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postpone consideration of the item, which had been referred back to the Special Political Committee at the twelfth session. Since the Committee had not examined that draft resolution at either its twelfth or its thirteenth session, it would appear that the draft resolution was not automatically before the Committee. The sponsors of the text could, however, reintroduce it if they wished to do so.

2. Mr. URQUIA (El Salvador) explained in the following terms why his delegation had asked the question. At the 131st meeting the representative of Colombia had urged that the Committee should decide in favour of an increase, regardless of the attitude adopted by the permanent members of the Security Council and of the anticipated result. After the Colombian representative had spoken, the Chairman of the Committee had asked any delegations wishing to submit a draft resolution to do so as soon as possible. He recalled that it was the delegation of El Salvador which in 1956 had introduced to the Assembly the draft resolution (A/3446) and the addendum thereto (A/L.217/Rev.1).

3. After outlining the history of the debates on the question which had been held at the eleventh session in plenary meeting and in the Committee, he recalled that the Economic and Social Council, in its resolution 690 B (XXVI), and the General Assembly, in its resolution 1300 (XIII), had recognized the desirability of increasing the number of members of the Economic and Social Council. No decision had however been taken on the substance of the matter, and its examination had been postponed from year to year.

4. Since the draft resolution submitted at the eleventh session had neither been withdrawn nor put to the vote, it was logical to ask whether it was still before the Committee. However, the delegation of El Salvador saw no point in starting a debate on that point. It had listened attentively to the explanations given by the Chairman, and, while still convinced that the draft resolution could be examined by the Committee, it proposed to submit a fresh draft resolution and reserved the right to speak again to explain its terms.

5. Mr. DE FREITAS-VALLE (Brazil) recalled that his country had been among those which in 1956 had been in favour of an increase in the number of members of the Security Council and the Economic and Social Council. The Brazilian delegation still considered that the problems facing countries which had recently become independent and countries which, like Brazil, were still under-developed, could be more easily solved with the infusion of new blood. It was regrettable that an increase in the membership of those two organs should be hampered by legal obstacles and in particular by the provision that every amendment must be ratified by the five permanent members of the Security Council. The Brazilian delegation had hoped that progress would be made at the current session in the direction of an improvement in the international climate. While that unfortunately had not been

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

AGENDA ITEMS 19, 20 AND 21

Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the number of non-permanent members of the Security Council and the number of votes required for decisions of the Council (continued)

Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the membership of the Economic and Social Council (continued)

Question of amending the Statute of the International Court of Justice, in accordance with the procedure laid down in Article 108 of the Charter of the United Nations and Article 69 of the Statute of the Court, with respect to an increase in the number of judges of the International Court of Justice (continued)

1. The CHAIRMAN, replying to a question asked by the representative of El Salvador at the 131st meeting, recalled that a draft resolution providing for certain amendments to the Charter in respect of the Security Council had been laid before the General Assembly at its eleventh session (A/3446 and A/L.217/Rev.1).^{1/} The Assembly had at that time decided to

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

the case, it hoped that the Soviet Union would soon come to agree with the wishes of the large majority of Member States so that that important and urgent question might be solved. The Brazilian delegation would do its utmost to enable all Members of the United Nations to serve in positions of importance and responsibility.

6. Mr. MENEMENCIOLU (Turkey) pointed out that the membership of the United Nations had increased by almost 50 per cent in comparison with 1946 and that the pattern of geographical distribution had changed considerably in recent years, particularly in connexion with the Asian and African countries, which made up an ever-increasing proportion of the membership of the Organization. It was only fair that delegations which were glad to welcome new States to the Organization should redouble their efforts to obtain an increase in the numerical composition of the Security Council and the Economic and Social Council in order that all the regions of the world might have an equal opportunity to participate in the work of those important organs. As far as the Economic and Social Council was concerned, its activities necessitated the active and direct participation of a wide variety of countries representing different stages of economic and social development. The present number of seats on that body was clearly insufficient. With regard to the Security Council, an increase in the number of its members would not only be consistent with the principles of the Charter concerning the equality of all States but would also strengthen the prestige and authority of the Security Council.

7. During the debate certain delegations had insisted that the existing number of seats on the two Councils was sufficient to provide for equitable representation of all the geographic regions of the world. It was paradoxical to hear those same delegations affirm that the General Assembly should modify the method of voting it had followed for the last fourteen years so that one of the seats on the Security Council might be reserved for countries allied with the Soviet Union. The Charter and all the agreements which had been reached for the application of the principles it embodied had been based on geographic representation and not on political allegiance. Furthermore, the method of voting in the Assembly did not confer exclusive rights on any particular group of countries to a seat on the Security Council. If the arguments advanced by those delegations were accepted, the membership of the Security Council would be limited to the existing number of seats and—so far as one seat was concerned—the candidatures of certain countries which the Assembly had been electing to that seat during the past ten years would be excluded. The resulting situation would be more unjust than the existing one. The Statute of the International Court of Justice was more flexible and enabled that institution to adapt itself to a new situation arising from the acceptance of its jurisdiction by more countries.

8. In the opinion of the Turkish delegation, an appropriate increase in the membership of the two Councils was essential for the harmonious and efficient functioning of the Organization. The question should have absolute priority, and it was to be hoped that the Members of the United Nations would stress its importance and urgency and that, in consequence, the five permanent members of the Security Council would unite their efforts so that an equitable solution might be achieved as soon as possible.

9. Mr. ASHA (United Arab Republic) said that, as a member of the African-Asian group, his country subscribed to the views expressed in favour of enlarging the membership of the Security Council and the Economic and Social Council. It was clear that the countries of that group were inadequately represented in the two Councils. That was an unsatisfactory state of affairs which the United Nations could no longer tolerate without being guilty of committing a grave injustice towards nearly 1,300 million human beings. The proposal was urgent because of the rapid emancipation of the African and Asian peoples. The United Nations would undoubtedly have four new Members in 1960 so that, by the end of that year, those two great continents would be represented by at least thirty-four Member States. The rate of development was now much swifter than when the Charter had been adopted, and it was only right that the African and Asian countries should have a proper say in their own economic, social and cultural development. Those countries, which had played an important part in the rise of civilization, were entitled to fair representation in the principal organs of the United Nations. At a time when their political, economic and social structure was undergoing a radical transformation, which was bound to make them more progressive, dynamic and robust, they had a perfect right to receive a hearing in those bodies whose aim was precisely to promote their development and well-being. That was the only means of rectifying the present imbalance.

10. However, his delegation shared the views of those representatives in the Committee on arrangements for a conference for the purpose of reviewing the Charter who, at the Committee's third meeting on 2 September 1959 (A/AC.81/SR.3), when the question of convening such a conference had come up for discussion, had concluded that the time was not ripe for doing so. His delegation was therefore in favour of postponing the question. The United Nations was faced with a political reality which could not be ignored, namely, the lack of agreement among the great Powers. It was to be hoped that a more favourable atmosphere would prevail at the fifteenth session of the General Assembly and that it would then be possible to find a satisfactory solution. He hoped that the permanent members of the Security Council would soon reach agreement on such a vitally important matter and that the present discussion would convince them that it was impossible to ask the under-represented countries to remain patient much longer.

11. Mr. KOLLER (Austria) said he had followed closely the discussion of the question at issue. A balanced distribution of the seats in the main bodies of the United Nations was entirely justified and was an urgent political necessity. As the number of Member States had considerably increased since the establishment of the United Nations, it was logical to give all Members an equal share of privileges and responsibilities. The representative of Ireland had pointed out (130th meeting) that his country had not yet been represented in the Economic and Social Council and that there was little chance that it would be elected in the near future. Austria, which was in the same position, hoped that that delicate question would soon be solved. It realized that the States of Asia and Africa were in an even less enviable situation. In those circumstances, the only course was to appeal to the sense of responsibility of the great Powers, on which the adoption of the amendments ultimately

depended, in the hope that a relaxation of tension could lead to a solution. Lack of universality had been one of the reasons why the League of Nations had failed, and the founders of the United Nations had certainly learned from that experience. Universality implied equality of duties and privileges. In order to fulfil the task with which humanity had entrusted it, the United Nations should take due account of that principle. The Austrian delegation would support any proposal aimed at increasing the number of non-permanent members of the Security Council and the number of seats on the Economic and Social Council.

12. Mr. SANZ (Argentina) recalled that his delegation had been among those which, at the eleventh session of the General Assembly, had proposed that the membership of the Security Council and of the Economic and Social Council should be increased. In the opinion of the majority, such a step, even though it had been so often deferred, still remained necessary, as was recognized even by those delegations which had opposed it for political reasons. In the introduction to his annual report (A/4132/Add.1), the Secretary-General had rightly stressed the need for revitalizing the organs of the United Nations, which made the solution of the question even more urgent. Indeed, no body could retain its vitality if it failed to adapt itself to circumstances. The increased membership of the United Nations required an enlargement—not excessive of course—of the Security Council. As early as the second and third sessions of the General Assembly, the Argentine delegation had taken the initiative in proposing that the membership of the Economic and Social Council should be increased, a view to which both that Council itself and the General Assembly had later subscribed. Since by its universal nature and the scope of its activities, the Economic and Social Council was clearly the organ most likely to provide developing countries with the support they needed, those countries should be given a voice in its deliberations.

13. In that respect, the Special Political Committee had a task to fulfil and should shoulder its responsibilities. It could do so and at the same time respect the procedure laid down in Article 108 of the United Nations Charter. That procedure involved two stages. Firstly, the General Assembly was required to adopt an amendment to the Charter by a two-thirds majority. The Security Council did not play any part in that process, and its permanent members did not, at that stage, possess any special privilege. After that, the amendments adopted by the Assembly would come into force once they had been ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council. Whatever might be thought of that privilege of the great Powers, it had to be respected, but it should not be made the basis of an argument to prevent the General Assembly from concluding the first stage at the present session. The Assembly could, after all, perform a complete and unexceptionable juridical act and would not thereby be ignoring any right or imposing any obligation. Even if that act was not subsequently ratified, the responsibility could not be attributed to the Assembly, which would have shown to all countries that a new lease of life must be given to United Nations organs.

14. With regard, on the other hand, to the International Court of Justice, the Argentine delegation did not feel that any action should be taken at the present time because certain technical problems still had to be solved.

15. Mr. ESCOBAR (Colombia) said that he wished to maintain the proposal contained in documents A/3446 and A/L.217/Rev.1 and to resubmit them as the basis for the Committee's discussion.

16. After a procedural discussion in which Mr. SOBOLEV (Union of Soviet Socialist Republics), Mr. URQUIA (El Salvador) and Mr. GARCIA ROBLES (Mexico) took part, Mr. BUNCHE (Under-Secretary for Special Political Affairs) observed that if the Colombian delegation wished to reintroduce the draft resolution in question and the addendum thereto, it must submit a request to that effect to the Secretary of the Committee, indicating the present sponsors. The Secretariat would then ensure that those documents, under the proper symbol numbers, were promptly circulated to the members of the Committee.

17. Mr. ESCOBAR (Colombia) reserved the right to submit the draft resolution in the near future. In the meantime he would attempt to obtain the signatures of the same delegations as had sponsored the draft resolution in 1956.

18. Mr. MOREAU DE MELEN (Belgium) summed up the various arguments that had been advanced. With regard to the legal aspect of the proposed amendments, he believed, like the representative of the USSR, that in the absence of specific provisions in Article 108 no distinction could be drawn between technical and substantive amendments. They were all subject to the same conditions of voting and ratification as a text drawn up in accordance with the procedure laid down in Article 109.

19. He shared the view of the Colombian and Argentine delegations that, since the Committee had before it a draft which was favoured by the overwhelming majority of delegations, a vote should be taken on it. As the process of amendment involved several stages the way to approach the problem was to take the first step.

20. On the other hand, the proposal to redistribute the existing seats in the principal United Nations bodies, with a view to granting wider representation to new Members, met with opposition from many delegations. One injustice must not be redressed by creating another. By accepting the suggestion of the USSR representative (129th meeting) to enlarge the membership of the functional commissions, the specialized agencies and the regional commissions, some measure of satisfaction might be given to certain unrepresented Members, but that would be merely a palliative. The idea of applying Article 69 of the Charter more frequently, as proposed by the Philippine representative (131st meeting), was worth considering and might be more formally proposed, but that was also no more than an interim solution.

21. His delegation would vote in favour of a reasonable increase in the membership of at least the Economic and Social Council.

22. Mr. ALVARADO (Venezuela) said that his country had been one of those which had requested that the question of amending the Charter to increase the membership of certain principal organs of the United

Nations should be included in the agenda of the eleventh session of the General Assembly (A/3138).^{2/} It had also been one of the sponsors of the draft resolution recommending that the Charter should be amended to increase the number of non-permanent members of the Security Council (A/3446 and A/L.217/Rev.1). As was known, that draft resolution had not been put to the vote at the eleventh session, the Assembly having decided to postpone consideration of the question until its twelfth session. Furthermore, it had been his delegation that had presented to the Committee, on behalf of the sponsors, the draft resolution which the Assembly had adopted at its thirteenth session as resolution 1300 (XIII). On that occasion his delegation had explained the reasons why it had felt that the membership of the Economic and Social Council should be enlarged (114th meeting). Those reasons were still valid and would determine his delegation's attitude towards any draft resolutions which might be submitted to the Committee at its present session.

23. Mr. VALENCIA (Ecuador) said that his delegation had also been one of those to propose the question under discussion for inclusion in the agenda of the eleventh session of the General Assembly. It thought that the time had come to consider seriously the possibility of amending the Charter in order to enlarge the membership of the principal United Nations organs and ensure equitable representation in those bodies to newly admitted Member States. From the Committee's discussions on the question it appeared that the majority of its members were in favour of such amendment. The membership of the Councils had been determined in relation to the total number of Member States, which at the time had been fifty-one. Since then the number of Member States had risen to eighty-two. Admittedly, the membership of the Councils did not depend solely on the number of Member States, but there could be no question that it should be determined in such a way that all Member States would be able to take part in the work of the Councils. The solution consisting merely of altering the distribution of seats could not be endorsed, for that would infringe on the legitimate rights of countries which had since the founding of the United Nations made a valuable contribution to the work of the Councils. It was only by amending the Charter according to the procedure laid down in Article 108 that the membership of the principal bodies of the United Nations could be enlarged and consequently an equitable geographical distribution of seats in those bodies be achieved.

24. The objections to the necessary amendments were based on considerations of a political nature. The condition which had to be fulfilled for amendments to the Charter to come into force—namely, ratification by two-thirds of the Members of the United Nations including all the permanent members of the Security Council—might constitute a serious obstacle to the enlargement of the Councils' membership. The delegation of Ecuador would like to hope, however, that the permanent member of the Security Council opposing the desired amendments would not remain insensitive to the legitimate aspirations of the new African and Asian Members and would support any constructive proposal which might ensure that those countries would be able to take their proper place in the principal bodies of the United Nations.

^{2/} *Ibid.*

25. Mr. GARCIA ROBLES (Mexico) said that his delegation's attitude towards the question at issue was, above all, realistic and consequently based upon the facts. The facts in the case were the following. The number of Member States had risen from fifty-one to eighty-two and would certainly rise still further. That increase demanded a rise in the membership of some of the principal organs of the United Nations so that all Member States would have an opportunity of taking part in the work of those bodies. The most urgent question was that of increasing the membership of the Economic and Social Council, for the conditions of stability and well-being necessary for ensuring peaceful and friendly relations between nations could only be fulfilled if the United Nations encouraged higher standards of living and promoted economic and social development, and that, precisely, was one of the principal tasks of the Economic and Social Council; moreover, most of the States which had been admitted to membership in the United Nations since the San Francisco Conference in 1945 could be classified according to the customary designation of "under-developed" or "developing". The increase in the membership of the principal organs of the United Nations necessitated the amendment of certain Articles of the Charter. The revision of the Charter which would result from such amendments should not be considered out of the ordinary, inasmuch as it was explicitly provided for in Article 108; it was true, however, that, as also provided in that Article, such revision would be subject to the principle of unanimity among the five permanent members of the Security Council. Those were the facts upon which the Mexican delegation's attitude at previous sessions of the General Assembly and at the present session had been and continued to be based.

26. Despite a relaxation of international tension, the situation in the present year seemed unfortunately to be basically the same as in previous years, because one of the permanent members of the Security Council continued to oppose any amendment of the Charter until the question of the representation of another permanent member had been decided, and because the remaining permanent members had, in turn, opposed even the inclusion of the question of such representation in the agenda of the General Assembly. Nevertheless, the Mexican delegation wished to re-emphasize as a matter of record its conviction that an increase in the membership of the Economic and Social Council was not only desirable but necessary.

27. From some of the statements made in the Committee it would appear that the only way in which the so-called new Members could participate in the work of the Economic and Social Council was through the creation of additional seats that would, in some manner, be reserved for those Members. That approach to the matter was wrong. The recently-admitted Members were entitled to share in the distribution of the available seats in the Economic and Social Council on the same footing as the so-called old Members. In the same way, any additional seats that might be created could be claimed by the latter on a footing of complete equality with the former. Any attempt to divide the Members of the United Nations into the two categories of "old" and "new" would be extremely harmful.

28. The Mexican delegation also disagreed with the view expressed by some representatives that a re-

arrangement or redistribution of the existing seats on the Economic and Social Council would be sufficient to ensure an adequate representation in the Council of the various geographic areas. There could be no question of sacrificing some Members to others or one region to another but only of giving all the eighty-two Members of the Organization the same, or virtually the same, chance of participating in the work of the Council as had previously been offered to the original fifty-one Members. Since the number of Council seats still remained at the original eighteen, it was obvious that the increase in the membership of the United Nations from fifty-one to eighty-two had considerably diminished the possibility of maintaining an equitable rotation of those seats.

29. Mexico, as a Latin American country, took a particularly disinterested view of the matter because Latin America was far from occupying a privileged position with regard to the distribution of the existing seats. Thus, an analysis of the current membership of the Economic and Social Council showed that the States of the African-Asian group (twenty-nine or thirty) had approximately one seat for each seven States, Latin America (twenty States) one seat for each five States, Western Europe (sixteen or seventeen States) one seat for each four States, Eastern Europe (nine or ten States) one seat for each three States, and the Commonwealth countries (five States in addition to those included in the African-Asian group) one seat for each two and a half States.

30. Nevertheless, any attempt to apply an exclusively arithmetical or geographic criterion to the composition of the Economic and Social Council would be a mistake. While the composition of the Security Council was, of course, specifically dealt with in the Charter, no mention was made of the criteria to be applied by the General Assembly in electing the members of the Economic and Social Council. It appeared obvious, on the other hand, that whereas no one would attempt to deny that the "equitable geographical distribution" referred to in Article 23 in connexion with the Security Council should also apply to the Economic and Social Council, the opposite position—namely, that the geographic criterion should alone be applicable was equally untenable. In the case of the Security Council, the General Assembly was required by the Charter to pay due regard "to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization". It thus seemed logical, and even indispensable, that in the case of the Economic and Social Council consideration should likewise be given to factors other than the geographic and especially, in view of the functions and powers of that organ, to ensuring that adequate representation was given to the under-developed countries and the developing countries, as well as to the industrial countries with greater economic and financial resources.

31. In the opinion of the Mexican delegation, that question should be given serious study so that, when circumstances permitted, the appropriate provisions could be added to Article 61 of the Charter. It was to be hoped that that would be possible in the not too distant future and that the solution of the problem might be facilitated by the conciliatory and constructive spirit reflected in the recent "communiqué" of 27 September 1959 in which the President of the United States and the Chairman of the Council of Ministers

of the USSR had agreed that "all outstanding international questions should be settled...through negotiation".

32. Mr. MANSUR (Libya) noted that, although the question before the Committee had been on the agenda since 1956, political considerations had so far prevented any progress from being made towards a solution. In order to increase the number of non-permanent members of the Security Council, the Charter would have to be amended, and for such amendments to come into force, the unanimous agreement of the five permanent members of the Council was required. The Libyan delegation hoped that that miracle would be brought about. In regard to the International Court of Justice, the Libyan delegation felt that an increase in the number of judges would enlarge the representation of the various legal systems and would thus enable States to accept more easily the Court's jurisdiction. The increase in the membership of the Economic and Social Council was particularly urgent because of the need to secure equitable geographical representation in that important body. Six African States had recently been admitted to the Organization, and at least three more were expected. All of them were under-developed countries which had the greatest need for the services of the Economic and Social Council, and it was highly desirable that they should have increased representation in the Council. The representative of the Philippines had suggested (131st meeting) a course which might solve the problem, at least temporarily, until the permanent members of the Security Council achieved the unanimity necessary for any amendments to the Charter to come into force. The Libyan delegation hoped, however, that a permanent solution could be found at the current session. Nevertheless, if a majority of the members of the Committee thought it preferable to postpone the consideration of the question until the fifteenth session, in order to give the permanent members of the Security Council time to reconcile their respective points of view, the Libyan delegation would raise no objection.

33. Mr. VELAZQUEZ (Uruguay) recapitulated the events leading up to the present situation. In particular, he recalled that the obstacle which prevented the amendments necessary for an increase in the membership of certain of the principal organs of the United Nations from being made in the Charter was the refusal of the Soviet Union, a permanent member of the Security Council, to ratify any amendment to the Charter as long as the People's Republic of China was not represented in the United Nations.

34. Although it might seem inopportune to raise a serious problem which could well accentuate international tension, it would appear that the General Assembly, without regard to the attitude which any particular State might later adopt, could take a decision by a two-thirds majority. After all, circumstances might change, and there was no provision in the Charter which prohibited the Government of a Member State at present opposed to an amendment to the Charter from approving such an amendment when it was submitted to that State's constitutional bodies for ratification. The representative of the Soviet Union had eloquently defended the principle of the universality of the United Nations and had called it one of the most important of the Organization's principles. However, it was difficult to see how that principle could be observed if a large number of Member States

were prevented from taking part in the work of the principal organs of the United Nations because of the inadequate number of seats provided for. It was true that there was no provision in the Charter for increasing the membership of the principal organs of the United Nations when the number of Member States of the Organization increased. It was therefore essential to resort to Article 108—that is, to amend the Charter. The need to adapt the structure of the Organization to the new circumstances was inescapable. The considerable increase in the number of Members of the United Nations raised the question of equitable geo-

graphical distribution within the principal organs. The problem could not be solved because the Soviet Union was opposed, for the reasons already outlined, to accepting the necessary amendments to the Charter and to ratifying those amendments. The Uruguayan delegation considered that the reasons given were quite irrelevant to the matter and that, without sacrificing any principle, it was possible to secure both equality of representation among all Member States and the universality of the Organization.

The meeting rose at 6 p.m.