

## ARTICLE 23

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### TEXT OF ARTICLE 23

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance, 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, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

## INTRODUCTORY NOTE

1. Article 23 specifies which five Members of the United Nations are to be permanent members of the Security Council and provides for the election by the General Assembly of six non-permanent members to the Security Council for fixed terms. At its annual sessions, the General Assembly, in pursuance of Article 23, and relevant rules of procedure, 1/ elects non-permanent members to the Security Council for appropriate terms. An account of these elections at the tenth session is included in the General Survey.

2. In connexion with the election of the third non-permanent member to the Security Council, discussion took place at the tenth session of the General Assembly on problems related to compliance with Charter requirements of "equitable geographical distribution". The accounts of these proceedings constitute new sub-headings under the Analytical Summary of Practice. This section also includes a table showing the distribution of non-permanent seats of the Security Council for the year 1956.

3. The question of the composition of the Security Council with regard to the permanent members arose in connexion with a proposal "not to admit the representative of the Kuomintang group to participate in the consideration of the questions on the agenda of the Security Council". A summary of proceedings of the Security Council on this question is included under section B in the Analytical Summary of Practice.

## I. GENERAL SURVEY

4. At its tenth session, the General Assembly had to elect three non-permanent members, as the terms of office of Brazil, New Zealand and Turkey were to expire on 31 December 1955. At its 534th plenary meeting on 14 October 1955, the General Assembly, on the first ballot, elected Australia and Cuba. At the 560th plenary meeting on 20 December 1955, on the 36th ballot, Yugoslavia was elected, receiving 43 votes against 11 received by the Philippines.

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. The question of the "equitable geographical distribution" of elected seats

On various occasions in the General Assembly the principle of "equitable geographical distribution", as a basis for ensuring the proper constitution of the Security Council, has been emphasized. References have again been made to a "London agreement" among the permanent members of the Security Council on regional representation in the elections to the Security Council. Concerning this see in the Repertory, under Article 23, paragraph 16.

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1/ See Rules of Procedure of the General Assembly (United Nations Publication, Sales No.: 1956.I.8). Chapter XII, Plenary meetings, Voting: Elections, rules 94-96; Chapter XV, Elections to principal organs, General Provisions, rules 140 and 141; the Security Council, rules 143-145.

6. The following table <sup>2/</sup> shows the distribution of non-permanent seats on the Security Council for the year 1956:

Australia	<u>Belgium</u>
Cuba	<u>Iran</u>
Yugoslavia	<u>Peru</u>

7. Whereas during the previous sessions of the General Assembly, discussions on the question of equitable geographical distribution centred primarily on whether the non-permanent members elected to the Security Council represented specific geographical areas, <sup>3/</sup> at the tenth session of the Assembly, the matter was discussed in connexion with the order of elections to the permanent organs of the United Nations and the question whether or not the seat of a non-permanent member of the Council could be occupied consecutively by two candidates each for half the term prescribed by Article 23 (2). The following paragraphs summarize the proceedings when, during the election of the third non-permanent member of the Council, the question arose whether the principle of equitable geographical distribution would be violated by the adoption of proposals then under consideration.

*1. The order of elections to the principal organs of the United Nations*

8. At its tenth session, the General Assembly had to elect three non-permanent members to the Security Council to replace Brazil, New Zealand and Turkey. At its 534th plenary meeting on 14 October 1955, Australia and Cuba were elected on the first ballot, the Philippines and Poland received the next highest number of votes short of the required majority. At the 535th plenary meeting on 19 October 1955, after the ninth ballot, limited to the Philippines and Yugoslavia, had proved inconclusive, a proposal was submitted to adjourn to a future meeting further balloting in the elections to the Security Council and to proceed with the elections to the Economic and Social Council and the Trusteeship Council. In opposition to the proposal, it was stated that the General Assembly had established a definite order for the conduct of elections to the principal organs of the United Nations, the elections to the Security Council preceding those to the Economic and Social Council and the Trusteeship Council. The decisions of the General Assembly on the candidates for the latter two Councils would to a large extent be determined by the results of the elections to the Security Council, especially in connexion with candidates put forward on behalf of one or other of the geographical areas. Another representative observed that the elections to the principal organs of the United Nations, as well as the order in which these elections took place, possessed political significance, and that whenever the principal organs were mentioned in the Charter or in the rules of procedure, the same precise order was preserved, the Security Council taking first place in the enumeration. Any interference with this natural order would threaten the principle of equitable geographical representation on the Security Council as established by Article 23, a principle which had been violated by the order of elections to the Security Council in 1950 and 1951. On the other hand, it was contended that the General Assembly had not decided on any order of priority wherein the Security Council might have been accorded precedence. <sup>4/</sup>

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<sup>2/</sup> The terms of office of the three non-permanent members underlined below are to expire at the end of 1956.

<sup>3/</sup> See in the Repertory, vol. II, under Article 23, paras. 18-23.

<sup>4/</sup> For texts of relevant statements, see G A (X), Plen., 535th mtg.: Colombia, paras. 50-57; Czechoslovakia, paras. 43-48; USSR, paras. 21-23.

Decision

The proposal to adjourn to a future meeting further balloting in the Security Council and to proceed with the elections to the Economic and Social Council and the Trusteeship Council was adopted. 5/

*2. The consecutive election of two candidates for the term of one non-permanent member of the Council*

9. At the 559th plenary meeting on 16 December 1955, the President announced that, in consultation with a number of delegations, agreement had been reached on a procedure whereby one of the two candidates, which had received the highest number of votes in the thirty-fourth ballot, would withdraw from the present elections and the other candidate would, after completing the first year of its term of office, resign from the Security Council on the understanding that the vacant seat would then be filled for the remainder of the term by the election of the other candidate at the eleventh session. He observed that the procedure employed would not constitute a precedent. In the course of the debate most representatives indicated that they could not commit their governments in advance with regard to the elections to occur the following year. It was maintained that the proposed procedure would contravene the principle of equitable geographical distribution of seats among the non-permanent members of the Security Council. One representative stated that his delegation could not violate the London agreement on geographical distribution. Another representative stated that the General Assembly would, by adopting the proposed procedure, reduce the term of office of the non-permanent members of the Security Council from two years to one year. On the other hand, several representatives found no incompatibility between the procedure and the Charter. After the thirty-fifth ballot had proved inconclusive, the President announced that he released the two candidates from the undertaking they had previously entered into in his presence. 6/

Decision

At the 560th meeting on 20 December 1955, in the thirty-sixth ballot, Yugoslavia having obtained the required two-thirds majority was elected a non-permanent member of the Security Council. 7/

**B. The question of the verification or determination by the Security Council of its composition in accordance with the terms of the Charter**

10. The question of the composition of the Security Council in accordance with the terms of the Charter was again raised, during the period under review, in connexion with the question of the representation of China. On 31 January 1955 the question was placed before the Council in the form of a motion 8/ "not to admit the representative of the Kuomintang group to participate in the consideration of the questions on the agenda of the Security Council..." After the Council had given

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5/ G A (X), Plen., 535th mtg., paras. 84, 104 and 115.

6/ For texts of relevant statements, see G A (X), Plen., 559th mtg.: President (Chile), paras. 197-202; 270-272; India, para. 251; Peru, para. 265; Turkey, para. 263; USSR, para. 203; United Kingdom, paras. 246-248; United States, paras. 255-256.

7/ G A (X), Plen., 560th mtg., para. 1.

8/ S C, 10th yr., 639th mtg., paras. 2 and 23.

priority to a counter-proposal 9/ not to consider any proposals to exclude the representatives of the Government of the Republic of China, or to seat representatives of the Central People's Government of the People's Republic of China, and had adopted it, the motion was not put to the vote. On another occasion the rights of the representative of China in the exercise of the presidency of the Council were challenged. On 8 September 1955, it was stated that a person who in the Council represented no one but himself could not be recognized as the legitimate representative of China or regarded as President of the Council. The time had come, it was maintained, to afford the People's Republic of China the opportunity to take its rightful place in the Security Council and in the other organs of the United Nations. 10/ The statement was ruled out of order. 11/

11. The following case summarizes the instance when the question of the representation of China was raised before the Security Council:

*Decision of 31 January 1955 in connexion with the question  
of the representation of China*

12. At the 689th meeting on 31 January 1955, before the adoption of the agenda, the representative of the USSR, stating that his delegation did not "recognize the credentials of the representative of the Kuomintang group which illegally occupies the seat of China in the Security Council," submitted 12/ a proposal that the Council should decide "not to admit the representative of the Kuomintang group to participate in the consideration of the questions on the agenda of the Security Council [S/Agenda/689/Rev.1]".

13. The representative of China, whose rights were challenged, stated that he occupied the seat of the Republic of China in the Security Council by virtue of the Charter and in accordance with the rules of procedure. The Chinese people, he maintained, unanimously repudiated the regime in Peiping and denied that the latter in any way represented them.

14. The representative of the United States submitted a motion 13/ that the Council decide not to consider any proposals to exclude the representative of the Government of the Republic of China, or to seat representatives of the Central People's Government of the People's Republic of China. He further proposed that his motion should be given priority over that of the USSR in the voting. 14/

Decision

At the 689th meeting on 31 January 1955, the Council, having adopted the proposal to give the United States motion priority in the voting, adopted that motion by 10 votes to 1. 15/ Accordingly, the motion submitted by the representative of the USSR was not put to the vote. 16/

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9/ Ibid., para. 24.

10/ S C, 10th yr., 700th mtg., paras. 1-3.

11/ Ibid., para. 4.

12/ S C, 10th yr., 689th mtg., paras. 2 and 23.

13/ Ibid., paras. 8 and 24.

14/ For texts of relevant statements, see S C, 10th yr., 689th mtg.: President (New Zealand), para. 25; China, para. 7; USSR, paras. 2-3; United States, para. 8.

15/ S C, 10th yr., 689th mtg., para. 26.

16/ Ibid., para. 27.

