

ARTICLE 23

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TEXT OF ARTICLE 23

(prior to 31 August 1965)

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.

(from 31 August 1965)

1. The Security Council shall consist of fifteen 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 ten 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 after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members 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 (1) specifies which five Members of the United Nations are to be permanent members of the Security Council and Article 23 (1) and (2) provide for the election of non-permanent members to the Security Council for fixed terms. As a result of an amendment to Article 23, which entered into force on 31 August 1965, membership in the Security Council was enlarged from 11 to 15 as of 1 January 1966. Consequently, the number of non-permanent members of the Security Council increased from 6 to 10.¹

2. In connexion with the election of the non-permanent members of the Security Council, and also during the consideration, at the fourteenth, fifteenth and eighteenth sessions of the General Assembly, of the items relating to the amendment of Article 23 to increase the number of non-permanent members of the Security Council and to provide equitable representation on the Council, there was discussion on compliance with Charter requirements of "equitable geographical distribution". During those discussions the view was also

expressed that in the election of non-permanent members of the Security Council due regard should also be paid to the contribution of Member States to the maintenance of international peace and security. An account of these proceedings is given below in the Analytical Summary of Practice.

3. During the period under review, the consecutive election of two candidates for the term of one non-permanent member of the Council occurred on five occasions. An account of those elections is given in the General Survey and the constitutional discussion relating to them follows in the Analytical Summary which also includes a table showing the distribution of non-permanent seats of the Security Council for the years 1960-1965.

4. In resolutions 1619 (XV) and 1732 (XVI) the General Assembly mentioned, in the preambular paragraphs, the special responsibility of the permanent members of the Security Council for the maintenance of international peace and security and, therefore, for contributing to the financing of peace and security operations. In resolution 1854B (XVII), the General Assembly recalled those two resolutions. In resolution 1874 (S-IV), the General Assembly also

¹ See also this *Supplement*, under Article 21, para. 13.

laid down, as one of the general principles to serve as guidelines for the equitable sharing of the costs of future peace-keeping operations, that the special responsibility of the permanent members of the Security Council for the maintenance of international peace and security should be borne in mind in connexion with their contributions to the financing of peace and security operations. By resolution 2054 A (XX), the General Assembly decided to enlarge the Special

Committee on the Policies of *apartheid* of the Government of the Republic of South Africa by the addition of six members on the basis, among others, of primary responsibility under the Charter of the United Nations for the maintenance of international peace and security. The accounts of these proceedings, in which Article 23 was referred to, often explicitly, constitute a new heading under the Analytical Summary of Practice.

I. General Survey

5. At the fourteenth session, the General Assembly had to elect three non-permanent members to the Security Council to replace Canada, Japan and Panama whose term of office expired on 31 December 1959. At the 825th plenary meeting on 12 October 1959, Ceylon and Ecuador were elected² on the first ballot, Poland and Turkey receiving the highest number of votes short of the required two-thirds majority. After fifty-one inconclusive ballots had taken place, the President of the General Assembly made a statement³ at the 857th meeting on 12 December 1959 to the effect that an understanding had been reached between the two principal candidates for the Council vacancy and between the various delegations supporting one or the other of them, according to which Poland would at that time be the only candidate. If elected, Poland would serve only during the year 1960, and Turkey would be the only candidate to fill the vacancy thus created and would serve during the year 1961, completing, thus, the remainder of the two-year term. In the vote the agreement would be confirmed. Following upon this agreement, on the fifty-second ballot Poland was elected⁴ as the third non-permanent member of the Security Council.

6. At the fifteenth session of the General Assembly, there were vacancies to be filled for four non-permanent members of the Security Council. One resulted from the implementation of the understanding referred to in the President's statement described in paragraph 5 above, whereby Poland's term expired on 31 December 1960. At its 941st meeting on 9 December 1960, the General Assembly elected⁵ Turkey to fill that vacancy. The other three vacancies occurred upon the expiration of the terms of office of Argentina, Italy and Tunisia. To fill these vacancies, the General Assembly at the same meeting elected⁶ Chile and the United Arab Republic on the first ballot; Portugal and Liberia receiving the highest number of votes short of the required two-thirds majority. Following seven additional inconclusive ballots, Portugal withdrew⁷ its candidature at the 959th meeting on 20 December 1960 in favour of any new European candidate. At the same meeting, further balloting took

place to finalize the election to the remaining non-permanent seat in which Ireland and Liberia received the highest number of votes short of the required two-thirds majority. Following a short recess of the meeting, the President of the General Assembly made a statement⁸ declaring that an informal agreement had been reached whereby Liberia would be the only candidate, and if elected would serve on the Security Council until 31 December 1961. Ireland would be the only candidate for the vacancy created by Liberia's withdrawal at that time. The election of Liberia would confirm the Assembly's acceptance of the agreement. Thereafter, Liberia was elected⁹ as the fourth non-permanent member of the Security Council.

7. At the sixteenth session of the General Assembly, there were again vacancies to be filled for four non-permanent members of the Security Council. One resulted from the withdrawal¹⁰ of Liberia in accordance with the agreement described in paragraph 6 above. The other three vacancies occurred upon the expiration of the terms of office of Ceylon, Ecuador and Turkey. At the 1044th meeting on 30 October 1961, the General Assembly elected¹¹ Ireland on the first ballot to the seat vacated by Liberia. At the same meeting, Venezuela and Ghana were elected¹² on the first ballot to fill two of the three remaining vacancies while Romania and the Philippines received the highest number of votes short of the required two-thirds majority. After nine inconclusive ballots had been held, the President made a statement¹³ in which he referred to an arrangement agreed to by Romania and the Philippines whereby the term for the vacant seat would be divided into two equal periods during 1962 and 1963. At the 1068th meeting of the General Assembly on 1 December 1961, Romania was then elected¹⁴ a non-permanent member of the Security Council.

8. At the seventeenth session, the General Assembly accordingly elected four instead of three non-permanent members of the Security Council. The fourth vacancy resulted from the resignation of Romania at the end of 1962 in accordance with the

² G A (XIV), Plen., 825th mtg., para. 2.

³ *Ibid.*, 857th mtg., paras. 302-306. See also para. 19 below.

⁴ *Ibid.*, para. 332.

⁵ G A (XV), Plen., 941st mtg., para. 3.

⁶ *Ibid.*, para. 6.

⁷ *Ibid.*, 959th mtg., paras. 36-39.

⁸ *Ibid.*, paras. 52-53. See also para. 24 below.

⁹ *Ibid.*, para. 81.

¹⁰ G A (XVI), Plen., 1044th mtg., para. 25.

¹¹ *Ibid.*, para. 28.

¹² *Ibid.*, para. 30.

¹³ *Ibid.*, 1068th mtg., paras. 1-4. See also para. 26 below.

¹⁴ *Ibid.*, para. 10.

arrangement explained in paragraph 7 above. The other three vacancies occurred upon the expiration of the terms of office of Chile, Ireland and the United Arab Republic. At its 1154th plenary meeting on 17 October 1962, the General Assembly elected¹⁵ the Philippines to the seat vacated by Romania. At the same meeting, the General Assembly elected¹⁶ Brazil and Norway on the first ballot and Morocco on the second ballot.

9. At the eighteenth session, the General Assembly had to elect three non-permanent members of the Security Council as the terms of office of Ghana, the Philippines and Venezuela were to expire on 31 December 1963. At its 1246th plenary meeting on 18 October 1963, the General Assembly elected¹⁷ Bolivia and the Ivory Coast on the first ballot, while Czechoslovakia and Malaysia received the highest number of votes short of the required two-thirds majority. After ten inconclusive ballots had been held, the President stated¹⁸ that he had been informed that an informal agreement had been reached between the two Members directly concerned whereby each of the two countries would occupy a seat in turn. He added that if the General Assembly accepted that arrangement, Czechoslovakia would be the only candidate for election at that time, but its seat on the Security Council would fall vacant on 31 December 1964, and in the election to fill the vacancy for the remainder of the two-year term, Malaysia would be the only candidate. The election of Czechoslovakia would confirm the agreement. Czechoslovakia was then elected.¹⁹ On 1 November 1963, and after the election, Czechoslovakia stated that it would submit its resignation at the end of the first year of its term.²⁰

10. At the nineteenth session, the General Assembly had to elect three non-permanent members of the Security Council to replace Brazil, Morocco and Norway whose terms of office were to expire on 31 December 1964 and one additional non-permanent member to replace Czechoslovakia which was to vacate its seat at the same time. At the 1312th plenary meeting on 29 December 1964, the President of the General Assembly made a statement²¹ in which he first recalled that at its eighteenth session the General Assembly had accepted the arrangement whereby Czechoslovakia would vacate its seat on the Security Council on 31 December 1964 and that Malaysia would be the only candidate. Regarding the other three vacancies, four Member States, namely Jordan, Mali, the Netherlands and Uruguay, had announced their candidatures. The President then said that he had consulted with the representatives of the countries directly concerned, as well as with the representatives of the various groups and, on the basis of those consultations, he would request the General Assembly to agree to the va-

cancies in the Security Council being filled by the following procedure. He would request the head of each delegation to call on him at his office behind the podium and he would then give each one the means of stating anonymously and in writing the preferences of his delegation as regards the filling of the four vacancies on the Security Council.²²

11. Reservations with regard to the procedure outlined by the President were made by Albania, Cambodia and Indonesia. At the same time, the latter also put on record its objection to the suggested procedure relating to the election of Malaysia for the seat vacated by Czechoslovakia.²³ After those reservations had been made, the President announced that he assumed that there was a consensus that the procedure he had outlined should be followed.²⁴

12. At its 1313th plenary meeting on 29 December 1964, the Assembly approved without objection a proposal made by the President as a result of his consultations under which Malaysia, the Netherlands and Uruguay would fill three of the vacancies in the Security Council, it being understood that, under the terms of the arrangement made at the eighteenth session, Malaysia would serve on the Security Council from 1 January 1965 to 31 December 1965.²⁵ The President also announced that he was continuing his consultations concerning the candidatures of Jordan and Mali.

13. At the 1314th meeting of the General Assembly on 30 December 1964, the President announced²⁶ that his consultations had shown that Jordan had greater support than Mali for the remaining seat on the Security Council. He had, therefore, appealed to both delegations, and they had agreed to his proposal that Jordan should occupy the seat in the Security Council for the first year, with effect from 1 January 1965, and that Mali should occupy it for the second year. It was understood that, if the necessary ratifications were forthcoming in the course of 1965 to expand the Security Council, then both Jordan and Mali would be enabled to have a full two-year term. At the same meeting, the General Assembly approved that arrangement.

14. Previously, on 17 December 1963, the General Assembly at its 1285th plenary meeting had adopted resolution 1991 A (XVIII) by which it amended Article 23 in order to enlarge the membership of the Security Council from eleven to fifteen, thereby increasing the number of non-permanent members of the Security Council from six to ten. This and other related amendments to Articles 23 and 27 contained in that resolution came into force on 31 August 1965 when the requirements of Article 108 for that entry into force had been fulfilled. In his report dated 27 September 1965,²⁷ the Secretary-General communicated to the Members of the General Assembly the "Protocol of Entry into Force of the Amendments to Articles 23, 27 and 61 of the

¹⁵ G A (XVII), Plen., 1154th mtg., para. 3.

¹⁶ *Ibid.*, paras. 7 and 8.

¹⁷ G A (XVIII), Plen., 1246th mtg., para. 2.

¹⁸ *Ibid.*, 1254th mtg., paras. 2-5. See also para. 28 below.

¹⁹ *Ibid.*, para. 6.

²⁰ *Ibid.*, paras. 7 and 8.

²¹ G A (XIX), Plen., 1312th mtg., paras. 3-70.

²² *Ibid.*, paras. 8-11.

²³ *Ibid.*, paras. 14-25.

²⁴ *Ibid.*, para. 26.

²⁵ *Ibid.*, 1313th mtg., paras. 1-3.

²⁶ *Ibid.*, 1314th mtg., para. 3.

²⁷ G A (XX), Annexes, a. i, 15 and 16, A/6019.

Charter of the United Nations...” and further informed them that in order to give effect to the amended Charter, elections would be held during the twentieth session of the General Assembly to fill both the additional seats and those which would become vacant on 31 December 1965. Accordingly, at the twentieth session, the General Assembly had to elect seven non-permanent members. Three of those were to replace Bolivia, Ivory Coast and Malaysia whose terms of office expired on 31 December 1965, and four additional ones were to fill the new seats created as a result of the amendment to Article 23 of the Charter.

15. At the 1392nd plenary meeting of the General Assembly on 10 December 1965, the President, recalling the arrangement concerning Jordan and Mali arrived at in 1964, stated that in view of the enlargement of the membership of the Council, Jordan would continue to be a member of the Council until 31 December 1966. He then announced that the General Assembly would first elect three non-permanent members to replace Bolivia, Ivory Coast and Malaysia whose terms of office would expire on 31 December 1965. The President also recalled that in accordance with paragraph 3 of resolution 1991 A (XVIII), the ten non-permanent members of the Security Council would be elected according to the following pattern:

- “(a) Five from African and Asian States;
- “(b) One from Eastern European States;
- “(c) Two from Latin American States;
- “(d) Two from Western European and other States.”²⁸

At the same meeting, the General Assembly elected²⁹ Argentina, Bulgaria and Mali on the first ballot. Before proceeding to the election of the four additional non-permanent members of the Security Council in accordance with the amended Article 23, the General Assembly first decided³⁰ that it would choose by secret ballot the two which were to serve for a two-year term and the remaining two would serve for a one-year term. Japan, New Zealand,

²⁸ G A (XX), Plen., 1392nd mtg., paras. 1-11.

²⁹ *Ibid.*, para. 12.

³⁰ *Ibid.*, paras. 15 and 16.

Nigeria and Uganda were elected³¹ on the first ballot to the four additional seats on the Security Council and the Assembly then proceeded to choose, by a simple majority, two out of those four Member States which would serve for a term of two years. Only Nigeria was chosen on the first ballot³² and the second ballot was inconclusive. Japan was chosen on the next ballot³³ when the voting was resumed at the 1393rd meeting of the General Assembly on 13 December 1965.

16. References to Article 23 were also made directly and indirectly³⁴ during the consideration of the item entitled “Question of the consistent application of the principle of equitable geographical representation in the election of the President of the General Assembly” at the fourteenth session of the General Assembly and in the Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter³⁵ submitted to the General Assembly at its eighteenth session.

17. The principle of the primary responsibility of the permanent members of the Security Council for the maintenance of international peace and security was often emphasized in the discussion in various United Nations organs, in particular during the consideration of the items relating to the question of Algeria, relations between France and Tunisia, the Oman question and the racial policies of the Government of South Africa.³⁶

³¹ *Ibid.*, para. 19.

³² *Ibid.*, para. 20.

³³ *Ibid.*, 1393rd mtg., para. 66.

³⁴ For texts of relevant statements, see G A (XIV), Spec. Pol. Com., 163rd mtg.: Czechoslovakia, paras. 1 and 2; 164th mtg.: Romania, para. 4; Ukrainian SSR, para. 13; 165th mtg.: Greece, para. 24; Hungary, para. 35; Mexico, paras. 14 and 15; Poland, paras. 2 and 5; 166th mtg.: Byelorussian SSR, para. 6; India, para. 11; USSR, para. 28; 169th mtg.: Ecuador, para. 11; El Salvador, para. 7; Mexico, para. 27; 169th mtg.: Chairman (Liberia), para. 1.

³⁵ G A (XVIII), Annexes, a. i. 21, A/5487, annex, p. 4, para. 12.

³⁶ For texts of relevant statements, see G A (XIV), 1st Com., 1073rd mtg.: India, para. 15; G A (S-III), Plen., 996th mtg.: Tunisia, para. 123; 997th mtg.: India, para. 168; Iran, para. 68; 1000th mtg.: Brazil, para. 101; Somalia, para. 111; 1001st mtg.: Albania, para. 50; Indonesia, para. 32; Saudi Arabia, paras. 5 and 9; 1003rd mtg.: Togo, para. 121; 1004th mtg.: Cameroon, para. 10; Nigeria, para. 64.

II. Analytical Summary of Practice

A. The question of the “equitable geographical distribution” of elected seats

18. The principle of “equitable geographical distribution” as a basis for ensuring the proper constitution of the Security Council was invoked at the time of the election of non-permanent members of the Security Council during the period under review as well as during the discussion of the questions relating to an increase in the membership of the Security Council at the fourteenth, fifteenth and eighteenth sessions of the General Assembly.

19. The following table shows the distribution of non-permanent seats on the Security Council for the years 1960-65 [Member States with their terms expiring in the year are in italics; Member

States with an asterisk served on the Council for one year, sharing a two-year term with another Member State].

1960	<i>Ceylon</i>
Ceylon	<i>Ecuador</i>
Ecuador	<i>Liberia*</i>
<i>Argentina</i>	<i>Turkey*</i>
<i>Italy</i>	1962
<i>Poland*</i>	Ghana
<i>Tunisia</i>	Venezuela
	<i>Ireland*</i>
1961	<i>Romania*</i>
Chile	<i>Chile</i>
United Arab Republic	<i>United Arab Republic</i>

1963

Brazil
Morocco
Norway
Ghana
Philippines*
Venezuela

1964

Bolivia
Ivory Coast
Brazil
Czechoslovakia*
Morocco
Norway

1965

Jordan
Netherlands
Uruguay
Bolivia
Ivory Coast
Malaysia*

1966

Argentina
Bulgaria
Japan
Mali
Nigeria
Jordan
Netherlands
New Zealand
Uganda
Uruguay

1. THE ORDER OF ELECTIONS TO THE PRINCIPAL ORGANS OF THE UNITED NATIONS

20. At the fourteenth session of the General Assembly, an impasse was reached in the election to fill the third non-permanent seat on the Security Council, after eleven ballots limited to Poland and Turkey had proved inconclusive. At the 826th plenary meeting on 12 October 1959, a proposal was made³⁷ that the General Assembly should take one more vote for the remaining seat on the Security Council and if that were indecisive, proceed with the election of members of the Economic and Social Council. In an amendment to that proposal it was provided³⁸ that the General Assembly should hold the elections to the Security Council and then to the Economic and Social Council in the order in which they appeared on the agenda but that both elections should be postponed to the next day. The sponsor of the amendment stated that such a procedure would correspond to the practice followed for many years. It would also be in accordance with the Charter of the United Nations and the existing agreements on the subject, bearing in mind that the principle of equitable geographical distribution should be observed in all organs of the United Nations.

Decisions

1. The amendment to postpone the elections to the Security Council and to the Economic and Social Council until the following day, was rejected³⁹ by 34 votes to 22, with 25 abstentions.

2. The proposal to take one more vote for the election to the Security Council and then proceed with the election to the Economic and Social Council and other items on the agenda was adopted⁴⁰ by 43 votes to 14, with 24 abstentions.

³⁷ G A (XIV), Plen., 826th mtg.: Argentina, para. 2.

³⁸ *Ibid.*, USSR, para. 4.

³⁹ *Ibid.*, para. 10.

⁴⁰ *Ibid.*, para. 11.

2. THE CONSECUTIVE ELECTION OF TWO CANDIDATES FOR THE TERM OF ONE NON-PERMANENT MEMBER OF THE SECURITY COUNCIL

a. Fourteenth session

21. At the 857th plenary meeting on 12 December 1959, the President of the General Assembly stated that although the Assembly had cast fifty-one ballots in an attempt to fill the third vacancy on the Security Council, no candidate had obtained the required majority. In view of the deadlock, consultations had taken place among delegations and an understanding had been reached between the two principal contestants for the Security Council seat, which was also subscribed to by the majority of the Members of the Assembly. According to that understanding, Poland would at that time be the only candidate for election as a non-permanent member of the Security Council and, if elected, would serve in that capacity during the year 1960. Poland would withdraw from the Council on 31 December 1960 and, at the fifteenth session of the General Assembly, Turkey would be the only candidate to fill the remainder of the two-year term on the Security Council.⁴¹

22. At the same meeting, some representatives observed that it was gratifying to see that the majority of Member States had supported the legitimate demand of the Eastern European countries for the observance of the United Nations Charter and the London gentleman's agreement of 1946. They maintained that in the past the principle of equitable geographical distribution of seats in the Security Council had been repeatedly violated resulting in a policy of discrimination against the candidates of Eastern European countries. One representative, however, stated that there would be no policy of discrimination against any country or area and that the distribution of the non-permanent seats on the Security Council should be carried out in accordance with the provisions of Article 23. Another representative stated that his delegation could not commit itself to any election after the end of the two-year term then under discussion.⁴²

Decision

At the 857th plenary meeting of the General Assembly on 12 December 1959, Poland, having obtained on the fifty-second ballot the required two-thirds majority, was elected a non-permanent member of the Security Council.

b. Fifteenth session

23. At the 941st plenary meeting on 9 December 1960, the President of the General Assembly, after quoting the statement made by his predecessor at the

⁴¹ *Ibid.*, 857th mtg., paras. 302-305.

⁴² For texts of relevant statements, see G A (XIV), Plen., 857th mtg.: Poland, paras. 317-321; Turkey, para. 325; USSR, paras. 308, 311-314; United States, paras. 315 and 316.

857th plenary meeting,⁴³ declared that in accordance with the understanding reached at its fourteenth session, the General Assembly would proceed with the election of a non-permanent member of the Security Council to serve during the year 1961.⁴⁴

Decision

At the 941st plenary meeting of the General Assembly on 9 December 1960, Turkey, having obtained on the first ballot the required two-thirds majority, was elected a non-permanent member of the Security Council.

24. At the 959th plenary meeting on 20 December 1960, after seven inconclusive ballots restricted to Liberia and Portugal had been cast, Portugal withdrew its candidature, its representative stating that, as the candidate of Western Europe, his country was contesting a seat which had traditionally belonged to Western Europe and it could not accept any arrangement for the division of the two-year term.⁴⁵ After Portugal's withdrawal and after six inconclusive ballots, the President ordered a brief recess. Thereafter, he announced⁴⁶ that an informal agreement had been reached whereby Liberia would be the only candidate and, if elected, would serve as a non-permanent member of the Security Council during the year 1961. On 31 December 1961, Liberia would withdraw from the Security Council and Ireland would then be the only candidate for the vacancy thus created and, if elected, would serve on the Council in 1962 for the remainder of the two-year term. After the President's statement, one representative stated that his Government welcomed the agreement between the two parties referred to by the President but he added that it could not subscribe to ratification of the agreement by the General Assembly itself, as such an agreement went beyond the framework of the Charter which provided for membership for two years. Another delegation shared that view.⁴⁷

Decision

At the 959th plenary meeting of the General Assembly on 20 December 1960, Liberia, having obtained on the fourteenth ballot the required two-thirds majority, was elected a non-permanent member of the Security Council.

c. Sixteenth session

25. At the 1044th plenary meeting on 30 October 1961, the President of the General Assembly read out a letter⁴⁸ received by him from the Chairman of the Liberian delegation stating that Liberia, in accordance with the informal agreement reached during the fifteenth session of the General Assembly would withdraw as a member of the Security Council.

⁴³ See para. 21 above.

⁴⁴ G A (XV), Plen., 941st mtg., paras. 2 and 3.

⁴⁵ *Ibid.*, 959th mtg., paras. 36-39.

⁴⁶ *Ibid.*, paras. 52 and 53.

⁴⁷ *Ibid.*, India, paras. 56-58; USSR, para. 60.

⁴⁸ G A (XVI) Plen., 1044th mtg., para. 25.

The President added that in view of that agreement and the consequent withdrawal of Liberia, the General Assembly would proceed to elect a non-permanent member for the year 1962.⁴⁹

Decision

At the 1044th plenary meeting of the General Assembly on 30 October 1961, Ireland, having obtained on the first ballot the required two-thirds majority, was elected a non-permanent member of the Security Council.

26. At the same meeting, the General Assembly elected⁵⁰ Venezuela and Ghana to a two-year term beginning on 1 December 1962, while the Philippines and Romania received the next highest number of votes short of the required two-thirds majority. At the 1068th plenary meeting on 1 December 1961, the President stated⁵¹ that although the General Assembly had held nine ballots in order to fill the remaining vacancy for a non-permanent member of the Security Council, those ballots had been inconclusive. He had, therefore, held consultations with the Chairmen of the delegations of Romania and the Philippines and, with a view to a solution, they had agreed to an arrangement whereby the term for the vacant seat would be divided into two equal periods. He added that if the General Assembly concurred in that arrangement, Romania, if elected, would vacate its seat on 31 December 1962, when the Philippines would be the candidate to fill the seat for the remainder of the two-year term. However, before the vote, one representative stated⁵² that the Charter in Article 23 (2) provided for a membership of two years for the non-permanent members of the Security Council who were elected by the General Assembly. He did not think that that provision of the Charter was capable of alteration by an agreement in the General Assembly. Furthermore, his delegation did not think that the informal arrangement announced by the President could be agreed upon formally or ratified by the General Assembly. Nevertheless, in further voting to fill the vacant seat on the Security Council, his delegation would bear in mind the statement of the President and would also take into account the informal arrangement reached between the two delegations.

Decision

At the 1068th plenary meeting of the General Assembly on 1 December 1961, Romania, having obtained on the tenth ballot the required two-thirds majority, was elected a non-permanent member of the Security Council.

d. Seventeenth session

27. At the 1154th plenary meeting of the General Assembly on 17 October 1962, the President, after quoting from the statements made by his predecessor

⁴⁹ *Ibid.*, para. 26.

⁵⁰ *Ibid.*, paras. 30-32.

⁵¹ *Ibid.*, 1068th mtg., paras. 2-4.

⁵² *Ibid.*, India, paras. 8 and 9.

and the representative of Romania at the 1068th meeting on 1 December 1961, stated⁵³ that in accordance with the arrangement reached during the sixteenth session, the General Assembly would proceed with the election of one non-permanent member of the Security Council to serve during 1963.

Decisions

At the 1154th plenary meeting of the General Assembly on 17 October 1962, the Philippines, having obtained on the first ballot the required two-thirds majority, was elected a non-permanent member of the Security Council.

At the same meeting, Brazil and Norway, on the first ballot, and Morocco, on the second ballot, having obtained the required two-thirds majority, were elected non-permanent members of the Security Council.

e. Eighteenth session

28. At the 1254th plenary meeting on 1 November 1963, the President recalled⁵⁴ that the General Assembly had already taken ten inconclusive ballots to fill the remaining vacancy on the Council. Accordingly, the heads of the two delegations directly concerned, Czechoslovakia and Malaysia, had informed him that as a result of consultations they were prepared to come to an informal agreement under which each of the two countries would occupy the seat in turn. Therefore, if the General Assembly accepted the arrangement, Czechoslovakia would be the only candidate for election at that time but would vacate its seat on the Security Council on 31 December 1964. In the election to fill the vacancy for the remainder of the two-year term, Malaysia would be the only candidate for the period from 1 January to 31 December 1965. The election of Czechoslovakia would be regarded as confirmation of the arrangement.

Decision

At the 1254th plenary meeting of the General Assembly on 1 November 1963, Czechoslovakia, having obtained on the eleventh ballot the required two-thirds majority, was elected a non-permanent member of the Security Council.

29. After the above-mentioned election, the representative of Czechoslovakia stated⁵⁵ that the agreement which formed the basis of that election did not constitute any change in his delegation's position on the consistent application of the principle of equitable geographical distribution of the seats of non-permanent members of the Security Council nor could it be considered as constituting a precedent. Another representative stated⁵⁶ that while his delegation welcomed the settlement, it would, however, like to make it clear that the arrangement was

⁵³ G A (XVII), Plen., 1154th mtg., paras. 1-8.

⁵⁴ G A (XVIII), Plen., 1254th mtg., paras. 2-5.

⁵⁵ *Ibid.*, para. 8.

⁵⁶ *Ibid.*, India, para. 16.

a private one between two delegations and that, under the Charter, it could not bind the General Assembly.

f. Nineteenth session

30. At the 1312th plenary meeting of the General Assembly on 29 December 1964, the President of the General Assembly made a statement recalling the arrangement agreed to at the eighteenth session with regard to the candidacy of Malaysia to the seat to be vacated by Czechoslovakia. One representative, however, stated⁵⁷ that the agreement referred to by the President was an informal one between the two Members concerned which, under the Charter, could not be binding on the General Assembly, and that those delegations which had honoured it had done so voluntarily.

Decision

At the 1313th plenary meeting on 29 December 1964, the General Assembly approved⁵⁸ without objection that Malaysia be elected to the Security Council. According to the arrangement made at the eighteenth session, Malaysia was to serve from 1 January to 31 December 1965.

31. At the 1314th plenary meeting on 30 December 1964, the President of the General Assembly announced⁵⁹ that his consultations with regard to filling the fourth and last seat on the Security Council had shown that Jordan had greater support than Mali. He, therefore, appealed to the delegations to agree, *inter alia*, to a procedure under which Jordan would occupy the seat in the Security Council for the first year, 1965, and Mali would occupy it for the second year, with the understanding that if the necessary ratifications were forthcoming in the course of 1965 to expand the Security Council, then both Jordan and Mali would be enabled to occupy seats in the Council for the full term of two years.

Decision

At its 1314th plenary meeting on 30 December 1964, the General Assembly approved⁶⁰ without objection the President's proposal that Jordan be elected as a non-permanent member of the Security Council.

3. AMENDMENT TO ARTICLE 23 OF THE CHARTER IN ORDER TO PROVIDE MORE "EQUITABLE GEOGRAPHICAL DISTRIBUTION"

a. Resolution 1404 (XIV)

32. In accordance with resolution 1299 (XIII), an item entitled "Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase

⁵⁷ G A (XIX), Plen., 1312th mtg.; Indonesia, paras. 15 and 16.

⁵⁸ *Ibid.*, 1313th mtg., paras. 4 and 5. See also this *Supplement*, under Article 21, para. 38.

⁵⁹ *Ibid.*, 1314th mtg., para. 3.

⁶⁰ *Ibid.* See also this *Supplement*, under Article 21, para. 38.

the number of non-permanent members of the Security Council and the number of votes required for decisions of the Council" was included⁶¹ in the agenda of the fourteenth session of the General Assembly.

33. In the Special Political Committee, where the above-mentioned item was discussed together with two other items relating to an increase in the membership of the Economic and Social Council and in the number of Judges of the International Court of Justice, the representative of El Salvador submitted⁶² a draft resolution on 19 October 1959. Under its provisions, 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 United Nations, and considering that in order to solve that problem, further efforts must be made to obtain the agreement of the greatest possible number of Member States, including all the permanent members of the Security Council, would decide to place the item on the provisional agenda at its fifteenth session. It would also set up a Good Offices Committee 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. The General Assembly would further request the Committee to submit a report on its work to it at its fifteenth session. Subsequently, El Salvador revised⁶³ its draft resolution so that under it the Assembly would ask 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".

34. On 21 October 1959, Afghanistan, Burma, Cambodia, Ceylon, Ghana, Jordan, Indonesia, Iraq, Lebanon, Libya, Pakistan and Saudi Arabia submitted⁶⁴ a draft resolution (hereafter referred to as the twelve-Power draft resolution) under the terms of which the General Assembly, recognizing, *inter alia*, that there was a strong volume of opinion among Member States that the Security Council and the Economic and Social Council should be enlarged and that such increase could not be achieved except by amendment of the Charter, would decide to include the items dealing with the question of an increase in those organs in the provisional agenda of its fifteenth session.

35. On 26 October 1959, El Salvador introduced⁶⁵ a second revised text of its draft resolution, the first preambular paragraph of which read:

⁶¹ G A (XIV), Annexes, a. i. 19, 20 and 21, A/4256, para. 1.

⁶² *Ibid.*, para. 3 (A/SPC/L.32).

⁶³ *Ibid.*, para. 5 (A/SPC/L.32/Rev.1).

⁶⁴ *Ibid.*, para. 6 (A/SPC/L.33 and Add.1).

⁶⁵ *Ibid.*, para. 8 (A/SPC/L.32/Rev.2).

"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,"

To the above-cited paragraph and to the second preambular paragraph of the twelve-Power draft resolution, Ethiopia, Liberia, Nepal and Tunisia submitted⁶⁶ an amendment calling for the addition of the words "which would make it possible to improve the present distribution of seats in those organs".

36. The Special Political Committee recommended to the General Assembly the adoption of both the amended draft text submitted by El Salvador and the amended twelve-Power draft resolution,⁶⁷ as draft resolutions I and II respectively.

Decisions

At its 843rd plenary meeting on 25 November 1959, the General Assembly adopted resolution I as further amended⁶⁸ by El Salvador and Japan as its resolution 1404 (XIV) entitled "Question of an increase in the membership of the Security Council and of the Economic and Social Council".

37. At the same meeting the General Assembly decided not to vote on draft resolution II. The text of the first preambular paragraph and the operative part of resolution 1404 (XIV) read as follows:

"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,

"...

"1. *Decides* that items relating to an increase in the membership of the Security Council and of the Economic and Social Council shall be placed on the provisional agenda of its fifteenth session;

"2. *Declares* that, if progress is not made during the fifteenth session of the General Assembly towards the achievement of an increase in the membership of the Security Council and of the Economic and Social Council, the Assembly should set up at that session a committee to study the possibilities of arriving at an agreement which will facilitate the amendment of the Charter to achieve the increase in membership referred to above."

38. During the discussion of the item in the Special Political Committee, a number of representatives maintained that the best way to achieve more equi-

⁶⁶ *Ibid.*, para. 11 (A/SPC/L.35 and A/SPC/L.36 and Add.1).

⁶⁷ *Ibid.*, para. 14.

⁶⁸ G A (XIV), Annexes, a. i. 19, 20 and 21 A/L.269, p. 5

table geographical distribution of non-permanent seats on the Security Council would be to increase the number of non-permanent seats by amending Article 23. They pointed out that such an increase in the membership of the principal organs of the United Nations had become necessary in view of the recent increase in the membership of the United Nations, in particular that from the newly independent States of Africa and Asia. Member States from those two regions would not be able to contribute fully to the work of the United Nations without their proper representation on the principal organs of the United Nations. Thus, an increase in the membership leading to more equitable geographical distribution would not only be consistent with the principle of the Charter concerning the equality of all States, but would also result in greater effectiveness of the United Nations.

39. Other representatives, however, maintained that the Charter had not provided that an increase in the membership of the United Nations should necessitate a reorganization of the principal organs of the United Nations. A change in the membership of the principal organs of the United Nations was an important issue which could be settled only in accordance with Article 108. Nevertheless, the principle of equitable geographical distribution was an important one and should be observed scrupulously. Yet, that principle and the agreements concerning it, such as the gentleman's agreement made in London in 1946, had been constantly violated by the Western Powers. For example, the seat in the Security Council intended to be held by an Eastern European country had been filled by countries situated in other parts of the world. That was being done in complete violation of the provisions of Article 23. Thus, what was needed was a more scrupulous observance of Article 23 and the 1946 London agreement rather than an amendment to the Charter. Moreover, an amendment to the Charter would not come into force without its being ratified by two-thirds of the Members, and the permanent members of the Security Council, which would have to include the People's Republic of China.

40. Some representatives also stated that any increase in the membership of the Security Council should be qualitative as well as quantitative. They pointed out that, in accordance with Article 23, due regard was to be paid, in the first instance, to the contribution of Members to the maintenance of international peace and security and to the other purposes of the Organization.⁶⁹

41. At the fifteenth session of the General Assembly, the question of an increase in the membership of the

⁶⁹ For texts of relevant statements, see: G A (XIV), Spec. Pol. Com., 128th mtg.: Ceylon, para. 11; Greece, paras. 12-14; Indonesia, para. 5; Nepal, para. 25; Netherlands, paras. 6 and 7; Pakistan, para. 22; 129th mtg.: Czechoslovakia, para. 23; Liberia, para. 1; South Africa, paras. 18-20; USSR, paras. 6, 8 and 9; Yugoslavia, para. 2; 130th mtg.: Australia, para. 20; Bulgaria, paras. 17 and 18; Ethiopia, paras. 7 and 8; France, paras. 24 and 25; India, paras. 2 and 3; Iraq, para. 19; Ireland, para. 12; Jordan, para. 5; New Zealand, para. 21; Sudan, para. 28; United Kingdom, para. 10; 131st mtg.: Afghanistan, para. 2; Albania, paras. 28 and 29; Ceylon, para. 33; Chile, para. 36; Colombia, para. 37; El Salvador,

Security Council and of the Economic and Social Council was included in the agenda in accordance with resolution 1404 (XIV) and was allocated to the Special Political Committee for consideration.

42. At the 190th meeting of the Special Political Committee on 3 November 1960, Argentina, Bolivia, Brazil, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Congo (Brazzaville), Costa Rica, Cyprus, Dahomey, Ecuador, El Salvador, Federation of Malaya, Gabon, Greece, Guatemala, Haiti, Honduras, Italy, Ivory Coast, Japan, Laos, Madagascar, Nicaragua, Niger, Pakistan, Panama, Paraguay, Peru, Philippines, Senegal, Thailand, Togo, Upper Volta, Uruguay and Venezuela submitted⁷⁰ the following draft resolution (hereafter referred to as the thirty-nine Power draft resolution):

"The General Assembly,

"Having regard to the increase in the membership of the United Nations and to the functions of the Security Council,

"Considering that, in order to give due regard to the contribution of Members of the United Nations which are not permanent members of the Security Council to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution, it is desirable to increase the number of non-permanent members of the Security Council,

"1. Adopts the following amendments to the Charter and submits them for ratification to the Members of the United Nations:

"(a) In Article 23 (1) of the Charter, the word 'eleven' in the first sentence shall be replaced by the word 'thirteen' and the word 'six' in the third sentence by the word 'eight'.

"(b) In Article 23 the following new paragraph 3 shall be inserted, and the former paragraph 3 shall be renumbered 4:

"Of the two additional non-permanent members first elected after the entry into force of the amendment increasing the membership of the Security Council from eleven to thirteen, one shall be replaced at the first, and one at the second, regular election thereafter and their terms shall expire at the same times as those of the other non-permanent members replaced at those elections";

"..."

"3. Decides that the two non-permanent members of the Security Council shall be elected as soon as possible after the amendments have

para. 10; Federation of Malaya, para. 23; Philippines, para. 6; 132nd mtg.: Argentina, para. 12; Austria, para. 11; Brazil, para. 5; Ecuador, para. 23; Mexico, para. 30; United Arab Republic, para. 9; Turkey, paras. 6-8; 133rd mtg.: Tunisia, para. 2; 134th mtg.: Ceylon, paras. 9, 11 and 12; El Salvador, paras. 2 and 14; Iraq, para. 15; 135th mtg.: Burma, paras. 3 and 4; Liberia, paras. 8 and 9; 136th mtg.: El Salvador, para. 1; Liberia, paras. 17 and 18; Tunisia, para. 26; 138th mtg.: Ceylon, para. 30; El Salvador, paras. 11 and 12; Sweden, para. 2.

⁷⁰ G A (XV), Annexes, a. i. 23, A/SPC/L.52, and Add.1 to 3.

entered into force and, if necessary, to hold a special session of the General Assembly for that purpose.”

43. At the 197th meeting of the Special Political Committee on 10 November 1960 (hereafter referred to as the five-Power draft resolution), Burma, Ceylon, Ghana, India and Iraq submitted⁷¹ a draft resolution. Under its terms, the General Assembly, *inter alia*, realizing that in view of the increase in the membership of the United Nations the membership of the Security Council and the Economic and Social Council should more truly reflect such increase and thus ensure more adequate and equitable distribution of seats in those principal organs of the United Nations; recalling its resolution 1404 (XIV) and recognizing that under the Charter any amendments required ratification by two-thirds of the Members including all the permanent members of the Security Council, would (1) recommend that a committee composed of, *inter alia*, the United States of America, the United Kingdom, France and the Union of Soviet Socialist Republics, be set up immediately for the purpose of finding a satisfactory solution, taking into account the views expressed in that connexion in the Assembly; (2) express the fervent hope that the said committee would find a solution and also recommend the proper means of implementing it and (3) request the committee to report to the General Assembly at its sixteenth session.

44. At the 214th meeting of the Special Political Committee on 30 November 1960, Cameroon, Ethiopia, Ghana, Guinea, Indonesia, Lebanon, Liberia, Nepal, Nigeria, Pakistan, Somalia and Togo submitted⁷² an amendment to the thirty-nine Power draft resolution. It provided, *inter alia*, for the insertion of the words “Part A” before the first preambular paragraph; the modification of the third preambular paragraph to include the consideration that to ensure sufficiently broad participation in the work of the Security Council it was essential to ensure the equitable redistribution of existing seats and to increase the membership of the Council; and the addition of a new part B under which the Assembly was to decide that immediate steps should be taken for the redistribution of the existing seats in the Security Council, to be effective at the present session, so as to ensure equitable geographical distribution and, in particular, to reflect the increased membership of the United Nations. Those amendments were adopted⁷³ by the Special Political Committee at its 218th meeting on 6 December 1960, but the thirty-nine-Power draft resolution as amended was rejected by 42 votes to 36, with 17 abstentions.

45. At the 219th meeting of the Special Political Committee on 7 December 1960, the five-Power draft resolution was withdrawn.⁷⁴ The Committee, therefore, had no recommendation to submit to the

⁷¹ G A (XV), Annexes, a. i. 23, A/4626, para. 6 and A/SPC/L.53/Rev.1.

⁷² *Ibid.*, para. 10 (A/SPC/L.55/and Add.1).

⁷³ G A (XV), Spec. Pol. Com., 218th mtg., paras. 29-35.

⁷⁴ *Ibid.*, 219th mtg., para. 8.

General Assembly which merely took note⁷⁵ of the Committee’s report at its 960th plenary meeting on 20 December 1960.

46. As in the previous year’s discussion, there was general agreement on the need for providing more adequate representation of the new Member States in the principal organs of the United Nations. Some representatives held the view, that, since one of the permanent members of the Security Council was not represented in the United Nations, instead of amending Article 23 of the Charter, the best way would be to redistribute the present seats of non-permanent members of the Council and to bring them in line with the balance of forces then existing in the world. To achieve that, it was necessary, they added, that the structure of the Security Council should be reorganized so that the three groups of States—the socialist countries, the combined members of the Western Powers’ blocs and the neutralist countries might be represented on it on a basis of equality.⁷⁶

47. Other representatives, however, maintained that there was no legal obstacle to prevent the Assembly from deciding to amend Articles 23 and 27 which bore on the Security Council as the problem of providing adequate representation of the new Member States, in particular those from Africa and Asia, could be solved only by increasing the membership of the Security Council. It could not be solved by redistributing the existing non-permanent members’ seats on the Security Council as it would deprive some geographical regions of the fair representation they had been granted from the beginning of the United Nations and would result in an injustice. Some representatives, while pointing to the difficulty of amending the Charter in view of the position taken by one of the permanent members of the Security Council, stated that in order that the geographical distribution of the seats of non-permanent members be equitable, one or two of the existing seats of the non-permanent members should be allocated to Africa and one or two seats to Asia. They added that they hoped that the regions which were in a privileged position at present would understand the need for such a redistribution. Some other representatives stated that while they favoured an increase in the membership of the Security Council so that, in the future, deadlocks in the election of non-permanent members could be avoided, they,

⁷⁵ G A (XV), Plen., 960th mtg., para. 20.

⁷⁶ During the discussion of the item relating to the question of disarmament at the fifteenth session of the General Assembly, the USSR submitted on 13 October 1960 a draft resolution in the First Committee, under which it was stated, *inter alia*, that the General Assembly in order to create confidence in the correct use of international armed forces of police (militia) and to preclude the possibility of their use in the interests of a particular State or group of States, recognized that it was necessary to change the structure of the United Nations Secretariat and of the Security Council so that all three groups of States—the socialist countries, the countries members of the Western Powers’ blocs, and the neutralist countries—might be represented in those organs on a basis of equality. At its 1134th meeting on 19 December 1960, the First Committee decided not to vote on the USSR draft resolution. See G A (XV), Annexes, a. i. 67, 86, 69 and 73, A/C.1/L.249, p. 18 and A/4680, para. 19. See also this *Supplement*, under Article 100, paras. 5-10.

nevertheless, felt that the increase should not make the Council unwieldy or hinder the expeditious conduct of its business.⁷⁷

b. *Resolution 1991 A (XVIII)*

48. By a letter⁷⁸ addressed to the Secretary-General dated 16 September 1963, Afghanistan, Algeria, Burma, Cambodia, Cameroon, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Kuwait, Laos, Liberia, Libya, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Thailand, Tunisia, Uganda, the United Arab Republic, Upper Volta and Yemen requested that an item entitled "Question of equitable representation on the Security Council and the Economic and Social Council" be included in the agenda of the eighteenth session of the General Assembly. At its 1210th plenary meeting on 20 September 1963, the General Assembly decided to include the item in its agenda.

49. On 10 December 1963, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay

⁷⁷ For texts of relevant statements, see G A (XV), Spec. Pol. Com., 186th mtg.: Argentina, paras. 2, 6, 9 and 10; Chile, paras. 21 and 23; USSR, paras. 25, 27 and 28; 187th mtg.: Colombia, paras. 2 and 3; Nigeria, para. 7; 188th mtg.: Burma, para. 24; China, paras. 11-14 and 17; Cuba, para. 30; Greece, para. 6; Iran, paras. 2 and 3; Liberia, para. 5; South Africa, paras. 20-23; 189th mtg.: Ceylon, para. 19; France, para. 22; Ghana, paras. 1, 4 and 5; United Kingdom, paras. 15 and 16; 190th mtg.: Byelorussian SSR, paras. 1-6; El Salvador, paras. 13, 15 and 20; Gabon, para. 31; Indonesia, paras. 24, 25 and 27; Madagascar, para. 22; Senegal, para. 32; United States, paras. 8 and 11; 191st mtg.: Albania, para. 15; Czechoslovakia, paras. 22 and 23; El Salvador, para. 26; India, paras. 3-5; Iraq, para. 20; Thailand, para. 1; 192nd mtg.: Belgium, paras. 4 and 5; Guinea, paras. 13, 16, 18 and 19; Italy, paras. 7 and 11; Japan, paras. 1 and 2; 193rd mtg.: Canada, paras. 2832; Ethiopia, paras. 9 and 11; Hungary, para. 26; Israel, para. 25; Jordan, para. 23; Morocco, paras. 2-4; Paraguay, para. 20; Turkey, para. 6; Ukrainian SSR, paras. 13 and 15; 194th mtg.: Federation of Malaya, para. 11; Ireland, para. 26; New Zealand, para. 17; Pakistan, para. 12; Philippines, paras. 1 and 5; Poland, para. 13; Tunisia, para. 7; 195th mtg.: Bolivia, paras. 1 and 2; Ecuador, paras. 12 and 13; Nepal, paras. 27 and 28; Netherlands, paras. 16-18; Peru, paras. 20 and 21; Portugal, para. 19; Somalia, para. 26; Sudan, para. 15; 196th mtg.: Brazil, paras. 13 and 14; Cyprus, para. 3; Mali, para. 2; Togo, para. 9; Uruguay, paras. 4 and 5; 197th mtg.: Australia, para. 3; Austria, para. 12; China, para. 5; Cyprus, para. 18; Denmark, para. 11; Haiti, para. 2; 198th mtg.: Argentina, para. 12; Central African Republic, para. 1; India, para. 10; Lebanon, para. 4; Nigeria, paras. 5-7; Philippines, paras. 2 and 3; 214th mtg.: Brazil, paras. 5-7; Guinea, para. 24; Iran, para. 3; Mexico, para. 31; Netherlands, paras. 22 and 23; Nigeria, paras. 17, 18, 20 and 32; USSR, paras. 10-12; 215th mtg.: Bolivia, paras. 1-3; Ceylon, para. 11; Cyprus, para. 28; France, paras. 20-22; Indonesia, paras. 14 and 15; Italy, paras. 25 and 26; United Kingdom, paras. 5 and 6; 217th mtg.: Argentina, paras. 28 and 29; Austria, para. 8; Burma, para. 4; Canada, paras. 24 and 26; China, para. 15; Finland, para. 33; Guinea, para. 21; India, para. 17; Iran, paras. 44 and 45; Ivory Coast, para. 6; Liberia, para. 34; Mali, para. 1; Mexico, paras. 9 and 11; Nigeria, para. 35; Pakistan, para. 32; United Kingdom, para. 3.

⁷⁸ G A (XVIII), Annexes, a. i. 81, 82 and 12, A/5520.

and Venezuela submitted⁷⁹ a draft resolution (hereafter referred to as the twenty-one-Power draft resolution). Under its operative part as revised on 11 December 1963, the General Assembly would, *inter alia*, decide to adopt, in accordance with Article 108, the following amendments to the Charter and submit them for ratification by the Members of the United Nations:

"(a) In Article 23, paragraph 1, of the Charter, the word 'eleven' in the first sentence shall be replaced by the word 'thirteen' and the word 'six' in the third sentence by the word 'eight'.

"(b) In Article 23, the second sentence of paragraph 2 shall read: 'However, (a) in the first election of the non-permanent members, three shall be chosen for a term of one year, and (b) in the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to thirteen, one of the two additional members shall be chosen for a term of one year'."

50. On 13 December 1963, Algeria, Burundi, Cameroon, the Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, the United Arab Republic and Upper Volta submitted⁸⁰ a draft resolution (hereafter referred to as the thirty-seven-Power draft resolution). Under the operative part of that draft resolution, the General Assembly, *inter alia*, would decide to adopt in accordance with Article 108 the following amendments to the Charter and submit them for ratification by the Members of the United Nations:

"(a) In Article 23, paragraph 1, of the Charter, the word 'eleven' in the first sentence shall be replaced by the word 'fifteen' and the word 'six' in the third sentence by the word 'ten'.

"(b) In Article 23, paragraph 2, the second sentence shall be reworded as follows: 'In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year'.

"(c) The former paragraph 3 shall be renumbered 4.

"...

"(iii) Further decide that the ten non-permanent members of the Security Council should be elected according to the following pattern:

"(a) Five from African and Asian States;

"(b) One from Eastern European States;

"(c) Two from Latin American and Caribbean States;

"(d) Two from Western European and other States."

⁷⁹ *Ibid.*, A/5675, paras. 8 and 9. See also A/SPC/L.104 and Rev.1.

⁸⁰ *Ibid.*, paras. 13 and 14. See also A/SPC/L.109.

51. During the discussion of the above-mentioned item and the two draft resolutions before the Special Political Committee, there was, as previously, general agreement on the need for providing more adequate representation to the new Member States. Some representatives were, however, opposed to any amendment of the Charter which in their view would be illegal without the participation of the People's Republic of China. For the present, they added, the matter could be settled by reaching agreement on a new distribution of the seats of non-permanent members of the Security Council in place of the 1946 London agreement which they considered to have become obsolete. According to the new system of distribution, each of the six main geographical regions of the world—Asia, Africa, Eastern Europe, Western Europe, Latin America and the Middle East—could have one of the six non-permanent seats in the Security Council.

52. Other representatives again observed that a mere redistribution of existing non-permanent seats on the Security Council would merely result in an injustice to other regions and that only a reasonable expansion of the Security Council by amending Article 23 could lead to a more equitable geographical distribution.

53. Some representatives further stated that the allocation of seats should depend not only on geographical factors but especially on the first criterion mentioned in Article 23 of the Charter, namely the contribution of Members to the maintenance of international peace and security and to the other purposes of the Organization. They added that when all the factors mentioned in Article 23 were considered, the contributions made by the Commonwealth countries as a group were indeed great and the exclusion of those countries would be unfair to them.

54. In answer to that, it was stated that arguments in favour of including the Commonwealth among the groups to be taken into account could be applied equally well to other groups based on legal or political rather than geographical considerations, such as the French Community or the League of Arab States. The Charter had referred only to equitable geographical distribution and any other arrangement might constitute a violation of its provisions. Some representatives pointed out that while the Middle East was not included among the regions mentioned in the thirty-seven-Power draft resolution on the question of equitable representation on the Security Council, they hoped, however, that at least one Arab State from either Africa or Asia would occupy one of the five seats allocated to the countries of Africa and Asia.⁸¹

⁸¹ For texts of relevant statements, see G A (XVIII), Spec. Pol. Com., 419th mtg.: Congo (Leopoldville) para. 4; 420th mtg.: Colombia, paras. 12 and 13; Netherlands, para. 23; 421st mtg.: Ghana, para. 21; Nepal, para. 20; United Arab Republic, para. 36; 422nd mtg.: Australia, paras. 7, 9, 15 and 16; Brazil, para. 21; Ivory Coast, paras. 27, 29 and 30; Pakistan, paras. 18 and 20; Peru, para. 23; 423rd mtg.: USSR, paras. 41-45; 425th mtg.: Canada, paras. 2-4; Iran, paras. 25 and 27; New Zealand, paras. 15-20; 427th mtg.: Argentina, para. 10; Ceylon, para. 2; Dominican Republic, para. 28; Ghana, para. 23; Iraq, para. 35; USSR, para. 30; United Kingdom, paras. 45 and 46; United States,

55. At the 429th meeting of the Special Political Committee on 16 December 1963, the sponsors of the thirty-seven-Power draft resolution withdrew it, but amendments incorporating some of its provisions were submitted to the twenty-one-Power draft resolution and were accepted by the sponsors of that draft.⁸²

56. At the same meeting, the representative of Syria, speaking as Chairman of the African-Asian Group confirmed that of the five elective seats on the Security Council, allocated by virtue of the revised draft resolution to Africa and Asia, three seats would go to the African States and two seats to the Asian States.⁸³ He added that if the proposed amendments to the Charter were not ratified before the beginning of the nineteenth session of the General Assembly, the existing distribution of seats in the Security Council regarding the Latin American group would continue to be in accordance with the London agreement of 1946.⁸⁴

57. At the same meeting, the Special Political Committee adopted⁸⁵ the twenty-one-Power draft resolution, as revised, by a roll-call vote of 96 to 11, with 4 abstentions, and recommended its adoption to the General Assembly.

Decision

At its 1285th plenary meeting on 17 December 1963, the General Assembly adopted⁸⁶ the above-mentioned draft resolution by a roll-call vote of 97 to 11, with 4 abstentions, as its resolution 1991A (XVIII), entitled "Question of equitable representation on the Security Council and the Economic and Social Council". The text read as follows:

"The General Assembly,

"Considering that the present composition of the Security Council is inequitable and unbalanced,

"Recognizing that the increase in the membership of the United Nations makes it necessary to enlarge the membership of the Security Council, thus providing for a more adequate geographical representation of non-permanent members and making it a more effective organ for carrying out its functions under the Charter of the United Nations,

paras. 17 and 18; 428th mtg.: Albania, para. 20; Bulgaria, paras. 25 and 28; Byelorussian SSR, para. 62; China, para. 41; Cyprus, para. 50; Hungary, paras. 44 and 45; Iraq, paras. 55, 56 and 66; Iran, para. 65; Ivory Coast, para. 6; Japan, para. 16; Jordan, paras. 59-61; Syria, para. 47; Ukrainian SSR, paras. 11 and 12; 429th mtg.: Austria, para. 33; Cameroon, para. 3; Czechoslovakia, para. 6; India, para. 18; Syria, para. 21; USSR, paras. 1 and 39; United States, paras. 27-29; G A (XVIII), Plen., 1285th mtg.: Bulgaria, para. 146; France, para. 106; USSR, paras. 83, 91, 92, 97 and 98.

⁸² G A (XVIII), Spec. Pol. Com., 429th mtg.: El Salvador, para. 22; India, paras. 17 and 18.

⁸³ *Ibid.*, para. 21.

⁸⁴ *Ibid.*, para. 23.

⁸⁵ *Ibid.*, para. 47.

⁸⁶ G A (XVIII), Plen., 1285th mtg., para. 164.

“*Bearing in mind* the conclusions and recommendations of the Committee on arrangements for a conference for the purpose of reviewing the Charter,

“1. *Decides* to adopt, in accordance with Article 108 of the Charter of the United Nations, the following amendments to the Charter and to submit them for ratification by the States Members of the United Nations:

“(a) In Article 23, paragraph 1, the word ‘eleven’ in the first sentence shall be replaced by the word ‘fifteen’, and the word ‘six’ in the third sentence by the word ‘ten’;

“(b) In Article 23, paragraph 2, the second sentence shall then be reworded as follows:

“In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year’;

“... ”

“3. *Further decides* that the ten non-permanent members of the Security Council shall be elected according to the following pattern:

“(a) Five from African and Asian States;

“(b) One from Eastern European States;

“(c) Two from Latin American States;

“(d) Two from Western European and other States.”

4. RATIFICATION OF THE AMENDMENTS

58. In a report⁸⁷ dated 27 September 1965, the Secretary-General communicated to Member States the “Protocol of Entry into Force of the Amendments to Articles 23, 27 and 61 of the Charter of the United Nations adopted under General Assembly resolutions 1991 A and B (XVIII) of 17 December 1963”. The General Assembly had called upon Member States to ratify the amendments to the Charter by 1 September 1965, and the Protocol stated that they had come into force on 31 August 1965. In pursuance of the amended Article 23, elections were held during the twentieth session of the General Assembly to fill the additional four seats as well as the three which would become vacant on 31 December 1965.⁸⁸

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

59. During the period under review, there were no formal proposals questioning the composition of the Security Council in accordance with the terms of the Charter. However, at the 1190th meeting of the Security Council on 15 March 1965, the representa-

tive of the USSR stated⁸⁹ that “The Security Council seat which by right belongs to the socialist countries is being unlawfully occupied by Malaysia”. He added that “the unlawful occupation by Malaysia of the seat belonging to the Czechoslovak Socialist Republic cannot in any way contribute to the strengthening of the Security Council”. At the same meeting, the representative of Malaysia stated⁹⁰ that his country had been elected to one of the non-permanent member seats on the Security Council in accordance with the procedures laid down in Article 23. He recalled that Malaysia had been elected on 1 November 1963 when, by consent of Czechoslovakia and by the concurrence of Malaysia, Czechoslovakia had agreed to take the first year of the two-year term on the Security Council. On that occasion the representative of Czechoslovakia had himself declared before the Assembly that his country would resign its seat on the Council on 31 December 1964, and for the vacancy thus created Malaysia would be the sole candidate. In December 1964, another election by the process of consultation had taken place and Malaysia had again obtained the necessary majority of votes. Thus, although Malaysia was sharing a two-year term, it had, nevertheless, been elected to a seat on the Security Council on two occasions. The representative of the USSR reaffirmed⁹¹ his delegation’s stand that Malaysia was occupying the seat unlawfully.

C. The question of whether the five permanent members of the Security Council bear special responsibility for the maintenance of international peace and security and therefore for contributing to the financing of peace and security operations

a. Resolution 1619 (XV)

60. At the fifteenth session of the General Assembly, during the discussion of the agenda item entitled “United Nations operations in the Congo (ONUC): cost estimates and financing”,⁹² some representatives expressed the view that while the maintenance of international peace and security was of equal concern to all Member States, it was, however, apparent from Article 23 of the Charter that some Member States, being the permanent members of the Security Council, bore special responsibility in that respect, and should therefore contribute to the financing of peace and security operations in accordance with that responsibility. Other representatives, however, maintained that the General Assembly had no competence to make any apportionments with regard to a peace-keeping operation, as under Articles 11, 43, and 48, only the Security Council could decide on all aspects of a question relating to the maintenance of international peace and security. Still other representatives stated that although the special responsibility of the permanent members of the Security Council with

⁸⁷ G A (XX), Annexes, a. i. 15 and 16, A/6019, pp. 1-3.

⁸⁸ See para. 15 above.

⁸⁹ S C 20th yr., 1190th mtg., para. 113.

⁹⁰ *Ibid.*, para. 128.

⁹¹ *Ibid.*, para. 132.

⁹² G A (XV), Annexes, a. i. 49/50.

regard to the maintenance of international peace and security was clearly recognized in the Charter, they could not agree that there was any correlation between political responsibility and financial obligations.⁹³

61. During the consideration of the above-mentioned question in the Fifth Committee, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela submitted⁹⁴ a draft resolution at its 830th meeting on 3 April 1961 (hereafter referred to as the eighteen-Power draft resolution). Under its third preambular paragraph, the General Assembly laid down one of the three principles, which, it suggested, should cover "the extraordinary expenditure" of the United Nations operations in the Congo. That preambular paragraph read as follows:

"(a) The principle of the correlation between powers and obligations, according to which the permanent members of the Security Council bear a greater degree of responsibility for the maintenance of international peace and security,".

In operative paragraph 3 (a), the text of the draft resolution read:

"Decides that, without prejudice to the provisions of paragraph 4 below, the amount of \$120 million shall be provided as follows:

"(a) Seventy per cent by the five permanent members of the Security Council. The contributions of the five permanent members shall bear the same relation to each other as their contributions to the regular budget of the Organization".

62. While submitting the above eighteen-Power draft resolution, one of its sponsors stated⁹⁵ that the principle contained in the third preambular paragraph, bearing on the correlation between responsibilities and obligations, was rooted in Chapter V of the Charter, which made it clear that exceptional responsibilities fell to the five permanent members of the Security Council. He added that it was only just that those States, which had the primary responsibility for the maintenance of international peace and security, should contribute, on a scale commensurate with that responsibility, to the financing of peace-keeping operations.

63. At the 839th meeting of the Fifth Committee on 17 April 1961, Pakistan and Tunisia submitted⁹⁶ a draft resolution which in its fifth preambular paragraph read:

"Bearing in mind that the permanent members of the Security Council have a special responsibility for the maintenance of international peace and security and therefore for contributing to the financing of peace and security operations,".

⁹³ For texts of relevant statements, see G A (XV), 5th Com., 806th mtg.: Argentina, para. 15; Spain, para. 6; 811th mtg.: Pakistan, para. 9; 825th mtg., USSR, para. 5; 830th mtg.: Venezuela, para. 14; 843rd mtg.: Nigeria, para. 12.

⁹⁴ G A (XV), Annexes, a. i. 49/50, A/4740, para. 8 (A/C.5/L.658 and Corr.1).

⁹⁵ G A (XV), 5th Com., 830th mtg.; Venezuela, para. 14.

⁹⁶ G A (XV), Annexes, a. i. 49/50, A/4740, para. 9 (A/C.5/L.663).

The text of operative paragraph 5 read as follows:

"Appeals to the permanent members of the Security Council and Member States who are in a position to assist, to make sizable voluntary contributions which shall be applied to reduce the contributions provided for in paragraph 7 below;".

64. In submitting the above-mentioned draft resolution, one of the sponsors stated⁹⁷ that there was no question regarding the special responsibility of the five permanent members of the Security Council. That principle had been recognized already in the eighteen-Power draft resolution. However, while the Pakistan-Tunisia draft resolution had merely stated, in its fifth preambular paragraph and in operative paragraph 5, the principle of the relationship between political responsibilities and financial obligations, the eighteen-Power draft resolution, by already fixing the quota, had prejudged the General Assembly's decision in that respect.

65. At the 843rd meeting of the Fifth Committee on 19 April 1961, Pakistan, Tunisia, together with Ghana and Liberia submitted⁹⁸ a revised text (hereafter referred to as the four-Power draft resolution). Its operative paragraph 5 read:

"Urges the permanent members of the Security Council to make sizable additional contributions;".

66. At the same meeting, the sponsors of the eighteen-Power draft resolution stated⁹⁹ that they would not ask for a vote on it.

67. At the 844th meeting of the Fifth Committee on 20 April 1961, India submitted¹⁰⁰ certain amendments to the four-Power draft resolution. In its second amendment India proposed that the fifth preambular paragraph of the four-Power draft resolution be replaced by the following:

"Bearing in mind that the permanent members of the Security Council have a special responsibility for the maintenance of international peace and security and for ensuring success of any United Nations operation or action to that end in accordance with the Charter of the United Nations,".

68. In introducing the above-mentioned amendment, the representative of India stated¹⁰¹ that his delegation had no objection to the idea underlying the fifth preambular paragraph of the four-Power draft resolution, but considered it unnecessary to establish an explicit relationship between the special responsibility of some countries for the maintenance of international peace and security and the financing of peace and security operations. The first part of the amendment was in conformity with the Charter as to the special responsibility of the permanent members of the Security Council, and the second part implicitly endorsed the principle of the correlation between political responsibility and financial obligations.

69. At its 845th meeting on 20 April 1961, the Fifth Committee rejected the Indian amendment to

⁹⁷ G A (XV), 5th Com., 839th mtg., Tunisia, para. 24.

⁹⁸ G A (XV), Annexes, a. i. 49/50, A/4740, para. 10 (A/C.5/L.663/Rev.1).

⁹⁹ *Ibid.*, para. 15 (A/C.5/L.658 and Corr.1).

¹⁰⁰ *Ibid.*, para. 14 (A/C.5/L.665/Rev.1).

¹⁰¹ G A (XV), 5th Com., 844th mtg.: India, para. 3.

the fifth preambular paragraph of the four-Power draft resolution by 28 votes to 13, with 35 abstentions. At the same meeting the Committee, however, accepted¹⁰² certain amendments submitted by fourteen Latin-American States to the four-Power draft resolution. The four-Power draft resolution, as amended, was then adopted¹⁰³ by 43 votes to 26, with 14 abstentions and was recommended to the General Assembly for adoption.

Decision

At its 995th plenary meeting on 21 April 1961, the General Assembly adopted the draft resolution recommended to it by the Fifth Committee as its resolution 1619 (XV) entitled "United Nations operations in the Congo: 1961 cost estimates and financing". The text of its fourth preambular paragraph read:

"*Bearing in mind* that the permanent members of the Security Council have a special responsibility for the maintenance of international peace and security and therefore for contributing to the financing of peace and security operations,"

Its operative paragraph 5 read as follows:

"*Urges* the permanent members of the Security Council to make sizable additional contributions;"

b. Resolution 1732 (XVI)

70. At its sixteenth session the General Assembly again considered the item entitled "United Nations operations in the Congo: cost estimates and financing". During its consideration in the Fifth Committee, Member States reiterated¹⁰⁴ their respective stands with regard to the question of special responsibility of the permanent members of the Security Council for the maintenance of international peace and security and their corresponding responsibilities for the financing of peace-keeping operations.

Decision

At its 1086th plenary meeting, on 20 December 1961, the General Assembly adopted¹⁰⁵ the draft resolution submitted to it by the Fifth Committee as its resolution 1732 (XVI) entitled "United Nations operations in the Congo: cost estimates and financing". In its fourth preambular paragraph and operative paragraph 6 the General Assembly reiterated resolution 1619 (XV) under which, "*Bearing in mind* that the permanent members of the Security Council have a special responsibility for the maintenance of international peace and security and, therefore, for contributing to the financing of peace

and security operations", it again urged "the permanent members of the Security Council to make sizable additional contributions;"

c. Resolution 1854 B (XVII)

71. At the seventeenth session of the General Assembly during the discussion of the item entitled "Obligations of Members, under the Charter of the United Nations, with regard to the financing of the United Nations Emergency Force and the Organization's operations in the Congo: advisory opinion of the International Court of Justice", the question of the special responsibility of the permanent members of the Security Council with regard to the financing of the peace-keeping operations was raised again.¹⁰⁶

72. At the 963rd meeting of the Fifth Committee on 5 December 1962, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela submitted¹⁰⁷ a draft resolution (hereafter referred to as the nineteen-Power draft resolution). After noting, in the second preambular paragraph that "the permanent members of the Security Council have a special responsibility for the maintenance of international peace and security and consequently for the financing of peace and security operations", the General Assembly in operative paragraph 2 requested the Working Group, to be established under the same resolution, to prepare a special scale of assessments for financing the peace-keeping operations of the United Nations on the basis of the criteria already approved by the General Assembly, which gave priority to "The special responsibility of the permanent members of the Security Council to contribute to the financing of the said operations (resolution 1619 (XV), operative paragraph 5 and resolution 1732 (XVI), operative paragraph 6)". In submitting the draft resolution the sponsors, after emphasizing the extremely high cost of peace-keeping operations, stressed that the special responsibility of the permanent members of the Security Council for the financing of those operations flowed directly from Articles 23 and 24 of the Charter, and that, in addition, Article 106 established the responsibility of the great Powers for joint action on behalf of the Organization for the maintenance of international peace and security.

73. Other representatives, however, maintained¹⁰⁸ that the financing of all United Nations operations was inseparable from the legal basis on which those operations were undertaken; consequently, the responsibility for measures connected with the use

¹⁰² *Ibid.*, 845th mtg., para. 29.

¹⁰³ G A (XV), Annexes, a. i. 49/50, A/4740, para. 12 (A/C.5/L.667).

¹⁰⁴ For texts of relevant statements, see G A (XVI), 5th Com., 902nd mtg.: Argentina, para. 24; Ecuador, para. 35; 903rd mtg.: Peru, para. 16; 904th mtg.: United Kingdom, para. 29; 905th mtg.: United States, para. 15.

¹⁰⁵ G A (XVI), Annexes, a. i. 55, A/5066, p. 12.

¹⁰⁶ G A (XVII), Annexes, a. i. 64, A/5380. See also G A (XVII), 5th Com., 963rd mtg.: Brazil, para. 11.

¹⁰⁷ *Ibid.*, para. 5 (A/C.5/L.763 and Corr.1).

¹⁰⁸ For texts of relevant statements, see G A (XVII), 5th Com., 963rd mtg.: Brazil, para. 11; 964th mtg.: Argentina, para. 25; 965th mtg.: Czechoslovakia, paras. 15 and 16; Uruguay, para. 13; 971st mtg.: Iraq, para. 7; 972nd mtg.: India, para. 12.

of armed forces on behalf of the United Nations, including their financing, fell within the exclusive competence of the Security Council.

74. The Fifth Committee also had before it a draft resolution submitted¹⁰⁹ by Cameroon, Canada, Denmark, Japan, Liberia, Sweden, United Kingdom and the United States. Under this draft resolution the General Assembly without setting any criteria, *inter alia*, would request the Working Group "to consider, in consultation as appropriate with the Advisory Committee on Administrative and Budgetary Questions and with the Committee on Contributions, methods of financing, in the future, peace-keeping operations of the United Nations involving heavy expenditures;"

75. At the 971st meeting of the Fifth Committee, the above-mentioned two draft resolutions were withdrawn¹¹⁰ in favour of a new draft resolution which was submitted jointly by Argentina, Australia, Bolivia, Brazil, Cameroon, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Japan, Liberia, Mexico, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, Sweden, United Kingdom, United States, Uruguay and Venezuela (hereafter referred to as the thirty-Power draft resolution). Its operative paragraph 2 read as follows:

"2. Requests the Working-Group of Twenty-One to take into account in its study the criteria for the sharing of the costs of peace-keeping operations mentioned in past resolutions of the General Assembly, giving particular attention to the following:

"(a) The references to a special financial responsibility of members of the Security Council as mentioned in resolutions 1619 (XV) and 1732 (XVI);"

76. Before the vote on the thirty-Power draft resolution, one representative stated¹¹¹ that he regretted that operative paragraph 2 of the new draft resolution had made no reference to the permanent members of the Security Council because the many members of the Committee who had raised that point in the discussion had undoubtedly been concerned with the special responsibility of the permanent members, and not with that of the remaining six members who served on the Security Council for a limited period only. One of the sponsors of the thirty-Power draft resolution, however, explained¹¹² that its operative paragraph 2 (a) of the new joint draft resolution was not intended to apply to all the eleven members of the Council as the special responsibility of the permanent members of the Council was clearly stated in both the General Assembly resolutions referred to in that paragraph. The Fifth Committee adopted¹¹³ the thirty-Power

¹⁰⁹ G A (XVII), Annexes, a. i. 64, A/5380, para. 4b (A/C.5/L.761).

¹¹⁰ G A (XVII), 5th Com., 971st mtg., paras. 1 and 2. See also G A (XVII), Annexes, a. i. 64, A/5380, para. 7 (A/C.5/L.767 and Add.1).

¹¹¹ G A (XVII), 5th Com., 971st mtg., Iraq, para. 9.

¹¹² *Ibid.*, Brazil, para. 10.

¹¹³ *Ibid.*, 973rd mtg., para. 28.

draft resolution by 78 votes to 14, with 12 abstentions, and recommended its adoption to the General Assembly.

Decision

At its 1199th plenary meeting on 19 December 1962, the General Assembly adopted the above-mentioned draft resolution submitted to it by the Fifth Committee as its resolution 1854 B (XVII) entitled "Administrative and budgetary procedures of the United Nations".

d. Resolution 1874 (S-IV)

77. At its fourth special session, the General Assembly considered the report¹¹⁴ of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations, which was submitted to it in pursuance of its resolution 1854 B (XVII) of 19 December 1962. The report included, *inter alia*, a summary of the positions taken by individual members or groups on the question of financing the peace-keeping operations. In that respect some members of the Working Group reiterated¹¹⁵ that one of the factors to be taken into consideration for determining a special scale of assessment should be "The greater obligation of the permanent members of the Security Council to contribute towards peace-keeping costs in recognition of their primary responsibility for the maintenance of international peace and security;"

78. During the discussion of the Working Group's report in the Fifth Committee, the special responsibility of the permanent members was again emphasized. However, some representatives reiterated¹¹⁶ their stand that under the Charter the Security Council was authorized not only to take action involving the use of force but also to define all conditions pertaining to the financing of such peace-keeping operations.

79. At the 999th meeting of the Fifth Committee on 20 June 1963, Argentina, Australia, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Federation of Malaya, Gabon, Ghana, Honduras, Iceland, India, Italy, Ivory Coast, Japan, Liberia, Mauritania, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Philippines, Sweden, Tanganyika, Uruguay, and Venezuela submitted¹¹⁷ a draft resolution (hereafter referred to as the thirty-five-Power draft resolution). Under

¹¹⁴ G A (S-IV), a. i. 7, A/5407, para. 1.

¹¹⁵ *Ibid.*, para. 16 (a).

¹¹⁶ For texts of relevant statements, see G A (S-IV), 5th Com., 988th mtg.: Greece, para. 49; 989th mtg.: Hungary, para. 5; Uganda, para. 42; 990th mtg.: Afghanistan, para. 7; Czechoslovakia, para. 12; 995th mtg.: Ghana, para. 7; 999th mtg.: Nigeria, paras. 3 and 4; 1003rd mtg.: Hungary, para. 8; Spain, paras. 36-39; Sudan, para. 53; United Arab Republic, para. 54.

¹¹⁷ G A (S-IV), 5th Com., 999th mtg., para. 4. See also G A (S-IV), Annexes, a. i. 7, A/5438, para. 13, A/C.5/L.782 and Add.1, same text as A/5438, para. 17, draft resolution I and G A resolution 1874 (S-IV).

its provisions, the General Assembly "*Recognizing* the necessity of sharing equitably the financial burden of peace-keeping operations to the extent not otherwise covered by agreed arrangements", would affirm that "the following principles, *inter alia*, shall serve as guidelines for the equitable sharing, by assessed or voluntary contributions or a combination thereof, of the costs of peace-keeping operations involving heavy expenditures that may be initiated in the future:

"(a) The financing of such operations is the collective responsibility of all States Members of the United Nations;

"...

"(d) The special responsibilities of the permanent members of the Security Council for the maintenance of peace and security should be borne in mind in connexion with their contributions to the financing of peace and security operations;"

80. Some of the sponsors of the thirty-five-Power draft resolution would have preferred, on general principles, a text which stated explicitly that "the permanent members of the Security Council should make a contribution over and above their normal assessments, in view of their special responsibilities and privileges".¹¹⁸ On the other hand, it was stated¹¹⁹ that under the thirty-five-Power draft resolution a solution would be sought outside the political and legal framework of the United Nations and that the draft was inconsistent in so far as it had mentioned the financial responsibilities of the permanent members of the Security Council without referring to their concomitant legal and political responsibilities.

81. At its 1004th meeting on 25 June 1963, the Fifth Committee adopted¹²⁰ the thirty-five-Power draft resolution by 91 votes to 13, with 3 abstentions and recommended its adoption to the General Assembly.

Decision

At its 1205th plenary meeting on 27 June 1963, the General Assembly adopted the draft resolution submitted to it by the Fifth Committee without change as its resolution 1874 (S-IV) entitled "General principles to serve as guidelines for the sharing of the costs of future peace-keeping operations involving heavy expenditures".

c. Resolution 2053 B (XX)

82. At its twentieth session, the General Assembly had on its agenda the item entitled "Comprehensive review of the whole question of peace-keeping operations in all their aspects: (a) report of the Special Committee on Peace-keeping Operations;

¹¹⁸ G A (S-IV), 5th Com., 999th mtg.: Nigeria, para. 4; 1003rd mtg.: Sudan, para 53.

¹¹⁹ *Ibid.*, 1003rd mtg.: Hungary, para. 8.

¹²⁰ G A (S-IV), Annexes, a. i. 7, A/5438, paras. 15 and 17 (A/C.5/L.782 and Add.1 [resolution I]).

(b) the authorization and financing of future peace-keeping operations".¹²¹

83. On 17 November 1965, the Special Political Committee, to which the item was referred for consideration, had before it a draft resolution submitted¹²² by Ceylon, Ghana, Ireland, the Ivory Coast, Liberia, Nepal, the Philippines and Somalia (hereafter referred to as the eight-Power draft resolution). The draft resolution, *inter alia*, read as follows:

"*The General Assembly*

"...

"*Recognizing* the special responsibility and authority of the Security Council, in particular of the five permanent members thereof, in respect of the maintenance of international peace and security,

"...

"2. *Decides:*

"(a) That, to the extent not otherwise covered by agreed arrangements, the net cost of future peace-keeping operations shall be apportioned as follows:

"(i) As to 5 per cent among the group of economically less developed Member States;

"(ii) As to 25 per cent among the group of economically developed Member States, other than the permanent members of the Security Council;

"(iii) As to 70 per cent among the group of permanent members of the Security Council, to be assessed only on those permanent members who vote in favour of the operation, provided, however, that no member shall be assessed for more than 50 per cent of the net cost of the operation and that any unassessed balance shall be added to the sum apportioned on the group of members in sub-paragraph 2 (a) (ii);"

84. The sponsors of the eight-Power draft resolution, together with Costa Rica, subsequently submitted¹²³ another draft resolution (hereafter referred to as the nine-Power draft resolution) on 10 December 1965 under which the General Assembly in its operative paragraph 2 (a) expressed the opinion that "until the further report of the Special Committee on Peace-keeping Operations is considered and a comprehensive arrangement in regard to the financing of peace-keeping operations is adopted, peace-keeping expenditure not otherwise covered by agreed arrangements or by items in the regular budget should be apportioned as follows:

"(a) (i) As to 5 per cent, among the group of economically less developed Member States;

"(ii) As to 25 per cent, among the group of economically developed Member States, other than the permanent members of the Security Council;

¹²¹ G A (XX), Annexes, a. i. 101, A/6158, para. 3.

¹²² A/SPC/L.117 (mimeographed). See also G A (XX), Annexes, a. i. 101, para. 5.

¹²³ *Ibid.*, A/SPC/L.121/Rev.1, p. 26.

“(iii) As to 70 per cent among the group of permanent members of the Security Council, to be assessed only on those permanent members who vote in favour of the operation, provided, however, that no Member shall be assessed for more than 50 per cent of the net cost of the operation and that any balance unassessed by reason of this proviso shall be added to the sum apportioned on the group of Members in subparagraph (ii);”.

85. During the discussion of the above-mentioned proposals, a number of representatives stated that, in spite of their recognition of the special responsibility of the permanent members of the Security Council, they felt that the principle of collective responsibility should not be undermined and that Member States which were not permanent members of the Security Council should be able to play an appropriate part in initiating, financing and supervising peace-keeping operations. They pointed out that under the provisions of the above-mentioned draft resolution financial obligations would be added to the already privileged status of the permanent members of the Security Council. The Charter, however, made no distinction between the permanent members of the Security Council and other Member States as far as financial obligations were concerned. If the notion of financial obligations was accepted, they failed to see why it should not apply to all Member States not voting in favour of a given peace-keeping operation. One of the sponsors of the two drafts stated that a permanent member of the Security Council would have the right to opt out only in cases where it did not vote for a certain peace-keeping operation. Additional responsibility was, however, imposed on any permanent member of the Security Council who would vote for a peace-keeping operation. Another representative stated that the “right of opting out” of financial responsibility of the permanent members of the Security Council was indeed a logical concession arising from their special responsibility as permanent members of the Security Council.¹²⁴

86. At the 488th meeting of the Special Political Committee on 13 December 1965, Denmark, Finland, Italy, Nigeria, Norway, Sudan, Sweden, Syria, and Tunisia introduced¹²⁵ a draft resolution whereby the General Assembly would refer the nine-Power draft resolution¹²⁶ to the Special Committee on Peace-keeping Operations and invite that Committee

¹²⁴ For texts of relevant statements, see G A (XX), Spec. Pol. Com., 438th mtg.; Ireland, para. 8; 461st mtg.: Canada, para. 5; Ireland, paras. 13 and 20; 462nd mtg.: Argentina, para. 1; 464th mtg.: Ghana, para. 15; 466th mtg.: India, para. 16; 467th mtg.: Poland, para. 42; 468th mtg.: Venezuela, para. 14; 482nd mtg.: Austria, para. 7; Tunisia, para. 50; 483rd mtg.: Zambia, para. 12; 484th mtg.: Saudi Arabia, para. 11; Syria, para. 18; Trinidad and Tobago, para. 23; 485th mtg.: Burma, para. 7; Malaysia, para. 20; Philippines, para. 32; 487th mtg.: Colombia, para. 34; Ireland, paras. 50 and 53.

¹²⁵ G A (XX), Spec. Pol. Com., 488th mtg., A/SPC/L.124, para. 1.

¹²⁶ G A (XX), Annexes, a. i. 101, A/SPC/L.121/Rev.1, p. 26.

of representatives again stressed¹³¹ that the co-to give it its careful consideration. The draft resolution, which was given priority in the voting, was approved by a roll-call vote of 54 to 18, with 23 abstentions, and the Special Political Committee recommended¹²⁷ its adoption to the General Assembly.

Decision

At its 1395th plenary meeting on 15 December 1965, the General Assembly adopted the draft resolution recommended to it by the Special Political Committee as its resolution 2053 B (XX) entitled “Comprehensive review of the whole question of peace-keeping operations in all their aspects”.

f. Resolution 2054 A (XX)

87. In its report dated 30 November 1964, the Special Committee on the Policies of *apartheid* of the Government of the Republic of South Africa stated that it considered it essential that the Committee be strengthened to fulfil more effectively the important mandate assigned to it by the General Assembly, and it felt that “the full participation in the Committee of the permanent members of the Security Council, who bear a special responsibility for the maintenance of international peace and security, is essential for that purpose”. It recommended, therefore, that its membership be enlarged to include, among others, the permanent members of the Security Council and the present major trading partners of the Republic of South Africa.¹²⁸

88. In its report of 10 August 1965, the Special Committee stated again,¹²⁹ *inter alia*, that it considered that action under Chapter VII of the Charter, with the full co-operation of all the permanent members of the Security Council and the major trading partners of South Africa, was indispensable for a solution of the problem of *apartheid*. It also recalled its recommendation of 30 November 1964 that its membership be enlarged. Those reports of the Special Committee formed part of the item relating to the policies of *apartheid* of the Government of the Republic of South Africa and were included in the agenda of the nineteenth and twentieth sessions of the General Assembly.

89. At its nineteenth session, the General Assembly did not discuss the item but took note¹³⁰ that the reports of the Special Committee on the Policies of *apartheid* of the Government of the Republic of South Africa had been received.

90. At the twentieth session of the General Assembly, the item relating to the policies of *apartheid* was assigned to the Special Political Committee. During the discussion in that Committee a number

¹²⁷ *Ibid.*, A/6158, paras. 11 and 12.

¹²⁸ G A (XIX), Annexes, Annex No. 12, A/5825, paras. 638 and 639.

¹²⁹ G A (XX), Annexes, a. i. 36, A/5957, paras. 152 and 182.

¹³⁰ G A (XIX), Annexes, Annex No. 12, A/5850, p. 168.

¹³¹ For texts of relevant statements, see G A (XX), Spec. Pol. Com., 469th mtg.: Somalia, para. 36; 476th mtg.: India, para. 8.

operation of the permanent members of the Security Council, which bore special responsibility for the maintenance of international peace and security, was essential to secure an end to the racial policies of the South African Government.

91. At the 476th meeting of the Special Political Committee on 3 December 1965, Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Gambia, Ghana, Guinea, Haiti, Hungary, India, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia and Zambia submitted¹³² a draft resolution (hereafter referred to as the forty-seven-Power draft resolution). Under operative paragraph 3 of the final text, the General Assembly would decide to enlarge the Special Committee on the Policies of *apartheid* of the Government of the Republic of South Africa on the basis of criteria which included in sub-paragraph (b) "primary responsibility under the Charter for the maintenance of international peace and security;"

¹³² G A (XX), Annexes, a. i. 34, A/6159, paras. 7, 8, 11 and 13 (A/SPC/L.118 and Add.1, and Rev.1 and 2).

92. The Special Political Committee adopted the forty-seven-Power draft resolution as a whole by 78 votes to 1, with 16 abstentions and recommended¹³³ its adoption to the General Assembly.

Decision

At its 1395th plenary meeting on 15 December 1965, the General Assembly adopted the draft resolution recommended to it as its resolution 2054 A (XX) entitled "The policies of *apartheid* of the Government of the Republic of South Africa". Under it, the General Assembly decided to enlarge the Special Committee on the Policies of *apartheid* by the addition of six members, to be appointed by the President of the General Assembly on the basis of the following criteria:

"(a) Primary responsibility with regard to world trade;

"(b) Primary responsibility under the Charter of the United Nations for the maintenance of international peace and security;

"(c) Equitable geographical distribution;"

¹³³ *Ibid.*, paras. 13 (e) and 17.