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 MEETING**



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Chairman: Mr. Mihail HASEGANU (Romania).

AGENDA ITEMS 81, 82 AND 12

Question of the composition of the General Committee of the General Assembly (A/5519) (continued)

Question of equitable representation on the Security Council and the Economic and Social Council (A/5520 and Corr.1) (continued)

Report of the Economic and Social Council (chapter XIII (section VI)) (A/5503) (continued)

1. Mr. NAVIA (Colombia) thought that, in view of the importance of the three items under study, the General Assembly would probably have to take concrete decisions which would not be mere recommendations. Recognition must be given to the growth of the Organization, as a result of which certain States had acquired the undeniable right to equitable representation, since they were fully-fledged Members of the Organization.

2. He would not confine himself to stating the position of his delegation but would give an over-all view of United Nations law. The Charter provided two different procedures for making changes in it. Analysing the two procedures provided for under Articles 108 and 109, he noted that Article 108 was concerned with amendments and Article 109 with review of the Charter. In view of the difference in meaning between amendment and review, it was evident that the procedure to be followed in the present case was that laid down in Article 108. The alterations would, in fact, be partial and would be concerned expressly with the wording of the Charter; thus, amendments were involved, rather than review. Article 108 provided, in addition, that amendments to the Charter would come into force when they had been adopted by a vote of two thirds of the Members of the General Assembly and ratified by two thirds of the Members of the United Nations, including all the permanent members of the Security Council. On the other hand, Article 109 provided for the holding of a General Conference of the Members of the United Nations for

the purpose of reviewing the Charter, at a date and place to be fixed by a two-thirds vote of the General Assembly and by a vote of any seven members of the Security Council. From the legal point of view, it was completely justifiable to increase the membership of the Councils on the basis of the provisions of Article 108.

3. The General Assembly had always displayed prudence in the defence of the Charter, and it must maintain that attitude. Reviewing the history of the Charter, he recalled that his country had been among the founders of the United Nations.

4. One of the most desirable characteristics of national constitutions was the stability of their principles. Indeed, all politically responsible peoples desired their institutions to be as lasting as possible and to reflect the social, political and economic situation. It had been said that the form the State should take was the principal concern of politicians and legislators. The purpose of the law was to ensure the common good; that was a universally accepted concept. Thus, constitutions were living entities which affected the social situation and were affected by it and which represented a perfect political instrument, suited to the most unforeseeable events. The Charter of the United Nations was a felicitous synthesis of the most ambitious legal and political theories. Its purposes and principles constituted an expression of the enormous advance in political ideas and the development of law.

5. A Colombian statesman who had formulated new theories on international law in Latin America had written in 1920 that the law of nations was the basis of relations between States and a prerequisite for their prosperity. That law embraced the lasting principles of justice and human dignity and the positive obligations deriving from legislation and treaties.

6. The Secretary-General of the Organization of American States, José Antonio Mora, had written that during the nineteenth century and until the First World War the political centre of the world had been situated in the North Atlantic area, namely, for practical purposes, in Europe. After the Second World War all the countries of the world had had to be taken into account. For that reason it was important to establish rules with a view to decolonization and assistance to under-developed countries—questions which had come to occupy a dominant place among the matters of concern to the world.

7. Jurists gave priority to international law, by reason of its universal applicability. Its rules governed relations not only between States but between the regions of the world. Its principles were binding when legal instruments were drawn up, within the system of legal equality among States, to solve certain problems of common interest. In municipal law the principles enunciated in treaties had priority because

they could not be ignored unilaterally. That was a principle accepted by national courts and by specialists in international law.

8. Regional organizations had played an important part in that expansion of the law of nations. America had been a pioneer in that regard. As early as 1822, Simon Bolivar had invited the Governments of Latin American countries to form a confederation and to convene at Panama an assembly of plenipotentiaries which would serve as a consultative body in disputes and would interpret treaties in case of disagreement.

9. The peoples that had joined in alliance during the Second World War had set as their ideal the establishment of freedom and democracy in all continents. The founders of the Organization had drawn their inspiration from those great principles. Thus, the Charter was the expression of the individual and collective conscience of peoples. Freedom, law and democracy were the three pillars of the United Nations, whose supreme ideal was the defence of peace. Any deviation from that idea was harmful to the interests of the international community. Through the assertion of that principle the Organization had won great victories in its struggle against colonialism and all forms of discrimination, in its efforts to secure the conclusion of disarmament and denuclearization agreements and peaceful coexistence and co-operation between States, to find just solutions for disputes and to create the necessary instruments for research, for the dissemination of knowledge, for planning, for the application of technology and for economic and social advancement. All those efforts had led to the increase in the number of States Members of the United Nations and the practical results achieved by the Organization in all areas of the world.

10. In view of those accomplishments, in view of the political, economic and social integration of the entire world, which had advanced at an exceptionally rapid rate during the past eighteen years, the Organization, created by free and sovereign States on the basis of the equality of all countries, large and small, should seek a formula which would respect the principle of representation by continents, according to the number of States in those continents. The question had therefore arisen whether circumstances did not demand a review of the Charter. He recalled that in 1955 the General Assembly had decided in resolution 992 (X)—and had been supported in its decision by the Security Council^{1/}—that a General Conference to review the Charter would be held at an appropriate time; it had further decided to appoint a Committee to consider the arrangements for a conference for the review of the Charter. In 1957 the General Assembly, having examined the report of that Committee,^{2/} had decided in resolution 1136 (XII) to keep the Committee in being. In fact, the question of a possible review of the Charter had been raised as early as 1946 by the General Assembly, which had instructed the First Committee to study the system of voting in the Security Council and, if the need arose, to study the possibility of convening a general conference, within the meaning of Article 109, in order to eliminate the privilege of the veto and interpret the application of Article 27. Later, in 1953, it had been decided (resolution 796 (VIII)), to assemble the

proper documentation, and the Members had been invited to state their preliminary views on a possible review of the Charter.

11. Referring next to chapter XIII, section VI, of the report of the Economic and Social Council (A/5503), he read out paragraphs 619, 620 and 621. In paragraph 619 reference was made to resolution 974 B (XXXVI), in which the Council recommended the General Assembly to take all measures to ensure adequate representation of Africa in the Council on the basis of equitable geographical distribution. Paragraph 620 cited resolution 974 C (XXXVI), in which the Council had urged the General Assembly, in the light of the additional increase in the membership of the United Nations, to take the necessary action at its eighteenth session to bring about an appropriate increase in the membership of the Council, in order to enable it to remain the effective and representative organ envisaged in Chapters IX and X of the Charter.

12. Paragraph 621 pointed out that during the debates one delegation had reiterated its opinion that any increase in the membership of the Council required a revision of the Charter—a measure which could not be taken until the People's Republic of China was occupying its rightful place among the permanent members of the Security Council; and that in the meantime the only equitable solution would be to redistribute the existing seats at the expense of the Western Powers. However, most members of the Council had spoken in favour of an increase in the number of its members.

13. There were two lines of thought. Some members had proposed a redistribution of the seats without an increase in their number. Others considered that the membership of the Security Council and the Economic and Social Council was much too small not merely to provide a satisfactory representation but even to enable them to fulfil their functions. Consequently, a mere redistribution of the seats was to be rejected, since it was untimely as well as against the interests of the United Nations and its Members and contrary to justice and equity. On the other hand, an increase in the number of members of those organs would be highly advisable. It would round off a long series of efforts by the Assembly; it would strengthen the working possibilities of the two Councils and would make it easier to find speedy answers to the problems entrusted to them. Such an expansion of the membership of the Councils was particularly desirable because it would meet the legitimate desires of States which were anxious to contribute to the cause of peace and therefore asked only for equitable geographical representation.

14. The question of the composition of the General Committee was not so urgent as that of equitable representation on the Security Council and the Economic and Social Council. The thirteen Vice-Presidencies were enough to meet the legitimate desires of States. And to that must be added the great honour done to a State when it was elected to the Presidency or Vice-Presidency of the Assembly. Nor must it be forgotten that the Chairmen of the Main Committees were usually elected in rotation on the basis of equitable geographical representation. He did not feel that a partial decision was enough, nor that consideration of the question of revising the Charter should be taken up anew at every session. That would be a mistake which would undermine the stability of the institutions and would be an obstacle to the

^{1/} Official Records of the Security Council, Tenth Year, Supplement for October, November and December 1955, document S/3504.

^{2/} Official Records of the General Assembly, Twelfth Session, Annexes, agenda item 22, document A/3593.

continued progress of the Organization. What was necessary was a comprehensive solution. For the same reasons a redistribution of the seats on the General Committee and the Councils must be envisaged. Instead of being content once again with some more or less unofficial gentleman's agreement, there must be friendly consultations leading to a set of resolutions forming a whole and laying down the rights of the groups into which the States were traditionally divided for purposes of distributing seats.

15. The Colombian delegation was therefore ready to examine any agreement which might be envisaged for a blanket solution of the problem. It would be glad to co-operate in seeing that all such plans or proposals became an integral part of the Charter, provided, of course, that they were in accord with the criteria which he had just set out, namely that the various interests of the international community should first be defined and then set out in definitive rules and agreements.

16. While he had wished to take advantage of the general discussion to outline certain legal arguments on the question, his delegation reserved the right to speak again if necessary. In making his statement he had conformed to the already well-established tradition of the United Nations regarding attempts to review the Charter and, in particular, to enlarge the principal organs. That showed that there was in process of formation a trend of opinion favouring a review of the Charter with a view to adapting it to the hard facts of a new world. It must be universally recognized that the time had come to take decisions based on the principle of equity in order to provide fair representation for the Member States. To seek cover behind certain privileges or to refuse to accept reality would seriously endanger the Organization. It was not a question of imposing a code; it was above all a question of appealing to the good sense of Governments to recognize their vital needs and to respect their aspirations. The position of the Colombian delegation was not a new one. It was based on a clear-cut sense of justice, since Colombia considered that the wishes of all continents must be recognized, as the head of the Colombian delegation had again stated at the 1223rd plenary meeting of the General Assembly. Colombia had always professed that conviction unhesitatingly and had always upheld the independence of States in their fight against colonialism. It was now ready to support the African-Asian group to ensure that it enjoyed to the full all its rights within the Organization. He recalled in that connexion the solidarity of the Latin American States, which had always been among the first to promote the principle of universality. In that same spirit he appealed to the five great Powers to help to bring about the necessary amendments to the Charter. The measures to be taken would not endanger their privileges, since the Organization, which was based on equality, was protected by its very apostolic and civilizing mission. They would also show that the United Nations was drawing closer to the ideals it proclaimed. He hoped that the analysis he had just made would facilitate co-operation between the Member States which would be crystallized in a unanimous vote on such specific amendments as might be submitted. If that goal was attained, it would be possible to say that the States had acquired a greater understanding of their responsibilities in the exercise of their rights and in the accomplishment of their duties for the greater benefit of the international community.

17. Mr. DE BEUS (Netherlands) said he would confine his remarks mainly to the question of equitable representation on the Security Council and the Economic and Social Council, an important and urgent question the background of which he would first outline.

18. A first attempt to increase the membership of the Economic and Social Council and the Security Council had been made at the eleventh session—shortly after the admission of sixteen new Members—by seventeen Latin American countries, with the strong support of the Western European countries. The Soviet Union and its friends, on the other hand, had strongly opposed that attempt, since they felt that the two Councils should not be enlarged until the People's Republic of China had been admitted to take the seat of China. In 1958, the Netherlands had brought the matter before the Economic and Social Council on the grounds that the Council, owing to the inadequacy of its membership in relation to the increased membership of the United Nations, could not properly fulfil its obligations. That same year the Economic and Social Council had adopted resolution 690 B (XXVI) inviting the General Assembly to give favourable consideration at its thirteenth session to an increase in the Council's membership. The Netherlands at that time had favoured an increase of six members.

19. The question had again been discussed at the thirteenth and fourteenth sessions, when about fifty delegations had voted in favour of enlarging the Economic and Social Council. However, about ten countries had opposed that view and no agreed solution could be found.

20. At the fifteenth session, seventeen new Members had been admitted to the United Nations, including sixteen African States. It was at that session that forty-six delegations introduced a draft resolution^{3/} for the amendment of Article 61 of the Charter. More than two thirds of the delegations had voted in favour of the operative part of that resolution, which aimed at increasing the membership of the Economic and Social Council by revising the Charter.

21. In May 1963, the Summit Conference of Independent African States, meeting at Addis Ababa, had adopted unanimously a resolution insisting on a just and equitable representation of Africa in the principal organs of the United Nations. Previously, the Economic Commission for Africa had adopted unanimously resolution 81 (V) urging the General Assembly, through the Economic and Social Council, to take the necessary measures to ensure the adequate representation of Africa in the Economic and Social Council on the basis of equitable geographical representation. That resolution had been endorsed by the Economic and Social Council by an overwhelming majority and was now before the Special Political Committee. Finally, the Committee on Arrangements for a Conference for the Purpose of Reviewing the Charter had held a special session in July 1963 to discuss the matter. At that session, again, it had become evident that the vast majority of the Members of the Organization were in favour of amending the Charter in accordance with Article 108. That fact had been made even clearer during the proceedings in the Sub-Committee of Nine; all the geographical groups except one had generally favoured the enlargement both of the Security Council and of the Economic and Social Council.

^{3/} Ibid., Fifteenth Session, Annexes, agenda item 23, document A/4626, para. 12.

22. Two thirds of the Members of the United Nations, therefore; wished to expand the membership of both Councils by amending the Charter. Moreover, some thirty or forty countries in that group wished the existing seats to be reallocated pending the amendment of the Charter. However, an equally large group of countries was opposed to such an interim measure, considering that it would be unfair to certain other groups of Member States. Finally, certain countries in principle favoured enlarging the membership of both Councils but opposed any revision of the Charter as long as China's seat was not occupied by the People's Republic of China. That aspect of the matter was a crucial one. Politically, the question of the representation of China had been settled by the Assembly a few weeks previously and actually had nothing to do with the question under consideration. However, a legal problem was also involved, for any amendment to the Charter required to be ratified by the five permanent members of the Security Council. The Soviet Union was understood to argue that it could not recognize the validity of a ratification by the Republic of China, because it did not recognize the Government of that Republic as representing the Chinese people. The Netherlands, which had recognized the People's Republic of China, considered that an attempt should be made to understand the position in which the Soviet Union found itself and to adopt a constructive approach towards it in order to find an acceptable solution. On the other hand, understandable though the attitude of the Soviet Union might be, it should not go so far as to block arrangements which were desired by an overwhelming majority for the common good. He wondered, for instance, what people would think of a country that refused to ratify the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed at Moscow, simply because it did not recognize one of the co-signatories. It would be easy for the Soviet Union to make it clear that its assent did not imply any recognition. Moreover, although the Republic of China had occupied China's seat in the Security Council since 1945, the Soviet Union had apparently never disputed the validity of the voting in the Council, and no one had attempted to interpret that fact as implying Soviet acquiescence in the occupation of China's seat by the Republic of China.

23. His delegation had consistently advocated the immediate enlargement of both Councils, in all fairness and justice towards the new Members. However, the same principle of fairness demanded that countries or groups of countries which had been Members of the United Nations before other countries should not in their turn be treated unfairly and deprived of a representation they had consistently enjoyed. All groups should and could be equitably represented. Africa was the most under-represented group, but it was not the only one under-represented. Western Europe, for example, also had a claim to better representation on the Economic and Social Council, since in 1961 it had voluntarily relinquished a seat in favour of the African-Asian group. That seat should in fairness be given back to it if the membership of the Council was to be expanded. In order to secure an equitable representation, it would be best to increase the membership of the Security Council by two seats and that of the Economic and Social Council by six seats.

24. The same reasons also rendered an increase in the membership of the Assembly's General Committee

highly desirable. His delegation would support such an increase provided it took place as part of an over-all decision to extend the membership of all three bodies. The geographic distribution to be agreed upon should be laid down in a resolution, as had been done in the case of the General Committee in resolution 1192 (XII).

25. The time had come to reach a solution in the way that had been indicated. That approach was fair to the African and Asian countries, because they would at last have the representation to which they were entitled, to the Western European and Latin American countries, because they would not have to give up a representation that they had enjoyed so far, and finally towards the group of Communist States, because it did not prejudice their position with regard to China.

26. His delegation strongly favoured the adoption as soon as possible, during the current session, of an amendment to the Charter increasing the membership of the Security Council and of the Economic and Social Council. It hoped that if such a resolution was adopted by a large majority, such an expression of the general wish of the Assembly would not be thwarted by any of the permanent members of the Security Council.

27. Mr. EL SANOUSI (Sudan) said that at that stage it was his intention not to enter into details but to concentrate on the principles involved.

28. The members of the African-Asian group had been under-represented for years, in fact since the inception of the United Nations. As long as those countries had not been represented in the Organization, their interests had been defended by friendly countries, particularly by the Latin American countries. Now that the African-Asian countries were participating directly in the work of the Organization, it was their duty to do so as effectively as possible. His delegation was anxiously awaiting the time when all peoples would have obtained their release from colonialism and joined the other Members of the Organization. Similarly, his Government had always maintained that the exclusion of the People's Republic of China hampered the work of the Organization and could even be detrimental to it.

29. All those aspects of the question, moreover, were complementary and not contradictory. It was possible to accept whatever could be obtained immediately, while continuing to strive for later gains. The main thing was that the representative character of the Organization should be preserved. As an eminent British historian had said, liberty provoked diversity and diversity preserved liberty. What was involved was not the predominance of one group over the others. The African-Asian countries were claiming only what was due to them, and they were ready to discuss the matter with all friendly countries or groups of countries.

Organization of the Committee's work

30. The CHAIRMAN noted that no representative was ready to speak on agenda items 81, 82 and 12 either at the current meeting or at the meeting scheduled for the morning of Monday, 9 December, and that no draft resolutions would be ready by that date. In those circumstances, he asked the Committee whether it wished to consider the question of apartheid at the

421st meeting. He recalled that the work of the various committees was to be wound up by the end of the following week.

31. Mr. BLAKE (United States of America) said that his delegation had no objection to the procedure suggested by the Chairman. He wished to recall, however, that the Committee had completed the general debate on South Africa's racial policy. The question, therefore, was whether or not the Committee would have any draft resolutions on that item before it on

Monday; if not, it would no doubt be best not to consider the item.

32. The CHAIRMAN said that it was his understanding that a draft resolution on the question of apartheid was being prepared. He had made his suggestion in the hope that it would be ready in time for the meeting on Monday morning, and it certainly had not been his intention to suggest that the general debate should be reopened.

The meeting rose at 4.35 p.m.