute arises in the context of international commercial relations and the parties seek an amicable settlement of that dispute by recourse to conciliation.

16. I entertain the hope that the General Assembly will adopt those two draft resolutions, as the Sixth Committee did, by consensus.

17. Finally, I should like to take up the report of the Committee on agenda item 29 [A/35/655]. The draft resolution in paragraph 9 of the report was adopted by the Committee by consensus. Under operative paragraph 1 of the draft resolution, the General Assembly would decide to establish an *ad hoc* committee on the drafting of an international convention against the recruitment, use, financing and training of mercenaries. Under operative paragraph 2 of the draft resolution, the President of the General Assembly would be requested, after due consultation with the chairmen of the regional groups, to appoint the members of the

committee on the basis of equitable geographical distribution and representing the principal legal systems of the world.

18. The establishment of the *ad hoc* committee, a new subsidiary body, meets the requirements of paragraph 1 (a) of General Assembly resolution 35/5 of 20 October 1980. I believe there is no need to emphasize the importance of the decision made by the Sixth Committee and to be made by the General Assembly. The draft resolution refers to "the pernicious impact that the activities of mercenaries have on international peace and security" and, therefore, underlines "that the progressive development and codification of the rules of international law on mercenaries would contribute immensely to the implementation of the purposes and principles of the Charter of the United Nations".

19. I have the pleasure of recommending the adoption of that draft resolution to the General Assembly.

Pursuant to rule 66 of the rules of procedure, it was decided not to discuss the reports of the Sixth Committee.

20. The PRESIDENT: The position of delegations regarding the various recommendations of the Sixth Committee has been made clear in the Committee and is reflected in the relevant official records.

21. May I remind members that under decision 34/401 the General Assembly agreed that

"When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I also remind members that in accordance with decision 34/401, explanations of vote should not exceed 10 minutes and should be made by delegations from their places.

22. We shall first consider the report of the Sixth Committee on agenda item 29 [A/35/655]. The Assembly will now take a decision on the draft resolution recommended in paragraph 9 of the report. The report of the Fifth Committee on the administrative and financial implications of that draft resolution is contained in document A/35/680. The Committee adopted that draft resolution by consensus. May I take it that the General Assembly adopts it?

The draft resolution was adopted (resolution 35/48).

23. The PRESIDENT: In operative paragraph 2 of the draft resolution that has just been adopted, the General Assembly requests the President of the Assembly, after due consultations with the Chairmen of the regional groups, to appoint the members of the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries on the basis of equitable geographical distribution and representing the principal legal systems of the world. It is my hope that I shall be able to do this on or before 16 December this year.

24. Next, we turn to the report of the Sixth Committee on agenda item 102 [A/35/615]. The Assembly will now take a decision on the draft resolution

recommended in paragraph 7 of the report. The Committee adopted that draft resolution by consensus. May I take it that the General Assembly wishes to do likewise?

The draft resolution was adopted (resolution 35/49).

25. The PRESIDENT: The General Assembly will now consider the report of the Committee on agenda item 105 [A/35/623].

26. I shall now call on representatives who wish to explain their votes before the voting.

27. Mr. BALETA (Albania) (*interpretation from French*): In its statement in the Sixth Committee on 27 October last, the Albanian delegation set forth its views on the problem of non-use of force in international relations as well as on the mandate and the work of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations. This problem has been discussed every year since the thirtieth session of the General Assembly; however, instead of being enhanced, the principle of non-use of force has been violated even more brutally and frequently. Imperialist super-Powers in particular are more than ever making use of force in order to achieve their goals. The Albanian delegation believes that the demagoguery to which the imperialist super-Powers are resorting—in particular, the two super-Powers and certain other reactionary Powers—with regard to the principle of non-use of force not only has nothing to do with respect for this principle and increasing its effectiveness in international relations but, on the contrary, is a smokescreen to camouflage their evil deeds. We remain convinced that it is necessary to counteract the imperialist manoeuvres which consist in gambling on the principle of non-use of force, the work of the Special Committee and the idea of concluding a convention.

28. The Albanian delegation would like once again to express the view that, in spite of the sincere efforts being made by a certain number of States in order to advance the work of the Special Committee, the activities of that Committee have not yielded any tangible results. We believe that the activities of that Committee have been seriously affected by the participation of the imperialist super-Powers in its work.

29. In conclusion, we should like to emphasize that, given such circumstances, one should not expect any satisfactory results from the discussions on the conclusion of an international convention. For those reasons, the Albanian delegation would like to affirm that it cannot support the continuation of the Special Committee's mandate or the draft resolution adopted by the Sixth Committee and recommended in paragraph 12 of its report. Therefore the Albanian delegation will not participate in the vote on that draft resolution.

30. Mr. SIMANI (Kenya): The day on which the Sixth Committee took a decision on this question my delegation, unfortunately, was not available to participate in that vote. Had we been present, we should have voted in favour of the draft resolution, and we intend to do so on this occasion.

31. The PRESIDENT: I now put before the Assembly the draft resolution recommended by the Sixth Committee in paragraph 12 of its report [A/35/623]. The

report of the Fifth Committee on the administrative and financial implications of that draft resolution is contained in document A/35/662. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chile, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Belgium, Canada, Denmark, France, Germany, Federal Republic of, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Brazil, China, Greece, Ireland, Ivory Coast, Liberia, Malawi, New Zealand, Sweden, Turkey.

The draft resolution was adopted by 107 votes to 16, with 12 abstentions (resolution 35/50).¹

32. The PRESIDENT: We turn now to the report of the Sixth Committee on agenda item 107 [A/35/627]. The Assembly will now take a decision on draft resolutions I and II recommended by the Committee in paragraph 9 of its report.

33. Draft resolution I is entitled "Report of the United Nations Commission on International Trade Law on the work of its thirteenth session". The report of the Fifth Committee on the administrative and financial implications of that draft resolution is contained in document A/35/681. The Sixth Committee adopted draft resolution I by consensus. May I therefore consider that the General Assembly wishes to adopt draft resolution I in the same manner?

Draft resolution I was adopted (resolution 35/51).

34. The PRESIDENT: Draft resolution II is entitled "Conciliation Rules of the United Nations Commission on International Trade Law". The Sixth Com-

mittee adopted draft resolution II by consensus also. May I therefore consider that the General Assembly wishes to do the same?

Draft resolution II was adopted (resolution 35/52).

AGENDA ITEM 30

Question of equitable representation on and increase in the membership of the Security Council

35. The PRESIDENT: I should like to announce that only the debate on this item will be held today. The decision on draft resolution A/35/L.34/Rev.1 will take place at a later date. This will give delegations more time to study the draft resolution.

36. Mr. RÁCZ (Hungary): The delegation of the Hungarian People's Republic maintains the view, which it stated emphatically in the debate on the agenda item entitled "Question of equitable representation on and increase in the membership of the Security Council" at the last session of the General Assembly, that the initiatives for reviewing and amending certain provisions of the Charter are as unacceptable as they are untimely. The Hungarian Government firmly believes that the Charter has fully withstood the test of time. This applies particularly to the purposes and principles which are laid down in Articles 1 and 2 and which at the same time determine the entire structure and the organizational set-up of the United Nations. I should like to underline the fact that the provisions concerning the maintenance of international peace and security and the quest for solutions to economic, social, cultural and other problems through international co-operation, as well as the no less important objective of making the United Nations a centre for such activities, are closely linked with the rest of the provisions of the Charter, especially those which govern the composition of the principal organs of the Organization.

37. The proposal for equitable representation on and increase in the membership of the Security Council, which has now been submitted to the General Assembly for the second time, seeks to amend one of the most important articles of the Charter. Although in an earlier period, when the process of the liquidation of the colonial system entailed a significant and rapid increase in the membership of the United Nations, we recognized the necessity of enlarging the Security Council, we remain convinced that in present-day circumstances the consideration of a new proposal to that effect could only result in confrontation while distracting the attention of Member States from substantive issues the early solution of which is in the vital interests of the community of nations. It is all too obvious as well that this debate cannot but fail to enhance the atmosphere of confidence and understanding which would indeed be urgently needed for the joint solution of the accumulated problems of the world.

38. The Hungarian delegation is further convinced that the sources of problems and imperfections and the cause of the Security Council's failure always to act with the required degree of effectiveness are by no means to be sought in the provisions of the Charter or in the size of the membership and the composition

¹ The delegations of Chad and Mali subsequently informed the Secretariat that they wished to have their votes recorded as having been in favour of the draft resolution.

of the Security Council but rather in the attitude of some Member States and in the non-compliance with the purposes and principles of the Charter and other important provisions thereof.

39. Possible imperfections in performance should therefore be eliminated, not by way of amendments involving an increase in the membership of the Security Council or by way of a concomitant confrontation, but by respect for the Charter and fulfilment in good faith of its provisions, which would, without doubt, contribute to the further development of various forms of co-operation between States, both within the framework of the Organization and in bilateral relations. Therefore, proceeding from this position of principle, my delegation is unable to accept the argument that an increase in the membership of the Security Council would enhance the role and significance of that important organ of the United Nations in maintaining the peace and security of mankind.

40. Nor can we overlook the fact that the main geographical groups of States have adequate representation in the Security Council and that its composition allows for an appropriate expression of the divergent political interests of Member States. Consequently, we cannot accept a mere game of numbers as a serious argument, because it totally ignores the primary role which the Council has played and is expected to continue playing in the maintenance of international peace and security.

41. My delegation firmly believes that the effectiveness of the work of an important organ of the United Nations such as the Security Council does not increase in proportion to the constant enlargement of its membership. On the contrary, the larger an organ like the Security Council becomes, the less apt it is to act quickly and to adopt operative and effective decisions and to take whatever measures may be necessary. That principal organ of the Organization was assigned important functions by Article 24 of the Charter in order to ensure prompt and effective action by the United Nations. The principles governing the present membership and composition of the Council, especially the principle of equitable geographical distribution, provide, in our view, an adequate guarantee for the successful and purposeful discharge by the Council of its responsibilities.

42. Finally, in expressing our substantive objections to the initiative of the 16 States, we should like to put on record our strongest reservations regarding the adequacy and advisability of any action that the General Assembly may take on that proposal.

43. The PRESIDENT: Before calling on the next speaker, I should like to propose that the list of speakers in the debate on the item before us be closed at 3 p.m. today. May I take it that there is no objection to this proposal?

It was so decided.

44. Mr. MISHRA (India): The item we are considering this morning is not an altogether new one. Last year as well as earlier this year, however, the proposal for a discussion of this item had a rough passage in the General Committee owing to opposition from certain quarters.

45. During last year's consideration of the question, some delegations had expressed the view that its importance necessitated our devoting greater time to a study of its implications and other relevant suggestions in order that Members could take a more considered position. It was in deference to these views that, acting on a suggestion of the delegation of India, the Assembly decided last year to include the item in the agenda of the thirty-fifth session and also to transmit the relevant documents to this session [decision 34/431].

46. In the course of the last 12 months, my delegation has had occasion, along with others concerned, to examine the matter in further detail. We have had the benefit of the comments and advice of other Member States, including those whose views do not fully coincide with our own. We have profited from these comments and have given serious thought to the range of arguments and varying perceptions advanced by them.

47. In presenting the matter once again before the Assembly and, more particularly, in introducing the draft resolution contained in document A/35/L.34/Rev.1, I should like to point out that the sponsors have given due weight and consideration to various arguments advanced on the question. We remain more convinced than ever that, in order to strengthen the primary role of the Security Council in the maintenance of international peace and security, it is most essential that the composition of that body be reviewed with a view to providing for a more equitable and balanced representation of the membership of the United Nations on it.

48. It is, perhaps, useful to recapitulate briefly a fact known to all representatives, namely, that since the Charter was last amended in 1963 to enlarge the membership of the Security Council from 11 to 15, the total membership of the United Nations has increased from 113 to 154. The admission of new Members has been almost entirely from Asia, Africa and Latin America, and it is these regions that remain even today glaringly under-represented in the Security Council. On the basis of the present composition of the Security Council, the global average of the number of countries represented by one non-permanent seat in the Security Council is 14.9. As against this figure for the totality of the membership, the number of Asian countries represented by one non-permanent seat is 18.5; while the corresponding figure for African States is 16.7; for Latin American States, 15; for Western European and other States, 11; and for Eastern European States, 10.

49. If the activity of this world body is based on the principle of the sovereign equality of States and upon the concern on the part of every State for the peace and security of the world at large, it would be logical to presume that such an increase in the membership of the world body should be reflected at the very least in a more equitable manner, if not to a fully commensurate degree, in the composition and representation of one of its principal organs, the Security Council.

50. As we have said before, there are basically two ways of redressing this imbalance in representation. One is by a redistribution of the existing non-permanent seats among the different regional groups in

stricter proportion to the number of countries represented by the regional group concerned. The second is by increasing the number of non-permanent seats and allocating the additional seats to the regional groups in such a manner as to ensure that those hitherto under-represented do not remain so.

51. We are fully aware of the impracticality and the possible injustice implicit in the first course of action, and it is for that reason that the sponsors feel this year, as they did last year, that an increase in the membership of the Security Council as a whole offers the best solution.

52. In past years there have been some occasions when the argument has been put in some quarters that the proposal for the increase in the membership of the Council represents an attempt to alter the basic structure of the Council, to erode the position of its permanent members and, in effect, to open a Pandora's box of problems, institutional and otherwise, relating to this organ of the United Nations, all of which entailed a serious risk of diluting the credibility of the entire United Nations system.

53. We wish to declare quite frankly and openly that the position taken by the sponsors is not meant either to provoke a confrontation or, for that matter, to raise problems of an institutional character which might affect the mechanics of the operations of the Security Council. Our proposal is specific and limited and impinges only on the composition of the Security Council. It does not affect or seek in any way to alter the substantive aspects of the role and functions of the Council or the position of its permanent members.

54. That is precisely why the amendments proposed have been put in terms of Article 108 rather than in terms of Article 109 of the Charter, which implies the revision of the Charter in its substantive aspect.

55. The proposal contained in document A/35/L.34/Rev.1 envisages an increase in the membership of the Council from 15 to 21 by the addition of six non-permanent seats. The draft resolution also contains appropriate and consequential amendments to Articles 23, 27 and 109 of the Charter. Operative paragraph 3 suggests the allocation of the seats of the regional groups in conformity with the principles of equitable geographical distribution in consonance with the provisions of Article 23, paragraph 1, of the Charter.

56. It is relevant to advert to the fact that in the present draft resolution the sponsors have attempted to take into consideration certain critical preoccupations put forward by the Latin American States to the Assembly last year. The proposal put forward by Ecuador and other Latin American States last year envisaged the enlargement of the membership of the Security Council to 21 instead of 19 in order, *inter alia*, that in any revised allocation of seats the growing number of Latin American States that were in the process of attaining independence and of joining the United Nations would be taken fully into account.

57. It was felt that in this manner the increase in the membership of the Security Council not only made it more representative in character but did so on a stable and long-term basis. It is clear that for the next quarter-century and more the number of territories or areas

that have yet to attain independence from colonial rule or, having done so, have yet to seek membership in the United Nations will be limited to a dozen or so countries and, barring the most obvious instances in Africa, they belong to the Latin American and Asian regions.

58. It is thus plausible to presume that the enlargement at present envisaged would effectively set the balance in terms of the representative character of the Council for the rest of this century.

59. This argument is apposite, particularly in the context of the attempted reproach on the part of some of the detractors of this proposal, who have sought to describe the present efforts at enlargement as the beginning of an uncontrolled process of expansion which, they argue, would lead to absurd proportions and erode the position of the Council in terms of its basic structure.

60. To the sponsors, as indeed to the overwhelming number of delegations here, the present attempt is a rational and measured response to the obviously justified aspirations on the part of the developing countries of the third world for a more responsive and representative Security Council. We are certainly not suggesting an increase in arithmetical proportion to the increase in the membership of the world body, for in that case the enlargement should have been up to 30, not 21, as is being suggested in the present case.

61. The present proposal for the distribution of non-permanent membership is as follows: five for African States, four for Asian States, three for Latin American States, two for Western European and other States, one for Eastern European States; and one non-permanent seat to alternate between the Latin American States and the States of Europe, both Western and Eastern, in a proportion of one half, one third and one sixth respectively for Latin America, West European and other States and Eastern European States. The sequence of distribution of that seat will be Latin America, Western European and other States, Latin American, Western European and other States, Latin America, Eastern European States, and so on.

62. Apart from the distribution of the non-permanent seats on the Security Council, the amendment proposed to Article 27 on voting puts the required majority for decisions on procedural as well as other matters by an enlarged Security Council at 13, which is just short of the two-thirds majority. This suggestion is almost identical to the present situation, where nine out of 15 votes are required for decision-making under Article 27, paragraphs 2 and 3.

63. In this case, too, the stipulation of the required majority for decision-making sets at rest misgivings expressed by some sceptics about one group of countries being able to obtain a runaway majority in the Council and thereby paralyse its functioning. The requirement of votes for decision-making in the Council leaves the calculus of combinations as between political groupings very much the same as it is at present.

64. Apart from the growing burden on the regional groups which are at present under-represented in endorsing a regional candidate, given the strong pressures from the increasing number of countries

wishing to contribute to the solution of international problems, the proposal put forward by the sponsors in the draft resolution represents an attempt to put into practice one of the objectives of the countries of the non-aligned movement. The Sixth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana in September 1979, reiterated the objectives of the democratization of international relations and the participation of all States on the basis of equality in the solution of international issues.

65. Successive declarations of the non-aligned countries have reiterated the need to strengthen the representation of non-aligned countries in the main bodies of the United Nations, not the least of which is, obviously, the Security Council.

66. In the course of the present debate we expect to hear a few Member States argue against an increase in the membership of the Security Council on the grounds that it would hinder the efficiency and the effectiveness of the principal organ of the United Nations. It is not for us to make value judgements here on the record of the Security Council in discharging its responsibilities for the maintenance of international peace and security. Facts are, however, facts. And if, for example, South Africa has been able to flout and defy the decisions of the Security Council, this has not been a function of the size of the Council. At any given moment of history the capacity or otherwise of the Security Council to discharge its functions has been governed by a series of factors involving substantive questions of the interests of the great Powers. It has almost never been due to the size of that body. Indeed, the logical corollary of any argument for streamlining the composition of the Security Council by reducing its size on grounds of efficiency would perhaps have been its limitation to the permanent members alone.

67. It is certainly disingenuous to argue that a body of 15 is *per se* more efficient than one of 21. Our presumption, if anything, is that the enlargement of the Council, with additional seats allocated to hitherto inadequately represented regions of the world, would fully meet the needs of equity and would be in conformity with paragraph 1 of Article 23 of the Charter.

68. Further, if the experience of past years is any guide, it is the non-aligned group within the Security Council which has time and again furnished reliable evidence of its constructive role in evolving solutions to crucial problems on which there has been a deadlock because of the predispositions of one or other of the great Powers.

69. In sum, we should like to reiterate that the proposal contained in draft resolution A/35/L.34/Rev.1 is a modest attempt to secure an increase in the composition of the Security Council without affecting its functions and powers or those of its permanent members. The purpose is to increase the Council's efficacy and thereby to reduce the all-round pressures and criticisms that have been directed at the functioning of the Council in meeting the complicated problems of the present-day world.

70. Mr. NISIBORI (Japan): As I am sure representatives will recall, last year at its thirty-fourth session the General Assembly considered the item entitled

"Question of equitable representation on and increase in the membership of the Security Council". At that time, Japan joined numerous other countries in sponsoring a draft resolution to increase the membership of the Security Council by four seats.²

71. However, because that draft resolution was presented for consideration at a late stage of the session, and since it involved a change in the composition of the Security Council, which is the central organ of the United Nations for the maintenance of international peace and security, my delegation supported the General Assembly decision to postpone consideration of this item until the present session in order to allow time for the careful and thorough deliberations which are essential in a matter as important as this.

72. Draft resolution A/35/L.34/Rev.1, which the representative of India has just introduced, proposes that the membership of the Security Council be increased by six seats, making its total membership 21. We should perhaps recall that at the time the United Nations was established its membership totalled 51 States, with 11 Members serving on the Security Council. In 1963, when United Nations membership had grown to 113 States, the membership of the Security Council was increased to 15. And now, although the membership of this world body has swelled to 154, the size of the Security Council is still 15. Furthermore, if we consider the fact that most of the new Members of the United Nations are countries in Africa, Asia and Latin America, we must conclude that with regard to the non-permanent members, the composition of the Security Council deviates from the principle of equitable geographical distribution as stipulated in paragraph 1 of Article 23 of the Charter.

73. When we take these factors into account, it becomes obvious that some adjustment in the size of the Security Council is necessary. Having considered the matter seriously and carefully for a number of years, we had reached the conclusion that it would be most appropriate to increase the membership of the Security Council by four, thus making its total membership 19.

74. As for the proposal to increase the membership by six, as contained in the draft resolution which is now before us, although we feel that this increase is unnecessarily large, if it reflects the will of the majority of the Members of the United Nations, we would be prepared to go along with it.

75. However, because this question involves amendments to the Charter, we are of the view that a decision should be taken only after thorough deliberations are conducted with the participation of all the States Members of the United Nations and only when a proper understanding of the meaning and the importance of the question is assured.

76. Mr. RAMPHUL (Mauritius): I wish to make some brief and tentative observations on the question of the numerical expansion of the Security Council.

77. In view of the increase in the Council in 1963 from 11 to 15 members, we have a precedent which

² Official Records of the General Assembly, Thirty-fourth Session, Annexes, agenda item 128, document A/34/L.57 and Add.1.

obviates the necessity of arguing the question of principle.

78. Likewise, with the People's Republic of China in its permanent seat—a situation that did not exist in 1963—we are also rid of the vexing issue of constitutionality. What remains to be considered in a further expansion of the Council is a matter of expediency, the need to do so and the modality. With respect to the last, it is my view that the issue of numerical increase should be divorced from the deeper question of the review or revision of the Charter, except in so far as revision is required to augment the size of the Council. Limited to this objective, we have a reasonable chance of attaining our goal, which, as our previous experience has shown, would make a not inconsequential improvement in the effectiveness of the United Nations.

79. The question of necessity need hardly be argued. The Council has become a lame organ, caught in the gap between its constitutional assignment and the contradictions which have befallen it through the lamentable post-war historical reversals. Fixed by its permanent membership and the victim of these historical contradictions, it cannot be radically changed; we can only mitigate its worst shortcomings to achieve some degree of workability. The hopeful rationale was a Council of enhanced equitability and balance, of more adequate representativeness and greater effectiveness. On this basis, the number of non-permanent members was increased from 6 to 10, and the total size of the Council from 11 to 15. That was in 1963. Does that balance now hold, 17 years later?

80. Here are the figures. In 1945, when the non-permanent membership was set at 6, it represented 1 for each 8 United Nations Members, naturally not counting the permanent members, or 13 per cent representation ratio. With the increase of non-permanent members to 10 in 1963, on the basis of 107—again not counting the "big Five"—the ratio of representation was 1 to 10.7, or 9.9 per cent. An increase to 21 would mean 1 for 7.3 Members, or 13.6 per cent, that is, a return to the ratio of 1945.

81. Thus, in terms of power and representation, a Council newly augmented to 21 would be a return to the ratio of representation of 1945—precisely in conformity with the intent of the founding fathers, the authors of the Charter.

82. As to increased effectiveness, I would only point out that in the recent resort to the procedure of consultations the permanent members, when unable to act in concert, gave over the drafting of a resolution to the non-aligned group of the non-permanent members and, by this procedure, managed to have a workable Council in certain delicate situations.

83. This happy process should work even more effectively with greater numerical latitude, to the advantage of the permanent members, whose power of veto is in no way affected by the number of votes cast against them. This process has proved its viability, as the tendency in the Council is more and more to emphasize peaceful negotiations.

84. Often, fear is expressed that too big a Council may retard action. Perhaps there is some justification for such fear, but, to my mind, this process of delegated

action is a clear demonstration that the numerical may become qualitative and that democratization may expedite rather than delay a businesslike procedure.

85. When the question of the inclusion of the item under consideration came up at the 1st meeting of the General Committee on 17 September, I said that it was perhaps premature to consider the question of an increase in the membership of the Security Council during this session. Later, when my Prime Minister addressed the Assembly in the general debate, he spoke in favour of a study of the question and even went so far as to say that Mauritius supports an increase [30th meeting, para. 29]. Since then, however, the Prime Minister and the Government of Mauritius have reviewed the position and are of the view that the question of increase entails a revision of the Charter, which is an issue on which the five permanent members of the Security Council must agree but on which they have not yet made up their minds. My Government believes that the issue is not as simple as it appears and that it involves matters which must be considered further.

86. Once before the permanent members of the Security Council accepted the logic of a bigger Security Council. I hope they will take into consideration the tentative arguments I have advanced and do so again at an appropriate time.

87. My Government obviously deems it unwise at this stage of the world situation for the small nations and the "veto-endowed" nations to engage in a cold war. Accordingly, my delegation will abstain on draft resolution A/35/L.34/Rev.1 on the question of equitable representation on and increase in the membership of the Security Council.

88. Mr. LEPRETTE (France) (*interpretation from French*): The proposal before us to increase the number of non-permanent members of the Security Council is not new. The representative of India, Mr. Mishra, put before us an initiative indicative of the same concerns last year, which we then opposed. Since that time we have given the matter a great deal of thought. This is a proposal of considerable scope which would upset the membership and the functioning of the Security Council.

89. Members of the Assembly know the position of France because on 17 September, when the General Committee decided to recommend the inclusion of this item in the agenda, my delegation voted against that recommendation.

90. Is it a good idea for the Assembly to open a wide-ranging debate on this issue when it may well prove inconclusive? The confrontation which would certainly come about within the Organization might finally lead to a weakening of the United Nations. But the intentions of the sponsors of draft resolution A/35/L.34/Rev.1 are, we are told, to increase its authority and strengthen its role.

91. The French delegation is persuaded that this aim, which we fully share, cannot be achieved by the means proposed. It is not by changing the balance of power among the principal organs of the United Nations—which is what in the final analysis the implementation of the provisions of draft resolution A/35/L.34/Rev.1 would mean—that we shall enable the Organization

to gain strength or play a greater role. Indeed, the opposite is true.

92. We are told that we would be increasing the effectiveness of the Security Council, but for the Council to be effective it is clear that it must remain a small body, able to deliberate and, when necessary, to take decisions rapidly. In that respect, its present size of 15 members seems to us to meet the requirement.

93. The sponsors of the draft resolution point out that it would only be a small increase. Can we consider that an increase of 60 per cent of the non-permanent membership, the proposal before us today, represents a limited increase? Even if the proposal were less radical, its implementation would upset the existing structure.

94. Indeed, the essential problem does not lie there. If we want the Security Council to be able to play an important role in world affairs, it is necessary for it to pay attention to the balance which exists in the world, from the economic and military point of view in particular. This is the only body empowered by the Charter to take binding decisions that even go as far as the imposition of sanctions or the use of armed force. Once those decisions have been taken it is imperative for them to be implemented and observed by all Member States, who committed themselves to do that by signing the Charter. Let us imagine for a moment that the Council were to adopt decisions that were not acceptable to those States that have special responsibilities pursuant to the Charter. It is obvious that those decisions would not be implemented because of the lack of power to impose them upon said States against their will. Hence the authority of the Security Council and of the Organization as a whole would be weakened.

95. Furthermore, if we really want the United Nations to be able to increase its role and strengthen

its authority, we must take care to respect a certain balance among its principal organs. That balance exists in the Charter. The Security Council, by its composition, functions and powers, differs in its very nature from the General Assembly. It cannot be a smaller-scale reproduction of the General Assembly, because there would be a risk that it would lose the very reason for its existence and the undoubted usefulness it has shown in the past, a usefulness that can easily be seen from the political repercussions of some of its resolutions, including recent ones.

96. It is true that for the Council to be effective it must also respect the interests of all. But this it does now. On the one hand, the various economic, political and social systems, the various attitudes existing throughout the world, are represented there. On the other hand, no group of States can use the Council against any other group of States.

97. Furthermore, everyone here knows that every State, whenever it so desires, can come and be heard and give its view in the Council as often as it wishes and for as long as it wishes and consequently can play an essential part there. Council practice in that respect is particularly fortunate and healthy. We have in mind many discussions during which almost the entire international community came to express its views at the Council table.

98. In closing and with all the regard I have for the sponsors of this draft resolution, I should like to stress the realism that should be the foundation in this important matter.

99. The Charter is a balanced whole which the draft resolution would tend to break. My delegation, always firmly attached to the strengthening of the authority and effectiveness of the United Nations, will categorically oppose this draft resolution for that reason.

The meeting rose at 12.05 p.m.