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 MEETING**

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**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 (A/SPC/L.32/Rev.2, A/SPC/L.33 and Add.1) (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 (A/SPC/L.32/Rev.2, A/SPC/L.33 and Add.1) (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 (A/SPC/L.32/Rev.2, A/SPC/L.33 and Add.1) (continued)**

1. Sir Claude COREA (Ceylon) referred to certain points which had been mentioned at the 136th meeting by the representative of El Salvador, who, although he had spoken of forgetfulness on the part of those delegations which at the eleventh session had proposed the appointment of a committee, would surely agree that the circumstances in 1956 had been entirely different. The Ceylonese delegation appreciated the valuable con-

tribution made at that time by the Salvadorian delegation, which had introduced the draft resolution sponsored by Latin American States and had played a great part in the discussion. It would be remembered that the African-Asian draft resolution (A/3468/Rev.1)<sup>1/</sup> calling for the appointment of a committee had been submitted towards the end of the debate in order to meet certain objections. The Latin American draft resolution (A/3446)<sup>1/</sup> had been quite different from the present Salvadorian draft resolution (A/SPC/L.32/Rev.2) in that it had been concerned merely with the question of an increase in the membership of the Security Council and had indicated actual numbers. Later, the Latin American group had introduced an amendment (A/L.217/Rev.1)<sup>1/</sup> providing for a geographical distribution of the new seats. The African and Asian countries had felt that those specific questions should be gone into more thoroughly by a committee before any decision was reached. On that occasion they had also agreed to an increase in the membership of the Security Council. He recalled that, when the question of an increase in the membership of the principal organs had come up for the first time in 1956, the important points had been the quantum of the increase and the equitable geographical distribution of the new seats. The specific purpose of the committee mentioned in the African-Asian draft resolution had been to examine those questions. The point raised by the USSR delegation concerning the representation of China had also come up in 1956, but it had been entirely unconnected with the proposal for appointing a committee.

2. It could not be said that the idea of appointing such a committee had been lightly abandoned by the delegations which had formerly pressed for it. Those delegations had not altered their aims. They opposed the idea of a committee in the present instance because they considered that the activities of such a committee would be futile and even harmful. The mere creation of a committee would lead nowhere, for there would be little that it could do. While it was true that the future could not be predicted, the situation was very clear: the USSR, for a specific reason, could not agree at the present time to an amendment of the Charter. Thus, the only thing that could be done was to try to get the USSR to change that attitude, and there was little likelihood that the proposed committee would be successful in that regard. The discussions of the Special Political Committee carried greater weight, and a simple, straightforward resolution would have greater moral force than the setting up of a committee.

3. He also wished to refer to a very important point made by the representative of Ghana (136th meeting), who had argued that the proposed committee would duplicate the work of the existing Committee on arrangements for a conference for the purpose of reviewing the Charter. The position of the Ghanaian delegation was perfectly sound and logical.

<sup>1/</sup> Official Records of the General Assembly, Eleventh Session, Annexes, agenda items 56, 57 and 58.

4. It would, moreover, scarcely be possible for the African and Asian countries which had recognized the People's Republic of China to ask that country, which was not a Member of the United Nations, to ratify an amendment to the Charter. Such a course would be pointless.

5. In conclusion, he appealed to all the members of the Special Political Committee, including El Salvador, not to let the question of the appointment of a good offices committee stand in the way of a unanimous request for an increase in the membership of the Security Council and of the Economic and Social Council.

6. Mr. RAFIK (Afghanistan), replying to certain statements made at the 136th meeting by the Salvadorian representative, recalled that his delegation had put certain questions to the delegation of El Salvador which had not yet been answered. His delegation would not insist upon an answer if the representative of El Salvador did not find it convenient to reply. The record of his statement, together with that of the Salvadorian representative's statement, would provide a clear enough understanding of the situation. It was not correct to say that the African and Asian countries had first opposed the idea of a good offices committee and had later thought it advisable. The Afghan delegation considered that the deletion of the words "good offices" had not made any substantial change in the Salvadorian draft resolution nor rendered it any clearer. That draft resolution had actually caused differences of opinion on a matter of great interest to the countries of Africa and Asia and also Latin America, which should have been able to give unanimous approval to a draft resolution that was in the interests of them all. The representative of El Salvador, by mentioning the draft resolution contained in document A/3468/Rev.1, had really reaffirmed the fact that the initiative in that matter belonged to the countries of Africa and Asia. Those countries had not changed their attitude; it was the circumstances that had changed. It might be asked what practical results could be achieved by the proposed committee in the light of experience and in view of present circumstances and the differences between the two committees as to their scope. He reserved his delegation's right to speak again in the debate.

7. Mr. JHA (India), replying to some observations made by the Salvadorian representative at the previous meeting, recalled the circumstances in which the African-Asian draft resolution (A/3468/Rev.1) had been submitted to the Assembly in 1956. The Latin American countries had submitted a draft resolution (A/3446) and an addendum (A/L.217/Rev.1), providing for an increase in the membership of the Security Council. During the discussion, various delegations had pointed out the difficulties in adopting a resolution of that kind. The Indian representative had stated, <sup>2/</sup> among other things, that the question of amending the Charter ought to be considered either by a committee of the whole or by some other representative group appointed to go into the question. That idea had been taken up by other representatives and, at the initiative of the Syrian delegation, <sup>2/</sup> sixteen countries of Africa and Asia had, a few days later, submitted a draft resolution providing for the appointment of a fifteen-member committee to study the matter in all its aspects. That draft resolution had been submitted as a counter-proposal aimed at meeting certain objections

to the Latin American draft resolution: it had, in fact, been submitted as the lesser of two evils. The task of the committee referred to in the operative part of the African-Asian draft resolution had been to consider the question of the new distribution of seats in the Security Council—not to negotiate, as was proposed for the committee at present under discussion. In 1956 the Iraqi representative had suggested <sup>3/</sup> that the committee could work out a new gentleman's agreement concerning the distribution of the Security Council seats and ensure an equitable geographical distribution for the countries of the African-Asian group. The whole context was therefore different.

8. With regard to the fate of those draft resolutions submitted in 1956, the Assembly had decided, by general agreement, that the three items should be postponed until the twelfth session. None of the draft resolutions had been put to the vote. Even in 1956 the grave difficulties besetting the question had been fully realized, and it had been felt best to postpone the discussion. That might provide a good precedent for the withdrawal of the draft resolution submitted by the delegation of El Salvador (A/SPC/L.32/Rev.2). He objected to a procedure by which the Assembly would negotiate with one of its own Members. The Indian delegation was entirely opposed to the method advocated in the Salvadorian draft resolution and would vote against that draft. His delegation would have preferred a resolution which could have had the support of all.

9. Mr. RIFA'I (Jordan) pointed out that the debate on the two draft resolutions and on the proposed amendment (A/SPC/L.34) was in no way an issue between an African-Asian group on one side and the El Salvador delegation on the other. Various delegations of the same group had in fact taken widely differing stands: for instance, Japan supported the Salvadorian draft resolution whereas India was against it; Jordan was abstaining on the question; the Philippines was dissatisfied with both draft resolutions; Liberia was urging speedy action; Tunisia recommended that the distribution of the additional seats should be on a geographical basis, while Afghanistan did not support such an arrangement. The question involved was not a political issue but a technical or procedural matter. Were it a political issue, a situation could not have arisen in which twelve countries, some of which recognized the People's Republic of China and some of which did not, had joined together in sponsoring a draft resolution on a question involving the seating of China.

10. It was not surprising that the sponsors of the twelve-Power draft resolution (A/SPC/L.33 and Add.1) now considered that the setting up of a committee would serve no useful purpose, even though they had believed it to be a timely measure in 1956. Such a change in attitude did not involve any basic principle. On matters of principle, Jordan did not change its position from year to year.

11. Some of the sponsors of the twelve-Power draft resolution had had private talks with the representative of El Salvador, outside the meetings of the Committee. The Jordanian delegation, among others, had proposed the changes which the representative of El Salvador had incorporated in his revised draft (A/SPC/L.32/Rev.2); it had, however, intended that those changes should appear in the form of a compromise

<sup>2/</sup> *Ibid.*, Eleventh Session, Plenary Meetings, vol. II, 622nd meeting.

<sup>3/</sup> *Ibid.*, 628th meeting.



draft resolution to be jointly sponsored by El Salvador and the twelve States sponsoring draft resolution A/SPC/L.33 and Add.1. His delegation had later realized that the proposed changes were not acceptable to all the parties concerned; it therefore felt that it had to abide by the original position of all the sponsors of the twelve-Power draft resolution and to abstain from voting on the Salvadorian draft resolution.

12. With regard to the nine-Power amendment (A/SPC/L.34), the sponsors of which sought the adoption of a single joint resolution which would reflect the strong opinion of the General Assembly, his delegation would be ready to support that amendment. It therefore appealed to the representative of El Salvador to delete operative paragraphs 2 and 3 of his draft resolution. To simplify matters, the Jordanian delegation would appeal to the sponsors of the amendment to withdraw the amendment in the event that the representative of El Salvador agreed that the twelve-Power draft resolution should be put to the vote first. That procedure would test the position of the Special Political Committee on the establishment of a good offices committee. His delegation was not, however, making a formal proposal and would not vote in favour of such a proposal if the representative of El Salvador objected.

13. Mr. SHAHA (Nepal) regretted the failure to agree on one draft resolution to the exclusion of all others. Under the circumstances, he shared the opinion of the representative of Mexico that a good purpose would be served if the number of abstentions and negative votes could be kept to the minimum on a draft resolution which, as had so rightly been pointed out by the representative of the Philippines (136th meeting), would have the sole aim of postponing consideration of the question to the fifteenth session of the General Assembly.

14. His delegation also regretted that some countries displayed more zeal for amending the Charter in order to increase the membership of various organs than for ensuring an equitable representation for the countries of Africa and Asia. His Government hoped that, when the Councils in question were enlarged, the countries of those regions could take the place they deserved. His delegation was not a sponsor of the twelve-Power draft resolution precisely because that draft did not even refer to the possibility of ensuring a fair distribution of Council seats on a geographical basis. As, however, that possibility was not precluded, his delegation was prepared to vote for that draft resolution.

15. Although the last two paragraphs of the draft resolution submitted by the representative of El Salvador provided for the establishment of a committee, his delegation did not think that that step would serve any useful purpose, for the representative of the Soviet Union had stated that his Government would not agree to amending the Charter as long as the legitimate Government of China was not granted its rightful place in the United Nations. No group or delegation should try to force one of the principal Members of the United Nations into a corner.

16. It was likewise unrealistic to ask, as had been done by the representative of El Salvador (136th meeting), that the friends of the People's Republic of China should put pressure on that country to ratify amendments to the Charter, since that country was not even a Member of the United Nations. It would serve a much more useful purpose if the delegations which con-

sidered that nothing could be done unless the People's Republic of China were admitted to membership would use their influence to bring about a solution of that problem as early as possible.

17. The representative of El Salvador had charged the delegations of the countries of Africa and Asia with having changed their attitude between 1956 and 1959, but the fact was that those delegations had not sought to press their draft resolution at the eleventh session of the General Assembly because, in view of the opposition of the Soviet delegation, it would not have served any useful purpose. As the situation had not greatly changed since that time, the representative of El Salvador in his turn should not press his draft resolution at the present time. The Nepalese delegation would in any case be able to vote for that draft resolution only if the nine-Power amendment was accepted.

18. Pending reconsideration of the question at the fifteenth session of the General Assembly, Member States should continue to hope for the return of a more favourable climate in international relations which would facilitate an equitable reorganization of the United Nations in the near future.

19. Mr. GARCIA ROBLES (Mexico), referring to the statement made by the representative of El Salvador at the 136th meeting, wished to explain the position he had taken with regard to the problems under discussion. His delegation had informed the representative of El Salvador at the outset that it approved of the new idea of establishing a good offices committee, which the latter had proposed in his draft resolution. It had, however, also informed him that it wished to avoid having that proposal, on a point which was after all only secondary, divide the Special Political Committee. It was essential, in its opinion, for the Committee to indicate by a large majority its strong desire to increase the membership of the Economic and Social Council and of the Security Council. After the submission of the twelve-Power draft resolution (A/SPC/L.33 and Add.1) and after the various statements by which it had been followed, that goal no longer seemed attainable. At the meeting of the Latin American delegations which had taken place the day after the submission of the twelve-Power draft resolution, the representative of El Salvador, in consideration of the opposition aroused by his draft resolution, had declared himself ready to withdraw it outright. At the suggestion of several delegations, including that of Mexico, it had then been decided that the representative of El Salvador would get in touch with the sponsors of the twelve-Power draft resolution to try to reach an agreement which would be satisfactory to all. He himself had been obliged to state on that occasion that the representative of El Salvador could hold such conversations only on a personal basis, that it would be desirable to merge the two draft resolutions into one to ensure greater support and that his delegation reserved the right not only to vote for but, if necessary, to sponsor the draft resolution or resolutions which seemed to offer the most constructive solutions.

20. The Latin American and African-Asian States clearly had the common objective of bringing about an increase in the membership of the two Councils in question. Efforts should accordingly be made to avoid giving the false impression that would result from a vote revealing sharp differences. The nine-Power amendment (A/SPC/L.34) now seemed the only way to win a large number of votes for the Salvadorian draft

resolution (A/SPC/L.32/Rev.2). For that reason, his delegation would feel compelled to vote in favour of that amendment if the representative of El Salvador considered it impossible to delete from his draft resolution the two paragraphs which constituted the stumbling block. However, as his delegation found no fault with the Salvadorian draft resolution in its present form, it would vote for that draft resolution in the event that the nine-Power amendment was not adopted. He thought it better to adopt a draft resolution with a large number of abstentions and a few votes against it than not to adopt any at all.

21. Nevertheless, in order to ensure that the vote to be taken in plenary meeting should not be preceded by a discussion identical to that which had taken place in the Committee, it was necessary, in his opinion, to clarify some points in the Salvadorian draft resolution. As the representative of El Salvador had himself indicated the day before (136th meeting), reference could henceforth be made to a committee consisting of representatives of five States and not "three or five States". There should also be some clarification, although not necessarily in the text of the draft resolution itself, as to how the representatives of those States should be selected and from what regional groups.

22. Mr. PACHACHI (Iraq) thought that the stand taken by his delegation and other African and Asian States in 1956 had been the right one in the circumstances then prevailing. The idea of amending the Charter so that the membership of the principal organs could be increased had then been put forward for the first time. The attitudes of the various States had not yet become well known, and the debate in the plenary Assembly had covered a great many complex proposals and questions of detail such as the number of additional seats that would be required in the Councils and the way in which they should be distributed. For those reasons a number of African and Asian States had thought it would be wiser not to take any decision at the eleventh session of the General Assembly but to set up a committee to study the question thoroughly. However, a large number of delegations, among them that of El Salvador, had at that time felt that it was unnecessary to set up a committee for that purpose since, as they had stated, all the factors in the situation seemed to them to be quite clear. It was only now, after the matter had been discussed thoroughly at three sessions of the Assembly and when all the States directly concerned had made known their attitudes, that the representative of El Salvador stated that the question needed more thorough study.

23. Further, the representative of El Salvador, without specifically mentioning the Iraqi delegation, had criticized some of its statements. He (Mr. Pachachi) had not said that the question of amending the Charter was the exclusive concern of the African and Asian States. He had said that it was a matter of concern to all the Members of the United Nations, and that he respected the interest which the representative of El Salvador took in it. As, however, the African and Asian countries were inadequately represented in the Councils, the question was especially important for them, and thus the other members of the Committee ought to take their views into consideration when the time came for a decision. To state the matter clearly, the majority of the African and Asian countries were against the establishment of a committee to study the question or had reservations in that regard.

24. The representative of El Salvador had, moreover, failed to state the exact nature of the committee which he advocated even though many delegations had asked him to do so. He had mentioned that the committee would consist of five members representing all the regions of the world. It might be wondered what such a committee would be able to do if it did not consult with the Member States, a possibility which the representative of El Salvador had himself specifically excluded from its terms of reference. The representatives of all the geographical regions would doubtless be at variance with one another, holding the same divergent views which had emerged in the Committee, and would be unable to do more than repeat the discussions of the past two weeks.

25. For all those reasons, the Iraqi delegation felt that such a committee would fail to serve any useful purpose and might even jeopardize the chances of agreement on the question at issue.

26. U ON SEIN (Burma) regretted that the informal discussions which had taken place with the delegation of El Salvador with a view to finding a mutually acceptable text had failed. At the previous day's meeting the representative of El Salvador had drawn the Committee's attention to the draft resolution (A/3468/Rev.1) which had been sponsored by the Burmese and other delegations at the eleventh session of the Assembly, and he had taken the sponsors of that draft to task for being inconsistent in that they were now against the establishment of a committee whereas they had proposed it in 1956. At that time the sponsors of the draft resolution had indeed felt that a committee to study all aspects of the question would serve a useful purpose, but circumstances had changed, and the general view was that in the present situation a committee such as that advocated by the representative of El Salvador would serve no useful purpose. That was why the sponsors of the 1956 draft resolution had abandoned their idea and why some of them, together with other countries, were now submitting a draft resolution (A/SPC/L.33 and Add.1) based on a different approach.

27. Mr. BEELEY (United Kingdom), replying to the representatives of Ghana and Ceylon, who had referred to the position which the United Kingdom delegation had taken in the Committee on arrangements for a conference for the purpose of reviewing the Charter, said that there was no inconsistency between that position and the position taken by the United Kingdom delegation on the proposals before the Committee. While his delegation felt that the draft resolution submitted by El Salvador more adequately reflected the concern felt by the majority of the Committee, it did not object to, and therefore would not vote against, the twelve-Power draft resolution (A/SPC/L.33 and Add.1). On the other hand, it felt that it represented, not the lesser of two evils, as the representative of India had said of the 1956 draft resolution, but the lesser of two goods. It would therefore vote against the amendment (A/SPC/L.34) submitted by the nine Asian Powers to the Salvadorian draft resolution.

28. As to the amendment submitted by Ethiopia, Liberia and Tunisia to the Salvadorian draft resolution (A/SPC/L.35), which had just been circulated, his delegation felt that it improved the first paragraph of the preamble and would vote for it.

29. Mr. CASSELL (Liberia) said he wished to make it clear that not a single delegation disputed the fact that



a number of countries were unfairly treated as regards their representation on several of the principal organs of the United Nations. No one questioned the good faith of the sponsors of the twelve-Power draft resolution, but it was obvious that it would not right that injustice. The Assembly had to go further, and, in that respect, the draft resolution submitted by El Salvador was more satisfactory. It had been said that the proposed committee would only be able to go over the previous discussions and that its usefulness was consequently questionable. That was not the view of his delegation. The committee would doubtless study not only the possibility referred to in operative paragraph 2 of the Salvadorian draft resolution but also all the aspects of the question. Some delegations had expressed the fear that that committee might subject the representative of the Soviet Union to untimely pressure. Of course, no Member State should be subjected to pressure, but the proposed committee might be able to persuade the representative of the Soviet Union to change his attitude and convince him that the reasons behind that attitude were entirely irrelevant to the question and prevented the African and Asian countries from enjoying their unquestionable right to equitable representation in the Councils.

30. Mr. MOREAU DE MELEN (Belgium) said that, like the United Kingdom representative, he appreciated that the two draft resolutions submitted to the Committee both had their merits. Both recognized the need for an increase in the membership of the Councils, noted the difficulties inherent in the question and postponed further consideration until the next session. The Salvadorian draft resolution, however, went further by proposing the establishment of a committee to study the possibility of arriving at an agreement which would facilitate the amendment of the Charter. It had been said that nothing would result from that committee's work. That statement was, to say the least, premature, and there was nothing to prevent giving the plan a trial and putting into practice the words of a great statesman of the past to the effect that it was worth undertaking something even if you were not hopeful. Meanwhile, the Salvadorian draft resolution was, in his delegation's view, the only one of those submitted to the Committee which offered any prospect of a solution to the problem and, while paying a tribute to the efforts made by the sponsors of the twelve-Power draft resolution, his delegation would vote for the Salvadorian draft resolution.

31. Mr. LIU (China) said he had already pointed out (131st meeting) that the question of amending the Charter had no connexion whatsoever with that of the representation of China in the United Nations, and he noted with satisfaction that that fact had been recognized even by those countries favouring the representation of the Chinese Communist régime. The present

position with regard to amending the Charter had been compared with that which had existed some years ago in respect of the admission of new Members. There was, however, an important difference between the two situations. For the admission of new Members, the prior consent of the permanent members of the Security Council was necessary. To amend the Charter, all that was necessary under Article 108 was a decision taken by a two-thirds majority of the General Assembly. The agreement of all the permanent members of the Security Council was essential only for the ratification of the amendments. It was putting the cart before the horse to say that the consent of the Soviet Union had to be obtained before the General Assembly could adopt an amendment to the Charter. If the Assembly was determined to take the steps necessary to increase the membership of the Councils, it could adopt the required amendments forthwith. If, on the other hand, postponement of the question to the next session was held to be preferable, he saw very little difference between the two proposals before the Special Political Committee, as the establishment of a committee such as that advocated by the Salvadorian delegation would serve no purpose for the reasons already given. However, since both draft resolutions proposed postponement of the question to the next session, his delegation was in a position to vote for either of them.

32. Mr. ASHA (United Arab Republic) said that his delegation still maintained its opposition to the establishment of a committee. Circumstances had changed since 1956; in addition, a committee of the whole had already been set up by the General Assembly (resolution 992 (X)) but had been able to do nothing more than recommend that the review of the Charter be postponed. There was perhaps a chance that the great Powers would agree among themselves to such amendments to the Charter as were necessary for an increase in the membership of the Councils without any need for a committee which in all probability would not be able to accomplish its purpose.

33. Sir Claude COREA (Ceylon) cited a statement made by the French representative at the eleventh session of the General Assembly when the question of the establishment of a committee had been under discussion. On that occasion the French representative had stated<sup>4/</sup> that any additional study of the question by a committee seemed to him superfluous and could only delay a settlement.

34. Mr. SOBOLEV (Union of Soviet Socialist Republics) moved the adjournment of the meeting.

The meeting rose at 1.10 p.m.

<sup>4/</sup> *Ibid.*, 628th meeting, paras. 57-58.