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REPORT OF THE COMMITTEE ON ARRANGEMENTS FOR A CONFERENCE
FOR THE PURPOSE OF REVIEWING THE CHARTER

1. By resolution 1756 (XVII) of 23 October 1962, the General Assembly decided to keep in being the Committee on arrangements for a conference for the purpose of reviewing the Charter and to invite the Committee to meet not later than July 1963 and to report, with recommendations, to the General Assembly at its eighteenth session. It further requested the continuation of the work envisaged in paragraph 4 of General Assembly resolution 992 (X), namely, the preparation and publication of the supplements to the Repertory of Practice of United Nations Organs.
2. The Committee opened its fifth session on 1 July 1963 under the chairmanship of Mr. Abdul Rahman Pazhwak (Afghanistan). Mr. Fernando Volio Jiménez (Costa Rica) and Mr. Franz Matsch (Austria) continued to serve in their respective capacity as Vice-Chairman and Rapporteur of the Committee. After initial debates which took place at three meetings between 1 and 10 July, the Committee adopted on the latter date, by 62 votes to none with 10 abstentions, a resolution,^{1/} proposed by Cyprus, Ghana, Guinea, Ivory Coast, Mauritania, Somalia, Tanganyika and Uganda, to create a Sub-Committee composed of nine members which would "establish contact with all the Member States of the United Nations and, in particular, the permanent members of the Security Council, with a view to reaching an agreement regarding what recommendation should be made to the General Assembly". The Sub-Committee

^{1/} A/AC.81/L.4/Rev.1 and Add.1.

was requested to report to the Committee as soon as possible and in any case before the opening of the eighteenth session of the General Assembly. The following States were later designated by the Chairman as members of the Sub-Committee: Brazil, Guinea, Iran, Liberia, Nepal, Netherlands, Poland, United Arab Republic and Uruguay.^{2/}

3. The Sub-Committee held five meetings from 29 July to 22 August. It elected Mr. Mohamed H. El-Zayyat (United Arab Republic) as Chairman, Mr. Carlos Maria Velázquez (Uruguay) as Vice-Chairman and Mr. Ram C. Malhotra (Nepal) as Rapporteur. As a first step towards carrying out the mandate which it had received from its parent Committee, the Sub-Committee requested its Chairman to send a letter^{3/} to all Member States, inviting them to express their views concerning the recommendation that should be made to the General Assembly. The officers of the Sub-Committee were then entrusted with the task of contacting the permanent members of the Security Council to ascertain their views on the matter and of organizing the members of the Sub-Committee into negotiating teams to establish informal contacts for the same purpose with the various groupings which exist within the Organization.

4. After these consultations the Sub-Committee arrived at the conclusion that, while there were certain important similarities between the views held by Member States as to the question of Charter review and modification, there was at present still no unanimous agreement as to an effective way of solving the concrete problems to which most of the Member States attached special importance. The Sub-Committee therefore considered that it might best assist its parent Committee by outlining the areas of agreement which it had found among Member States by broadly summarizing their views on the questions of Charter review and modifications, as expressed in their replies to the Chairman's letter^{4/} and in their contacts with the officers^{5/} and the negotiating teams^{6/} of the Sub-Committee.

^{2/} A/AC.81/6.

^{3/} A/AC.81/SC.1/1.

^{4/} A/AC.81/SC.1/4 and Add.1-8.

^{5/} See A/AC.81/SC.1/3.

^{6/} See A/AC.81/SC.1/SR.4 and 5.

It may be mentioned in this connexion that the replies to the Chairman's letter which have been received after the Sub-Committee had concluded its work were, in accordance with a decision of the Sub-Committee, circulated by the Secretariat in document form to the delegations of all Member States.^{7/} The report of the Sub-Committee^{8/} is annexed to the present report.

5. Among the members which took part in the discussion in the Committee, while a few were in favour of the convening of a General Conference for the purpose of reviewing the Charter, the large majority considered that the existing international circumstances were still not auspicious for such a conference. A majority of representatives referred to the urgent need, in the absence of such a conference, for giving adequate representation to new Member States, especially those from Africa and Asia, in United Nations organs, particularly in the Security Council and in the Economic and Social Council, and noted that the Economic and Social Council in its resolution 974 B and C (XXXVI) adopted on 22 July 1963 has urged, inter alia, the General Assembly to take the necessary action at its eighteenth session to bring about an appropriate increase in the membership of the Council. Many of the members of the Committee considered that this purpose could be achieved by expanding the membership of those organs in accordance with the procedure laid down in Article 108 of the Charter. Some felt that a redistribution of the existing seats might solve the problem of the representation of certain regions. Several members felt that any change in the composition of the Security Council would involve complex political considerations and that, therefore, the organ whose composition could be changed by means of an amendment to the relevant Article of the Charter was the Economic and Social Council.

6. The representative of the USSR and representatives of other Eastern European States were opposed to any modification of the provisions of the Charter which in their view would be illegal without the participation of the People's Republic of China. They considered that there were definite opportunities for solving forthwith the problem of how to satisfy the desire of the Afro-Asian countries to be better represented in the principal organs of the United Nations. The

^{7/} A/AC.81/SC.1/4/Add.9 and 10.

^{8/} A/AC.81/7.

matter could be settled on a temporary basis, until the Charter was reviewed with the participation of the People's Republic of China, by reaching agreement on a new distribution of the seats of non-permanent members of the Security Council and of seats in the Economic and Social Council. In the opinion of those delegations, therefore, each of the six main geographical regions of the world - Asia, Africa, Eastern Europe, Western Europe, Latin America and the Middle East - could have one of the six non-permanent seats in the Security Council. On the basis of the foregoing considerations, it would also be possible to arrive at an appropriate solution to the question of the redistribution of seats in the Economic and Social Council. In that connexion, they considered that it was absolutely essential to recognize that the socialist countries of Eastern Europe had an inalienable right to at least one non-permanent seat in the Security Council and that any discrimination against the socialist States of Eastern Europe was inadmissible. Before a new agreement on the distribution of seats in United Nations organs could come into force, the agreement of the States Members of the United Nations belonging to all six of the above-mentioned regions would naturally have to be obtained. Until such an agreement came into force, the gentleman's agreement of 1946 should be taken as a basis.

7. Many delegations were opposed to changes in the present distribution of seats in the Security Council and the Economic and Social Council.

8. Others considered that the question of redistribution of seats in the Councils was outside the terms of reference of the Committee.

9. At the 10th meeting of the Committee on 29 August, the representative of the United Arab Republic proposed a text of conclusions and recommendations to be included in the report of the Committee. The Committee agreed to this form of presentation instead of the formulation of a draft resolution. At the 12th meeting of the Committee, held on 30 August 1963, the Committee approved these conclusions and recommendations in an amended form. They provide as follows:

Conclusions and recommendations of the Committee

(a) While the merits of a General Review Conference after the Organization has functioned for more than seventeen years were recognized, there was

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general agreement that international circumstances at the present time were still not propitious for the holding of a General Conference for the purpose of reviewing the Charter under Article 109 of the Charter.

(b) The Committee recommends that it be kept in being to discharge the functions entrusted to it by General Assembly resolution 992 (X) and be invited to report with recommendations to the General Assembly at its twentieth session. It further recommends that the work envisaged in paragraph 4 of General Assembly resolution 992 (X) should be continued.

(c) It was also generally agreed that the composition of the Security Council and the Economic and Social Council should reflect better the increase of the number of United Nations Members, in particular those from Africa and Asia, although there were differences of opinion regarding the methods of achieving this agreed goal.

(d) The Committee wishes therefore to draw the attention of the General Assembly to this problem and expresses the hope that the General Assembly will have the opportunity of dealing with it as an urgent and important matter at its eighteenth session.

(e) The General Assembly may set up a Special Committee to negotiate as to the generally acceptable means of achieving an increased membership of the two Councils under the Charter with a view to ensuring adequate and equitable representation of all Member States, in particular those from Africa and Asia. This Special Committee could be requested to report to the Assembly not later than at its nineteenth session.

ANNEX

REPORT OF THE SUB-COMMITTEE OF THE COMMITTEE ON ARRANGEMENTS FOR
A CONFERENCE FOR THE PURPOSE OF REVIEWING THE CHARTER ^{a/}

Rapporteur: Mr. R.C. MALHOTRA (Nepal)

I. Membership and terms of reference of the Sub-Committee

1. At its ninth meeting held on 10 July 1963, the Committee on arrangements for a conference for the purpose of reviewing the Charter decided ^{b/} to create a Sub-Committee composed of nine members to "establish contact with all the Member States of the United Nations and, in particular, the permanent members of the Security Council, with a view to reaching an agreement regarding what recommendation should be made to the General Assembly". The Sub-Committee was requested to report to the Committee as soon as possible and in any case before the opening of the eighteenth session of the General Assembly. The following Member States were designated by the Chairman of the Committee as members of the Sub-Committee: Brazil, Guinea, Iran, Liberia, Nepal, Netherlands, Poland, United Arab Republic and Uruguay. ^{c/}

II. Election of officers and organization of work

2. The Sub-Committee held five meetings from 29 July to 22 August 1963. At its first meeting the Sub-Committee elected Mr. Mohamed H. El-Zayyat (United Arab Republic) as Chairman, Mr. Carlos Maria Velázquez (Uruguay) as Vice-Chairman and Mr. Ram C. Malhotra (Nepal) as Rapporteur.

3. At its second meeting on 30 July, the Sub-Committee discussed its methods of work and decided to send a letter ^{d/} to all Member States, inviting them to express their views concerning the recommendation that should be made to the General Assembly. The officers of the Sub-Committee were entrusted with the task of contacting the permanent members of the Security Council to ascertain their

^{a/} Previously issued as A/AC.81/7.

^{b/} A/AC.81/L.4/Rev.1.

^{c/} A/AC.81/6.

^{d/} A/AC.81/SC.1/1.

views on the matter and of organizing the members of the Sub-Committee into negotiating teams to establish informal contacts for the same purpose with the various groupings which exist within the Organization. The results of the consultations with the permanent members of the Security Council were reported to the Sub-Committee by the Chairman, at its third meeting^{e/} on 8 August 1963. The negotiating teams reported to the Sub-Committee at its fourth and fifth meetings held on 19 and 22 August 1963 respectively.

4. As at 22 August 1963, fifty-one Member States have replied^{f/} to the letter addressed to them by the Chairman. In this connexion, it may be noted that because of the time-limit set for the completion of the Sub-Committee's work, Member States were requested to communicate their replies to the Chairman of the Sub-Committee not later than 15 August. The Sub-Committee realized, however, that some Governments might not be in a position to transmit their answer within such a short period of time; it therefore requested the Secretariat to continue to circulate in document form to all delegations any replies to the Chairman's letter which might be received after the publication of its report.

5. At the request of the Sub-Committee, a background paper summarizing the proposals for the increase in membership of the principal organs of the United Nations, which had been considered by the General Assembly and by the Economic and Social Council at their earlier sessions, was submitted by the Secretariat.^{g/}

6. At its fifth meeting on 22 August, the Sub-Committee considered and approved the present report.

III. Scope of the report

7. The Sub-Committee understood the task which had been entrusted to it as being essentially one of serving as a channel for contacts between the Members of the Organization and particularly the permanent members of the Security Council

^{e/} A/AC.81/SC.1/3.

^{f/} A/AC.81/SC.1/4 and Add. 1-8.

^{g/} A/AC.81/SC.1/5.

whose ratification was indispensable to bring into effect any modifications of the present text of the Charter. The purpose of the contacts was to survey the possibilities of assisting the Committee in the formulation of an agreed recommendation to the General Assembly.

8. In conducting its consultations, the Sub-Committee took fully into account the views expressed in its parent Committee at its current session and in the reports which the Committee presented to the General Assembly at previous sessions. It was aware of the terms of reference of the Committee as originally expressed in resolution 992 (X) of 21 November 1955 which were "to consider, in consultation with the Secretary-General, the question of fixing a time and place for the Conference [for the purpose of reviewing the Charter], and its organization and procedures". Taking into account the mandate which the Sub-Committee had received from the Committee, it felt that it could take cognizance of the views which members held on the appropriateness of a revision of certain specific Charter provisions the application of which gave rise to concern. Later in this report, reference is made to views which were expressed by some members as to the desirability of extending the present terms of reference should the Committee be continued or reconstituted.

9. The Sub-Committee arrived at the conclusion that, while there were certain important similarities between the views held by Member States as to the question of Charter review and modifications, there was at present still no unanimous agreement as to an effective way of solving the concrete problems to which most of the Member States attached special importance. In the circumstances, therefore, the Sub-Committee considers that it may best assist its parent Committee by outlining the areas of agreement which it has found among members by broadly summarizing the views which members of the United Nations have expressed on the question of possible modifications of the Charter.

IV. Summary of views of Member States

10. The view that the international climate at the present time was still not propitious for the convening of a review conference under Article 109 of the Charter was shared by the great majority of members. It was pointed out that such a conference, in order to produce constructive results, should be preceded

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by effective preparatory work. One member, however, considered it necessary that Articles 108 and 109 of the Charter should be reviewed in order to facilitate future amendments and suggested that the Committee should recommend to the General Assembly at its eighteenth regular session the convening of a General Conference for this purpose at the earliest possible date, preferably before the nineteenth session of the General Assembly. Another member suggested that, if the review could not take place before the twentieth anniversary of the adoption of the Charter, the question should be included in the agenda of the Assembly at its 1965 session. A number of members felt that the Committee should remain in existence and that it should report to the General Assembly at its nineteenth session on the question of the appropriateness of the convening of a Charter review conference at that time.

11. While the general feeling was thus not in favour of convening a review conference in the near future, the view was very generally, and sometimes emphatically, expressed that there was an urgent need to ensure adequate representation of Member States on the main organs of the United Nations, particularly the Security Council and the Economic and Social Council. Members were in agreement that the composition of these organs should reflect better the increase of the number of United Nations Members, in particular those from Africa and Asia, although there were differences of opinion regarding the method of achieving this agreed goal.

12. In the opinion of the majority of the members, this objective could best be achieved by an increase in the membership of the two Councils. In this connexion, reference was made to the possibilities offered by the amendment procedure provided for in Article 108 of the Charter, namely, the approval by the General Assembly of a resolution by a two-thirds majority amending in an appropriate manner Articles 23 and 61 of the Charter, these amendments becoming effective after their ratification by two-thirds of the Members, including all permanent members of the Security Council.

13. It was stated that the Committee might formally draw the attention of the General Assembly to Article 108 of the Charter as a means of bringing about the desired increase in the membership of the two Councils. While some members

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indicated possible numbers by which the size of the Councils might be increased and some expressed the view that the possibility of agreement on an enlargement of the Economic and Social Council might have some more favourable prospects at this time than that of the Security Council, reservations were expressed as to the competence of the Committee under its present terms of reference to make specific proposals to the General Assembly under Article 108.

14. The consideration of an appropriate item by the General Assembly at its eighteenth session was nevertheless favoured by many of the members. Attention was drawn to sections B and C of Economic and Social Council resolution 974 (XXXVI)^{h/} adopted on 22 July 1963 under which, inter alia, the Assembly was urged to take the necessary action at its eighteenth session to bring about an appropriate increase in the membership of that Council.

15. A more specific suggestion was made by one member that at the beginning of its eighteenth session the General Assembly should set up a special committee to negotiate an appropriate formula for an increased membership of the two Councils under Article 108 of the Charter and to report back to the Assembly in the course of that session. Some other members suggested that the terms of reference of the present Committee be enlarged to enable it to submit to the General Assembly proposals under Article 108 of the Charter.

16. However, one group of members, which included a permanent member of the Security Council, while expressing their understanding of the need to give adequate representation to new Members and their support for the principle of equitable distribution of seats in United Nations organs, indicated that they had to oppose any modification of the present text of the Charter so long as the People's Republic of China was not represented in the organs of the United Nations and could not participate in the process of ratification of amendments. These members considered that the adequate representation of all the regions could possibly be achieved by means of an equitable distribution of the existing seats in various United Nations organs.

^{h/} See document A/AC.81/SC.1/5, p. 8.

17. Several members stressed the importance of re-distribution of the total number of seats in the two Councils after their membership has been expanded to ensure equitable geographical representation of all the Member States. Several members also stated that, if efforts to amend the Charter should prove to be unsuccessful in the near future, it would be necessary to find a negotiated formula likely to ensure that the existing seats would provide equitable representation of the new States of the Afro-Asian family. A number of members considered, however, that it was not within the competence of the Sub-Committee or its parent Committee to make any recommendation on the re-distribution of existing seats in the Councils, in particular, as the present distribution was not regulated by the Charter. It was also pointed out that the question was a highly sensitive one which deserved separate consideration.

18. Some members remarked that the recent changes in the membership of the United Nations and in the composition of the General Assembly, which was the organ responsible for the election of the non-permanent members of the Security Council and of all the members of the Economic and Social Council, would as a matter of course affect the composition of these Councils independently of any informal arrangements on distribution of seats which might have existed in the past.
