



Fourteenth session
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

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

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

Report of the Special Political Committee

Rapporteur: Dr. Leopoldo H. TETTAMANTI (Argentina)

1. In accordance with resolutions 1299 (XIII) and 1300 (XIII) of 10 December 1958, the abovementioned items were included in the provisional agenda of the fourteenth session of the General Assembly. At its 803rd plenary meeting on 22 September 1959, the General Assembly decided to place these three items on its agenda and to refer them to the Special Political Committee for consideration and report.
2. At its 127th meeting on 7 October, the Special Political Committee decided to consider the three items jointly as the first matter to be taken up, and considered them at thirteen meetings held between 13 and 30 October 1959.
3. A draft resolution of El Salvador (A/SPC/L.32) was circulated on 19 October. By it the General Assembly, realizing that many delegations had expressed the opinion that, in view of the considerable increase in the membership of the United

Nations in recent years, there should be an increase in the membership of some of the principal organs of the Organization; recalling resolution 1300 (XIII) of 10 December 1958 in which it recognized that, in view of the increase in the membership of the United Nations since its establishment, an increase in the membership of the Economic and Social Council was desirable; noting that an increase in the membership of the Economic and Social Council and other principal organs would necessitate the amendment of certain provisions of the Charter; and considering that, in order to solve the problem, further efforts would have to be made with a view to obtaining the agreement of the greatest possible number of Member States, including all the permanent members of the Security Council; would (1) decide to postpone until its fifteenth session the consideration of these three items; (2) decide that those items should be placed on the provisional agenda of its fifteenth session; (3) decide to set up a Good Offices Committee consisting of representatives of three or five States, with authority to engage in any consultations it might consider advisable with the representatives of Member States, and in particular the permanent members of the Security Council, with a view to studying the possibilities of arriving at an agreement which would facilitate the amendment of the Charter on the lines indicated above; and (4) request the Good Offices Committee to submit a report on its work to the General Assembly at its fifteenth session.

4. On 20 October, the Special Political Committee completed its general debate on these items after having heard more than fifty speakers, and agreed to adjourn its meeting to enable members to study draft resolutions which were being prepared by several delegations, as well as the El Salvadorian draft resolution already circulated on 19 October (see para. 3).

5. At the 134th meeting on 21 October, the representative of El Salvador introduced a revised text (A/SPC/L.32/Rev.1) of his draft resolution, which modified the text of operative paragraph 3 by asking the Good Offices Committee to study the possibilities of arriving at an agreement which would facilitate the amendment of the Charter to increase the membership of the Economic and Social Council and other principal organs of the United Nations.

6. At the same meeting, the representative of Ceylon introduced a twelve-Power draft resolution (A/SPC/L.33 and Add.1), sponsored by Afghanistan, Burma, Cambodia, Ceylon, Ghana, Jordan, Indonesia, Iraq, Lebanon, Libya, Pakistan, and Saudi Arabia.

Under the terms of this draft resolution, the General Assembly, noting the recent expansion in the membership of the United Nations and the further increase which was anticipated, noting that nevertheless no increase in the membership of the principal organs of the United Nations had yet taken place, recognizing that there was a strong volume of opinion among Member States that the Security Council and the Economic and Social Council should be enlarged so as appropriately to reflect the increase in the membership of the United Nations, recognizing that such increase could not be achieved except by amendment of the Charter, and expressing the hope that the strong desire manifested by a large number of Member States would help in bringing about an expansion of membership in those organs as early as possible, would decide to include the items dealing with the question of an increase in those organs in the provisional agenda of the fifteenth session.

7. At its 135th meeting on 23 October, the Committee decided, after a discussion of the two draft resolutions before it, to adjourn in order that members might study the possibility of merging the two texts.

8. At the 136th meeting on 26 October, the representative of El Salvador, after conversations with the sponsors of the twelve-Power draft resolution, introduced a new revised text (A/SPC/L.32/Rev.2) of his delegation's draft resolution. The revised draft provided that the General Assembly, realizing that many delegations had expressed the opinion that, in view of the considerable increase in the membership of the United Nations in recent years, there should be an increase in the membership of the Security Council and the Economic and Social Council, recalling resolution 1300 (XIII) of 10 December 1958 in which it recognized that, in view of the increase in the membership of the United Nations since its establishment, an increase in the membership of the Economic and Social Council was desirable, noting that an increase in the membership of those organs would necessitate the amendment of certain provisions of the Charter, expressing the hope that the strong desire manifested by a large number of Member States would help to bring about such an amendment at the earliest opportunity, and considering that, in order to solve that problem, further efforts would have to be made with a view to obtaining the agreement of the greatest possible number of Member States, would: (1) decide that items relating to an increase in the membership of the said organs should be placed on the provisional agenda of the

/...

fifteenth session; (2) decide to set up a committee consisting of representatives of three or five States to study the possibility of arriving at an agreement which would facilitate the amendment of the Charter so as to increase the membership of the aforementioned organs; and (3) request the committee to submit a report on its work to the Assembly at its fifteenth session.

9. Subsequently, the representative of El Salvador amended the second operative paragraph of the draft resolution to provide that the Committee should consist of representatives of five States.

10. At the 138th meeting on 28 October, the representative of Ceylon introduced an amendment (A/SPC/L.34) to the revised draft resolution of El Salvador. Sponsored jointly by Afghanistan, Burma, Cambodia, Ceylon, India, Indonesia, Iraq, Nepal, and Saudi Arabia, the amendment provided for the deletion of operative paragraphs 2 and 3 of the revised draft resolution, relating to the establishment of a committee.

11. On 27 October, Ethiopia, Liberia and Tunisia, subsequently joined by Nepal, submitted amendments (A/SPC/L.35 and A/SPC/L.36 and Add.1) providing for the addition of the words "which would make it possible to improve the present distribution of seats in those organs" to the first preambular paragraph of the revised draft resolution of El Salvador (A/SPC/L.32/Rev.2) and to the second preambular paragraph of the twelve-Power draft resolution (A/SPC/L.33 and Add.1).

12. The Committee's consideration of the draft resolutions and amendments which had been tabled took place from 21 to 28 October. At the 138th meeting, the Committee adopted, by 38 votes to 27, with 11 abstentions, a procedural motion by the representative of Ireland to close the debate under rule 118 of the rules of procedure.

13. At its 138th and 139th meetings on 28 and 29 October, the Committee proceeded to vote on the draft resolutions and amendments before it, as well as on certain procedural motions, as follows:

The nine-Power amendment (A/SPC/L.34) providing for the deletion of operative paragraphs 2 and 3 of the revised draft resolution submitted by El Salvador (A/SPC/L.32/Rev.2) was voted on by roll-call. The amendment received 35 votes in favour and 35 against, with 11 abstentions, and was therefore not adopted. The result of the voting was as follows:

In favour: Afghanistan, Albania, Australia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Czechoslovakia, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Norway, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Belgium, Brazil, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Iceland, Israel, Italy, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Peru, Portugal, Spain, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Austria, Bolivia, Canada, China, Cuba, Ethiopia, Federation of Malaya, Finland, Ireland, Laos, Thailand.

The four-Power amendment (A/SPC/L.35) to add a phrase to the first preambular paragraph of the revised draft resolution of El Salvador (A/SPC/L.32/Rev.2) was adopted by a roll-call of 63 to none, with 18 abstentions, as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, China, Colombia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Saudi Arabia, Spain, Sudan, Sweden, Tunisia, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

Against: None.

Abstaining: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Czechoslovakia, Federation of Malaya, Hungary, Jordan, Morocco, Poland, Romania, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

A motion by the representative of the United Arab Republic under Rule 130 to take separate votes on the preamble and each operative paragraph of the revised draft resolution of El Salvador was rejected by a roll-call vote of 41 to 35, with 6 abstentions, as follows:

In favour: Afghanistan, Albania, Australia, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Czechoslovakia, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Haiti, Honduras, Iceland, Israel, Italy, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Canada, Ethiopia, Federation of Malaya, Ireland, Laos, Thailand.

The revised draft resolution of El Salvador (A/SPC/L.32/Rev.2), as amended by the four-Power amendment, was accordingly voted upon as a whole, and was adopted by a roll-call vote of 47 to 25, with 10 abstentions, as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Haiti, Honduras, Iceland, Israel, Italy, Japan, Laos, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Czechoslovakia, Ghana, Guinea, Hungary, India, Iran, Iraq, Libya, Morocco, Nepal, Poland, Romania, Saudi Arabia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Abstaining: Ethiopia, Federation of Malaya, Indonesia, Ireland, Jordan, Lebanon, Philippines, Sudan, Thailand, Tunisia.

A motion by the representative of El Salvador under rule 132 that the Committee decide not to put to the vote the twelve-Power draft resolution (A/SPC/L.33 and Add.1) and the four-Power amendment thereto (A/SPC/L.36 and Add.1), was adopted by a roll-call vote of 36 to 34, with 10 abstentions. The voting was as follows:

In favour: Argentina, Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Guatemala, Haiti, Honduras, Hungary, Israel, Italy, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Czechoslovakia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ireland, Jordan, Lebanon, Libya, Mexico, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Abstaining: Australia, Austria, Cuba, Ethiopia, Greece, Iceland, Japan, Laos, Tunisia, Turkey.

Following the announcement by the Chairman of the results of the voting, and after a request from some representatives to change their votes, the Committee engaged in a procedural discussion as to whether a representative could be permitted, once the results had been announced, to change the vote he had cast if that change would reverse the announced result. At its 139th meeting on 29 October, the Committee agreed without objection that in the special circumstances a second vote should be taken on the motion of El Salvador. Some representatives stated that this procedure should not be considered as a precedent for the future.

The procedural motion of El Salvador under rule 132 that the Committee decide not to put to the vote the twelve-Power draft resolution (A/SPC/L.33 and Add.1) and the four-Power amendment thereto (A/SPC/L.36 and Add.1) was rejected by a roll-call vote of 41 to 35, with 4 abstentions, as follows:

In favour: Argentina, Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Israel, Italy, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Albania, Australia, Austria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Czechoslovakia, Ethiopia, Federation of Malaya, Finland, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Ireland, Jordan, Laos, Lebanon, Libya, Mexico, Morocco, Nepal, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Abstaining: Cuba, Iceland, Japan, Turkey.

The Committee accordingly proceeded to vote on the twelve-Power draft resolution and the four-Power amendment relating to the second preambular paragraph. The four-Power amendment (A/SPC/L.36 and Add.1) was adopted by a roll-call vote of 40 to 1, with 41 abstentions, as follows:

In favour: Australia, Austria, Bolivia, Burma, Cambodia, Canada, Ceylon, Cuba, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guinea, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Laos, Lebanon, Libya, Mexico, Morocco, Nepal, Norway, Pakistan, Philippines, Saudi Arabia, Sudan, Sweden, Tunisia, Turkey, United Arab Republic, Venezuela, Yemen.

Against: China.

Abstaining: Afghanistan, Albania, Argentina, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, El Salvador, France, Guatemala, Haiti, Honduras, Hungary, Italy, Jordan, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Romania, Spain, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

The twelve-Power draft resolution as a whole (A/SPC/L.33 and Add.1), as amended (A/SPC/L.36 and Add.1), was adopted as a whole by a roll-call vote of 39 votes to none, with 43 abstentions, as follows:

In favour: Afghanistan, Australia, Austria, Burma, Cambodia, Canada, Ceylon, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guinea, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Jordan, Laos, Lebanon, Libya, Mexico, Morocco, Nepal, Norway, Pakistan, Saudi Arabia, Sudan, Sweden, Tunisia, Turkey, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Albania, Argentina, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Haiti, Honduras, Hungary, Italy, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Spain, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Recommendations of the Special Political Committee

14. The Special Political Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

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

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

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

Draft resolution I

The General Assembly,

Realizing that many delegations have expressed the opinion that in view of the considerable increase in the membership of the United Nations in recent years, there should be an increase in the membership of the Security Council and the Economic and Social Council which would make it possible to improve the present distribution of seats in those organs,

Recalling its resolution 1300 (XIII) of 10 December 1958, in which it recognized that in view of the increase in the membership of the United Nations since its establishment, an increase in the membership of the Economic and Social Council is desirable,

Noting that an increase in the membership of those organs would necessitate the amendment of certain provisions of the Charter of the United Nations,

Expressing the hope that the strong desire manifested by a large number of Member States will help to bring about such amendment at the earliest opportunity,

Considering that, in order to solve this problem, further efforts must be made with a view to obtaining the agreement of the greatest possible number of Member States,

1. Decides that items relating to an increase in the membership of the said organs shall be placed on the provisional agenda of its fifteenth session;
2. Decides to set up a Committee consisting of representatives of five States to study the possibility of arriving at an agreement which will facilitate the amendment of the Charter so as to increase the membership of the aforementioned organs;
3. Requests the Committee to submit a report on its work to the General Assembly at its fifteenth session.

Draft resolution II

The General Assembly,

Noting the recent expansion in the membership of the United Nations and the further increase which is anticipated,

Noting that nevertheless no increase in the membership of the principal organs of the United Nations has yet taken place which would make it possible to improve the present distribution of seats in those organs,

Recognizing that there is a strong volume of opinion among Member States that the Security Council and the Economic and Social Council should be enlarged so as appropriately to reflect the increase in the membership of the United Nations,

Recognizing that such increase cannot be achieved except by amendment of the Charter,

Expressing the hope that the strong desire manifested by a large number of Member States will help in bringing about an expansion of membership in these organs as early as possible,

Decides to include in the provisional agenda of its fifteenth session the items dealing with the question of an increase in these organs.
