

United Nations
**GENERAL
 ASSEMBLY**

FOURTEENTH SESSION
 Official Records



**SPECIAL POLITICAL COMMITTEE, 128th
 MEETING**

Tuesday, 13 October 1959
 at 3.15 p.m.

NEW YORK

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

AGENDA ITEMS 19, 20 AND 21

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1. The CHAIRMAN reminded the Committee that in accordance with the decision adopted at its 127th meeting, the three agenda items relating to the question of amending the Charter were to be considered jointly.

2. Mr. AMONOO (Ghana) said that the absence of agreement among the permanent members of the Security Council had so far prevented any progress in the question of enlarging the membership of the Security Council and the Economic and Social Council, and increasing the number of judges of the International Court. In principle, Ghana was in favour of enlarged

participation in all three organs, on the grounds that the increase of thirty-one in the membership of the United Nations should automatically be reflected in their composition. Many of the new Members and most of those to be expected in the near future were African States, which gave Africa a special interest in the matter. It was a basic tenet of Ghana's foreign policy that the African personality should find expression in all the councils of the world; and that could be accomplished only through adequate and effective representation in the principal organs of the United Nations. Africa had never been adequately represented in the Security Council, or even in the Economic and Social Council, though the activities of the latter were most important to the economic and social well-being of the less developed countries. Even if there were no immediate increase in the number of members of the Economic and Social Council, closer attention to the principle of equitable geographical distribution would entitle Africa to two or three out of the eighteen seats, instead of the single one now occupied by the Sudan.

3. At the thirteenth session a number of delegations had felt that there was no need to enlarge the International Court of Justice. Ghana maintained that it was essential to increase the number of judges from the present fifteen, on the grounds that the more closely the composition of the Court reflected the different legal traditions of the world, the more willingly States would be prepared to accept its rulings. Fresh blood from Africa would revitalize the Court.

4. The delegation of Ghana hoped that the recent improvement in the international climate would mean that the permanent members of the Security Council could reach a wider area of agreement. In the meantime, it suggested that the consideration of the items under discussion should be postponed until the fifteenth session of the General Assembly.

5. Mr. SUNARIO (Indonesia) recalled that in the fourteen years of the United Nations existence, nineteen nations from Asia and Africa had been admitted as new Members. The role of the new Asia and the new Africa in world affairs could no longer be ignored, and the membership of the principal organs of the United Nations should be increased in order to meet the changed situation. At the same time, the principle of equitable geographical distribution should be more closely observed; Asia and Africa were at present clearly under-represented in all the principal organs. In the election of the non-permanent members of the Security Council, in particular, special regard should be paid to geographical distribution, in accordance with the view expressed in the Final Communiqué of the Bandung Conference,^{1/} endorsing the principle laid down in the Charter. The same was true of the Economic and Social Council—whose chief task it was to promote and accelerate the economic and social advancement of the less privileged Members of the

^{1/}Asian-African Conference, held at Bandung from 18-24 April 1955.

United Nations, which included the Asian and African States—and of the International Court of Justice. However, Indonesia was well aware that political considerations prevented a satisfactory solution for the time being. It would, therefore, merely reaffirm its sincere hope that the question could be settled in a realistic manner as soon as possible, in the interest of the effective functioning of the United Nations and in conformity with the wishes of the countries of Asia and Africa.

6. Mr. SCHELTEMA (Netherlands) said that when the question of increasing the membership of certain of the main organs of the United Nations had been discussed at the thirteenth session of the General Assembly, there had been a feeling, reflected in the resolutions adopted (resolutions 1299 (XIII) and 1300 (XIII)), that the problem was not necessarily the same in each case and that each should be judged on its own merits. The Netherlands delegation, along with a number of other delegations, had argued that the political considerations which had so far prevented increases of membership were not necessarily equally valid in all cases and that the special position and responsibility of the Economic and Social Council called for special consideration and treatment.

7. The Netherlands was in favour of adding four non-permanent members to the Security Council. It felt that in view of the increased membership of the United Nations, a Council of fifteen members would be appropriate for the discharge of its duties.

8. His delegation was not in favour of adding to the present number of judges of the International Court of Justice. The composition of the Court had no direct relation to the membership of the United Nations. The judges were elected on the basis of their personal qualifications, the only further requirement being that the main forms of civilization and the principal legal systems of the world should be represented. The Netherlands view was that that was already the case.

9. The Economic and Social Council presented a different problem. The increased membership of the United Nations had a direct bearing on the Council's composition and operations. The far-reaching responsibilities of the Council could not be properly discharged unless it enjoyed the complete respect and confidence of all Member States and of all the organizations with which it had relations. It could not do so unless it truly represented the United Nations membership, which was not the case at present. There was the prospect of a further increase in membership, from Africa in particular, in the near future. The African continent had a vital interest in the important operations of the Council in the field of economic development, yet it was at present most inadequately represented. The Netherlands urged, therefore, that the membership of the Council should be increased from eighteen to twenty-four. That number was the maximum compatible with the requirements of efficiency; it would, however, ensure more adequate representation and thus enhance the Council's authority. The Netherlands also urged that the proposal should be regarded as a technical matter and not as a political question. The occasion presented the great Powers with a unique opportunity of contributing to the relaxation of world tension. The Organization as a whole would profit greatly from such a demonstration of co-operation. The Netherlands delegation would support any proposal on the lines he had indicated.

10. Sir Claude COREA (Ceylon) said that the Committee was considering not the revision of the Charter in general, but the specific question of amendments with a view to reflecting in the principal organs of the United Nations the larger membership of the Organization itself. He endorsed wholeheartedly the Netherlands plea that the matter should be studied independently of political considerations. Since it was generally recognized that the organs in question were not properly representative, it ought to be possible to agree on a limited revision of the Charter which would allow the situation to be remedied. One of the arguments against any amendment of the Charter was that the United Nations had not achieved universality, and that one of the most important States was not represented. His delegation—though it believed that the People's Republic of China was entitled to a seat in the General Assembly—could not accept that argument; it was perhaps understandable in the case of the revision of the Charter as a whole, but it surely could not apply to the limited revision of one particular aspect. For example, the unjust situation with regard to the representation of the thirty-one new Member States, all more or less under-developed, in the Economic and Social Council should not be perpetuated. He appealed to those countries which based their opposition to amending the Charter on the fact that China was not represented to reconsider their positions.

11. The delegation of Ceylon was in favour of an increase in the number of non-permanent members of the Security Council and of an increase in the number of members of the Economic and Social Council. It reserved its position in regard to the International Court of Justice. While it would not object to an increase, it saw no very strong argument in favour of one at the present time. What was more important was to secure an increase in the number of countries acceding to the principle of the compulsory jurisdiction of the Court. He appealed to all concerned to support a long overdue reform which, once secured, would contribute greatly to the effectiveness of the Organization.

12. Mr. PAPAGOS (Greece) said that the United Nations Charter itself recognized that political evolution might in time demand some readjustment of its provisions. It might be argued that discussion was useless in view of the complicated procedure set forth in Article 108, which required the agreement of all the permanent members of the Security Council, but his delegation shared the view of many small countries that a realistic debate on the problem might well help to give more weight and scope to the organs of the United Nations.

13. His delegation had no difficulty in accepting amendments to the Charter which would affect only the functional machinery of the Organization without altering its structure, and make two of its main organs more representative of its true character. A large number of former colonial territories in Asia, and especially in Africa, were now represented in the General Assembly, and others would shortly reach the same status. If the Assembly had been able to adjust its pattern in order to receive them, the other principal organs of the United Nations could similarly be broadened to ensure the democratic rule of adequate representation.

14. His delegation thought that an amendment of Article 23 of the Charter, regarding the numerical

composition of the Security Council, to suit actual conditions was fully justified, and that along with the increase in the number of non-permanent members of the Security Council the geographical distribution of the seats should be examined. Europe might claim another non-permanent seat in view of the increase in the number of European Member States and its undoubted contribution to the purposes of the United Nations in the social, political and cultural fields. France and the United Kingdom were permanent members, but after all, through the Community and the Commonwealth respectively, they represented a wider area than Europe.

15. The Economic and Social Council was a different matter. It was not a political but a technical body, which had been described as the "workshop of the world", for the study of all economic and social trends, developments and planning. A great part of its activity was devoted to Asia and Africa, and it was natural that the Asian and African countries should seek wider representation in it. Moreover, in both the Security Council and the Economic and Social Council inadequate representation often meant that two or more countries were in the running for the same seat, and deadlock or ill-feeling resulted.

16. The concept of geographical distribution did not apply in the same way to the International Court of Justice, for its judges were elected, regardless of their nationality, for their high judicial qualifications. The question of increasing their number should be examined on its own merits and not in relation to the membership of the United Nations.

17. His delegation did not subscribe to the view that limited membership made the principal organs of the United Nations more effective. Since so many Members were seeking the establishment of a more adequate balance in representation, the United Nations should give the matter full consideration, and so avoid feelings of bitterness and injustice which might hamper the spirit of common endeavour.

18. Mr. MAURTUA (Peru) said that unfortunately, revision of the Charter was hampered by the operation of the veto principle, which had a negative and paralyzing effect on the work of the United Nations. A re-examination of a number of provisions of the Charter was obviously necessary, including those of Article 2, paragraph 7, which was so frequently invoked. It had never been made quite clear what matters were essentially within the domestic jurisdiction of a State or what type of problems were covered by international law.

19. The question of increasing the membership of certain United Nations organs was not over-ambitious, and was connected with the question of equitable geographical distribution—that is, of functional equality in the United Nations; but it had been whittled down to no more than a proposal to increase the number of members of the Economic and Social Council. It seemed, legally speaking, immoral that no revision should be possible unless certain given situations arose, or that one party should be in a position to exert its might and stultify the whole process of amendment. If world-wide problems were to be tackled effectively it was imperative that the need for revitalizing the United Nations organs by some such revision should be recognized.

20. The United Nations was already becoming bureaucratic, and its capacity for direct action was weakened

in the passage through the endless channels of its various organs. If any political impasse was found to be obstructing the evolution of a principle of the development of an institution, something must be done to resolve differences by negotiation and to open the way to a sound policy. Revision of the Charter could provide the United Nations with a practical chance of survival and a dignified solution of the problems before it.

21. Hitherto prejudice and political pressure had prevented any movement for an organic change of the Charter, but the changes suggested were not in the nature of a political reform. They were designed only to absorb and assimilate the new energy brought into the United Nations through the admission of new Members, and to provide for a fair balance of interests.

22. Mr. BAIG (Pakistan) said his delegation believed that the membership of the various bodies should be increased to reflect the growth of the Organization itself. He regretted that, owing to the slow rotation of membership of United Nations bodies, many countries were virtually denied participation in their work. That applied particularly to the newer Members, who undoubtedly had a valuable contribution to make. The practical way to ensure adequate opportunity for such participation was to increase the membership of the United Nations bodies, and his delegation supported such an increase in certain cases in principle, provided that it did not make the bodies unwieldy. There seemed to be no particular justification for increasing the number of judges of the International Court of Justice, which already adequately represented the legal systems of the world. His delegation favoured a modest increase in the number of non-permanent members of the Security Council, since the allocation of seats had in the past given rise to unseemly controversy. His delegation had supported the resolution adopted by the General Assembly at the thirteenth session (resolution 1300 (XIII)) recommending an increase in the membership of the Economic and Social Council, but wished to emphasize that the increase must not be such as to hinder the expeditious conduct of the Council's business. The Committee was aware, however, that no increase was possible without a revision of the Charter, which in turn had to await a more propitious political climate, and he hoped that a larger measure of success would be achieved in 1960 than hitherto.

23. Mr. RIEGELMAN (United States of America) recalled that the question of enlarging the three organs had been on the General Assembly's agenda since its eleventh session, and that interest in it was a logical outcome of the constantly expanding membership of the United Nations itself. There had been a growing demand for participation in the work of the two Councils, and the United States delegation had consistently favoured a reasonable increase in their membership, without impairing their efficiency and operating flexibility. Moreover, if no increase were made, the type of problem currently posed by the Security Council elections would probably recur more frequently. Effective action on such measures had, however, been prevented by the insistence of one of the permanent members of the Security Council that any enlargement of the bodies in question should be made subject to a condition that was irrelevant to the issue, thus barring all efforts to give Asian and African nations reasonable representation in the key organs of the United Nations.

24. In 1958, the enlargement of the Economic and Social Council had been supported by a majority in the

Council itself and, subsequently, in the General Assembly, following consideration of the question by the Second Committee and the Special Political Committee. His delegation, which had constantly supported the idea, regarded the enlargement of the Council as basically non-political and shared the view of the Netherlands delegation that it was essentially a technical adjustment to make that Council more effective. It had seemed reasonable to hope that the Assembly could deal with the least controversial of the three enlargement items, but the draft resolution submitted to the Special Political Committee at the thirteenth session, although it did not even pose the issue of Charter amendment, had been opposed by nine members, including one of the permanent members of the Security Council (115th meeting, para. 41). He hoped that there would be a change of attitude which would allow a thorough discussion and a decision on the question of enlargement, and that a resolution dealing particularly with the Economic and Social Council would come before the Committee. The primary functions of the Council were to debate more or less technical subjects, to co-ordinate several United Nations operating programmes and, when appropriate, to initiate new programmes concerned with economic and social questions. His delegation believed that all those functions could be carried out efficiently with a moderate enlargement of the Council and that the addition of more members would give a greater sense of participation in the Council's programme by directly involving more United Nations Members in its deliberations. His delegation therefore maintained its position and would favour a resolution recommending some enlargement of the two Councils.

25. Mr. SHAHA (Nepal) felt that two trends of opinion had emerged from the statements of previous speakers and from earlier debates on the subject. Some were in

favour of considering the question of increasing the membership of the bodies as part of the general question of revising the Charter, while others favoured the piecemeal revision of the Charter and immediate consideration of the increased membership of those bodies on the ground of increased United Nations membership. His delegation supported the principle of equitable geographical distribution and shared the view of other African and Asian representatives that their group of countries should have fuller representation in all United Nations bodies. He did not however think that the time was propitious for considering the question of increasing the number of non-permanent members of the Security Council and the number of votes required for decisions of the Council. It was not the fault of the smaller countries that the Security Council had been paralysed by the exercise of the veto, but neither issue could be decided without agreement among all the permanent members of the Security Council and it therefore seemed wise to await the return of a more favourable climate in international relations. There were also two currents of opinion on the question of increasing the number of judges of the International Court of Justice. Some delegations favoured such an increase on the grounds of increased United Nations membership in recent years, while others maintained that all the principal legal systems of the world were already represented in the Court and that no increase was necessary. His own delegation felt that the matter was not urgent and could await the general revision of the Charter at a later date. It would however welcome a resolution recommending an increase in the membership of the Economic and Social Council that had the support of the Security Council's permanent members.

The meeting rose at 4.45 p.m.