

ARTICLE 23

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ARTICLE 23

TEXT OF ARTICLE 23

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 provides for the election of ten non-permanent members to the Security Council for fixed terms.

2. Pursuant to Article 23 and the relevant rules of procedure then in force,¹ the General Assembly, in each year of the period under review, regularly elected candidates as non-permanent members of the Security Council for appropriate terms and without occasioning any constitutional discussion. An account of these elections in chronological

¹ A/520/Rev.8 and 9 during the period covered by *Supplement No. 4*.

order is given in the Summary of Practice, which also contains a table showing the distribution of non-permanent seats of the Security Council for the years 1967-1970.

3. The question of the special responsibility of the permanent members of the Security Council for the maintenance of international peace and security was referred to in two resolutions adopted by the Security Council and in a number of draft resolutions presented to, but not adopted by, the General Assembly during the period under review. The proceedings and constitutional discussions in connexion with these proposals are treated in the Summary of Practice.

SUMMARY OF PRACTICE

4. At the twenty-first session, the General Assembly had to elect five non-permanent members to the Security Council to replace Jordan, the Netherlands, New Zealand, Uganda and Uruguay whose terms of office were to expire on 31 December 1966. At its 1462nd plenary meeting on 11 November 1966, the General Assembly elected² Brazil, Canada, Denmark, Ethiopia and India on the first ballot.

5. At the twenty-second session, the General Assembly had to elect five non-permanent members to the Security Council as the terms of office of Argentina, Bulgaria, Japan, Mali and Nigeria were to expire on 31 December

1967. At its 1595th plenary meeting on 6 November 1967, the General Assembly elected³ Algeria, Hungary, Pakistan, Paraguay and Senegal on the first ballot.

6. At the twenty-third session, the General Assembly had to elect five non-permanent members to the Security Council to replace Brazil, Canada, Denmark, Ethiopia and India whose terms of office were to expire on 31 December 1968. At its 1709th plenary meeting on 1 November 1968, the General Assembly elected⁴ Colombia, Finland, Nepal, Spain and Zambia on the first ballot.

7. At the twenty-fourth session, the General Assembly

² G A (XXI), Plen., 1462nd mtg., para. 6.

³ G A (XXII), Plen., 1595th mtg., para. 25.

⁴ G A (XXIII), Plen., 1709th mtg., para. 11.

had to elect five non-permanent members to the Security Council as the terms of office of Algeria, Hungary, Pakistan, Paraguay and Senegal were to expire on 31 December 1969. At its 1787th plenary meeting on 20 October 1969, the General Assembly elected⁵ Burundi, Nicaragua, Poland, Sierra Leone and Syria on the first ballot.

8. The following table⁶ shows the distribution of non-permanent seats on the Security Council for the years 1967-1970.

1967	1969
Brazil	Colombia
Canada	Finland
Denmark	Nepal
Ethiopia	Spain
India	Zambia
<i>Argentina</i>	<i>Algeria</i>
<i>Bulgaria</i>	<i>Hungary</i>
<i>Japan</i>	<i>Pakistan</i>
<i>Mali</i>	<i>Paraguay</i>
<i>Nigeria</i>	<i>Senegal</i>
1968	1970
Algeria	Burundi
Hungary	Nicaragua
Pakistan	Poland
Paraguay	Sierra Leone
Senegal	Syria
<i>Brazil</i>	<i>Colombia</i>
<i>Canada</i>	<i>Finland</i>
<i>Denmark</i>	<i>Nepal</i>
<i>Ethiopia</i>	<i>Spain</i>
<i>India</i>	<i>Zambia</i>

9. The question of the special responsibility of the permanent members for the maintenance of international peace and security was referred to in a resolution adopted by the Security Council in connexion with the question concerning the situation in Southern Rhodesia. In resolution 253 (1968) of 29 May 1968, the Security Council called for a number of measures under Chapter VII of the Charter with a view to ending the rebellion in Southern Rhodesia and called upon⁷ all States Members of the United Nations, and "in particular those with primary responsibility under the Charter for the maintenance of international peace and security", to assist effectively in the implementation of these measures. The adoption of this resolution was not, however, preceded by a constitutional discussion.

10. This question was also extensively referred to during the Security Council's consideration of the item "Question relating to measures to safeguard non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nu-

clear Weapons". At the 1433rd meeting on 19 June 1968, the Security Council adopted resolution 255 (1968) whereby the Council, *inter alia*, recognized that "aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter".⁸ At the 1430th meeting of the Security Council on 17 June 1968, the representatives of the United Kingdom, the USSR and the United States, who had submitted the draft resolution, made identical declarations⁹ to the effect that they, as permanent members of the Security Council, affirmed their intention that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State party to the Non-Proliferation Treaty, they would seek immediate action through the Council to provide assistance, in accordance with the United Nations Charter, to such a State. In the course of the discussion preceding the adoption of this resolution, a number of representatives welcomed the proposal and the accompanying declarations and affirmed the special responsibility of the permanent members of the Security Council for the maintenance of international peace and security. Other representatives, however, emphasized that the special responsibility for maintaining peace, which was a juridical obligation within the framework of the Charter, rested on all the permanent members of the Council; the new machinery, expressing the intentions of three permanent members, fell short of the guarantee under the Charter, would be tantamount to altering the balance within the Security Council and withdrawing from it the prerogatives in respect of maintaining nuclear peace, and would have to be followed by an amendment of Article 23. It was argued also that the proposal was discriminatory, in that it offered nuclear protection only to States parties to the Non-Proliferation Treaty, and was thus contrary to the Charter of the United Nations, under which the permanent members of the Security Council are precluded, in the discharge of their special responsibility, from adopting a discriminatory approach in situations involving the security of States.¹⁰

11. During the General Assembly's consideration of the item "Comprehensive review of the whole question of peace-keeping operations in all their aspects" at its twenty-first, fifth special and twenty-second sessions,¹¹ references were made, both in draft resolutions and in constitutional discussions, to the question of the special responsibility of the permanent members of the Security Council for the maintenance of international peace and security and, in particular, their responsibility to contribute a greater share to the financing of peace-keeping operations; reference to Article 23 was however implicit rather than explicit.

⁸ S C resolution 255 (1968), para. 1.

⁹ S C, 23rd yr., 1430th mtg., United Kingdom, para. 29; USSR, para. 11; United States, para. 40.

¹⁰ For texts of relevant statements, see S C, 23rd yr., 1430th mtg.; United Kingdom, paras. 22-28; USSR, paras. 8-19; United States, paras. 33-40; 1431st mtg.: Hungary, paras. 37-42; 1433rd mtg.: Algeria, paras. 5-19; Brazil, paras. 27-33; Ethiopia, paras. 42-53; India, paras. 104-111; Pakistan, paras. 71-90.

¹¹ G A (XXI), Annexes, a.i. 33; G A (S-V), Annexes, a.i. 8; G A (XXII), Annexes, a.i. 37.

⁵ G A (XXIV), Plen., 1787th mtg., para. 4.

⁶ The five non-permanent members in italics at the bottom of each column are those whose terms of office expired at the end of the year.

⁷ S C resolution 253 (1968), para. 16.

12. At the twenty-first session of the General Assembly, on 17 November 1966, the Special Political Committee, to which the item had been referred for consideration, had before it a draft resolution submitted by Ceylon, Costa Rica, Ghana, Ireland, Liberia, Libya, Nepal, Philippines, Somalia and Togo, later joined by Uganda and Ivory Coast.¹² The operative paragraph of this twelve-Power draft resolution *inter alia* read as follows:

“1. *Decides* that, pending the adoption of an alternative system for financing peace-keeping operations,

“(a) Peace-keeping expenditure not otherwise covered by agreed arrangements or by items in the regular budget 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 balance unassessed by reason of this proviso shall be added to the sum apportioned on the group of Members in sub-paragraph (ii);”.

13. On 29 November 1966, the sponsors submitted¹³ a revised text. Under operative paragraph 1, the General Assembly would express the opinion that, pending the adoption of an alternative system for financing peace-keeping operations: (a) peace-keeping expenditure of up to \$100 million in any one year, which was not otherwise covered by agreed arrangements or by items in the regular budget, should be apportioned as provided in the original proposal;¹⁴ (b) expenditure in excess of \$100 million in any one year should be assessed *pro rata* on the group of economically developed Member States and the permanent members of the Security Council.

14. On 21 November 1966, Argentina, Canada, Chile, Iran, Italy, Nigeria and Norway submitted a seven-Power draft resolution,¹⁵ paragraph 2 of which, *inter alia*, read as follows:

“2. *Considers* that if the costs of a particular peace-keeping operation involving heavy expenditures are to be apportioned among the Members of the Organization this should be done in a manner which would provide for the equitable sharing of the above-mentioned costs, due account being taken of:

“(a) The special responsibilities of the permanent members of the Security Council;”.

15. On 8 December 1966, a three-Power draft resolution¹⁶ was submitted by India, the United Arab Republic and Yugoslavia; paragraph 1, *inter alia*, read as follows:

¹² G A (XXI), Annexes, a.i. 33, A/6603, para. 4

¹³ A/SPC/L.129/Rev.1. See *ibid.*, A/6603, para. 5.

¹⁴ A/SPC/L.129. See *ibid.*, para. 4.

¹⁵ A/SPC/L.130. See also G A (XXI), Annexes, a.i. 33, A/6603, para. 6. Revisions later made to this draft resolution did not alter the relevant paragraph (A/SPC/L.130/Rev. 4, *ibid.*, para. 10).

¹⁶ A/SPC/L.138. See also *ibid.*, A/6603, para. 13.

“1. *Decides* that the Special Committee on Peace-keeping Operations should continue, in accordance with resolution 2053 A (XX), the comprehensive review of the question of peace-keeping operations in all their aspects and in particular study the following:

“(a) The various methods of financing peace-keeping operations with due regard to:

“(i) The special responsibilities of the permanent members of the Security Council”.

16. On 14 December 1966, the three-Power draft resolution was withdrawn¹⁷ after a motion to give it priority in the voting had been rejected. At the same meeting, the Special Political Committee, by a roll-call vote of 33 to 27, with 48 abstentions, adopted the revised twelve-Power draft resolution as draft resolution A;¹⁸ after taking separate votes on various parts of the draft, it adopted, as draft resolution B, the revised seven-Power resolution as a whole, by a roll-call vote of 52 to 14, with 42 abstentions.¹⁹ It recommended both to the General Assembly for adoption.

17. At its 1499th plenary meeting on 19 December 1966, the General Assembly had before it a draft resolution submitted by eighteen countries,²⁰ whereby the report of the Special Political Committee containing the above-mentioned draft resolutions would be referred to the General Assembly at its fifth special session. The General Assembly adopted²¹ the eighteen-Power draft resolution as resolution 2220 (XXI), entitled “Comprehensive review of the whole question of peace-keeping operations in all their aspects”, and decided²² not to vote on the draft resolutions recommended to it by the Special Political Committee.

18. At its fifth special session, the General Assembly, at its 1521st plenary meeting on 23 May 1967, adopted²³ a draft resolution,²⁴ recommended to it by the Special Committee on Peace-keeping Operations, as its resolution 2249 (S-V) entitled “Comprehensive review of the whole question of peace-keeping operations in all their aspects”. Under it the General Assembly, *inter alia*, requested the Special Committee to continue its work and to study the various suggestions made during the fifth special session and to report to the General Assembly at its twenty-second session.

19. In the course of the consideration of the same item during the twenty-second session, the Special Political Committee had before it a draft resolution submitted²⁵ by Ceylon, Costa Rica, Ghana, Ireland, Ivory Coast, Liberia, the Philippines, Togo and Upper Volta (hereafter referred

¹⁷ G A (XXI), Spec. Pol. Com., 545th mtg., para. 67.

¹⁸ *Ibid.*, para. 70. See also G A (XXI), Annexes, a.i. 33, A/6603, para. 25.

¹⁹ G A (XXI), Spec. Pol. Com., 545th mtg., para. 71. See also G A (XXI), Annexes, a.i. 33, A/6603, para. 25.

²⁰ Afghanistan, Algeria, Burundi, Congo (Brazzaville), Guinea, India, Jordan, Mali, Mauritania, Sierra Leone, Sudan, Syria, Trinidad and Tobago, United Arab Republic, United Republic of Tanzania, Yemen, Yugoslavia and Zambia. (A/L.515). See also G A (XXI), Annexes, a.i. 33, p. 21.

²¹ G A (XXI), Plen., 1499th mtg., para. 94.

²² *Ibid.*, para. 106.

²³ G A (S-V), Plen., 1521st mtg., para. 123.

²⁴ G A (S-V), Annexes, a.i. 8, A/6654, para. 153.

²⁵ A/SPC/L.148. See also G A (XXII), Annexes, a.i. 37, A/6959, para. 4.

to as the nine-Power draft resolution). Its operative paragraph, *inter alia*, read as follows:

“Expresses the opinion that, pending the adoption of an alternative system for financing peace-keeping operations:

“(a) Peace-keeping expenditure of up to \$100 million in any one year which is not otherwise covered by agreed arrangements or by items in the regular budget should 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 balance unassessed by reason of this proviso shall be added to the sum apportioned on the group of Members in sub-paragraph (ii);

“(b) Expenditure in excess of \$100 million in any one year should be assessed *pro rata* on the groups in sub-paragraphs (a) (ii) and (a) (iii);”.

20. At its 583rd meeting on 8 December 1967, the Special Political Committee decided²⁶ to give priority in the voting to a revised draft resolution submitted by India, Mali, Singapore, the United Arab Republic, Yugoslavia and Zambia,²⁷ whereby the General Assembly would, *inter alia*, recall and reaffirm its resolution 2249 (S-V); request the Special Committee on Peace-keeping Operations to continue its work and to prepare its report for the twenty-third session of the General Assembly; and transmit to the Committee the records of the debates on this item, with the request that the suggestions and proposals contained therein be taken into account. The Committee adopted²⁸ the revised draft resolution by 75 votes to 1, with 8 abstentions, and recommended it to the General Assembly for adoption. The Chairman of the Committee then announced that the sponsors of the nine-Power draft resolution did not wish to press it to a vote.

21. At its 1629th plenary meeting, on 13 December 1967, the General Assembly adopted the draft resolution submitted to it by the Special Political Committee as its resolution 2308 (XXII) entitled “Comprehensive review of the whole question of peace-keeping operations in all their aspects”.

22. At its twenty-third and twenty-fourth sessions, the General Assembly adopted resolutions 2451 (XXIII) of 19 December 1968 and 2576 (XXIV) of 15 December 1969, respectively, on this item, whereby it recalled, *inter alia*, its resolutions 2249 (S-V) and 2308 (XXII), took note of the progress achieved in the Special Committee on Peace-keeping Operations, requested it to continue its work and transmitted to it the records of the debates on the item with

the request that the suggestions and proposals contained therein be taken into account.

23. In the course of the consideration of the draft resolutions referred to in the preceding paragraphs, a number of representatives stressed the special responsibility of the five permanent members of the Security Council under the Charter for the maintenance of international peace and security and maintained that those members should accordingly bear a greater financial responsibility in contributing to the financing of peace-keeping operations. On the other hand, some representatives expressed the view that the attempt to establish a system of mandatory financing of peace-keeping operations under General Assembly resolutions was contrary to the Charter of the United Nations, under which the Security Council had the primary responsibility for the maintenance of international peace and security, including financing of peace-keeping operations and that the proposed system of financing would thus deprive the permanent members of the Security Council of their special responsibility for maintaining international peace and security. One representative rejected in particular the principle of the special financial responsibility of the permanent members of the Security Council, while another representative stated that his delegation, while recognizing the special responsibility of the permanent members of the Council, could not accept the view that they should be compelled to pay a given percentage of the expenses of peace-keeping operations.

24. With reference to the proposal²⁹ that a permanent member of the Security Council who did not vote in favour of a given operation be exempted from contributing to its expenses, a number of representatives expressed the view that such a proposal would not only be contrary to the principles of sovereign equality and collective responsibility of Member States under the Charter, but would also be a denial of the special responsibility of the permanent members of the Security Council for the maintenance of international peace and security. It was argued on the other hand that the special responsibility in the financing of peace-keeping operations was deemed to devolve upon the permanent members of the Security Council as a group, and that the privilege conceded to those permanent members who did not vote for an operation was offset by the obligation—when they did vote in favour of such an operation—of paying for those of the five who had voted against or abstained. It was also argued that certain prerogatives of the permanent members of the Security Council formed a counterpart to their special responsibility in the maintenance of international peace and security, and were recognized under the Charter, as in the case of their right of veto.³⁰

²⁹ See G A (XXI), Annexes, a.i. 33, A/6603, para. 25, resolution A (A/SPC/L.129/Rev. 1), para. 1(a) (iii) and G A (XXII); Annexes, a.i. 37, A/6959, para. 4, A/SPC/L.148, para. 1(a) (iii).

³⁰ For texts of statements, see G A (XXI), Spec. Pol. Com., 516th mtg., Ireland, para. 14; 519th mtg., United Arab Republic, para. 13; 520th mtg., Ireland, para. 9; Libya, para. 25; Venezuela, para. 2; 521st mtg., Kenya, paras. 4 and 5; Philippines, para. 24; 522nd mtg., Argentina, para. 37; France, para. 18; 523rd mtg., Italy, para. 33; Pakistan, para. 9; Tanzania, para. 29; 524th mtg., Poland, para. 26; Uganda, para. 19; 525th mtg., Cameroon, para. 9; 526th mtg., Colombia, para. 22; Congo (Democratic Republic of), para. 51; Malta, para. 20; Tunisia, para. 41; 527th mtg., Ireland, para. 33; 545th mtg., Dahomey, para. 30; G A (XXI), Plen., 1497th mtg., France, paras. 200 and 206; USSR, para. 211; G A (XXII), Spec. Pol. Com., 573rd mtg., France, para. 39; 579th mtg., Poland, para. 23; 580th mtg., Congo (Democratic Republic of), para. 94; Tunisia, para. 19.

²⁶ G A (XXII), Spec. Pol. Com., 583rd mtg., para. 6.

²⁷ A/SPC/L.150/Rev. 1. See also G A (XXII), Annexes, a.i. 37, A/6959, paras. 5-11. Singapore joined the other five sponsors. Mali withdrew subsequently from sponsorship.

²⁸ G A (XXII), Spec. Pol. Com., 583rd mtg., para. 36.