



Wednesday, 1 November 1950, at 10.45 a.m.

Flushing Meadow, New York

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*President:* Mr. Nasrollah ENTEZAM (Iran).

### Appointment of the Secretary-General of the United Nations (A/1439, A/1460, A/1470) (*concluded*)

[Agenda item 17]

1. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): The debates so far have been fairly extensive and have shed light on a number of questions connected with the item on the agenda. I am therefore relieved of the necessity of constantly reverting to questions which are important but have already been discussed here in sufficient detail. I should like, nevertheless, to comment on some statements which were made after I spoke yesterday [296th meeting]. This seems to me important, inasmuch as a whole series of considerations put forward by various speakers, among them General Rómulo and Mr. Younger, require if only a brief analysis by those who defend the Charter and the principles of the Charter, and who demand that, in deciding the question of the appointment of the Secretary-General, we should follow the only normal and legitimate procedure—the procedure laid down in the Charter.

2. General Rómulo stated [297th meeting] that we had arrived at a deadlock and that what was happening in connexion with the extension of the term of office of the Secretary-General was a classic example of the impasses which result from the rule of unanimity.

3. That is not the case. The deadlock was not brought about because of the existence of the rule of unanimity—of the veto, as it is called; we arrived at a deadlock because the principle of unanimity, embodied in that rule, was not respected and because the rule was not observed. The principle of unanimity, as it applies to a recommendation concerning the Secretary-General, requires that, if one of the permanent members objects to a given candidature, the other permanent members

should respect this rule of unanimity—this principle—and should not insist on that candidature. That is what the Charter requires. That is the political and moral aspect of the matter which engendered the rule of unanimity. If this requirement of the Charter is fulfilled, it is impossible to arrive at an impasse, because such an impasse is created only when the rule of unanimity is violated, in other words, when the principle of respect for the rule of unanimity is violated.

4. The principle of unanimity does not oblige members of the Security Council to give reasons for their objections. The very fact of an objection on the part of one of the permanent members of the Security Council suffices for the question to be regarded as closed. If a vote is taken in the Security Council on questions which are not procedural, Article 27 of the Charter requires that there should be an affirmative vote of seven members including the concurring votes of the five permanent members. If, however, one of the permanent members casts a negative vote, the question is considered closed, provided, of course, that the unanimity rule is respected and taken into consideration, and provided one acts on the principle that the rule is binding. In that case, no one has the right to demand that any permanent member of the Security Council which voted against the proposal concerned should explain why it voted against the proposal or to begin a discussion on whether or not that permanent member of the Security Council had any grounds for objecting to the proposal.

5. No one has the right even to put the question in that way, since we are dealing here with a sacred right, the exercise of which is at the discretion of those who have it, and which is not subject to any discussion. That is the meaning of Article 27 and of the principle of unanimity. On that principle is based the responsibility of all the permanent members of the Security Council, which constitute the basic nucleus of the Security Council.

cil; and it is that Council which bears the primary responsibility for the maintenance of international peace and security against any threat of aggression. We observe that rule.

6. When the question of the appointment of the Secretary-General was discussed in the Security Council, the USSR delegation proposed and supported the appointment of Mr. Modzelewski, the Minister for Foreign Affairs of Poland, to the post of Secretary-General. The majority did not vote for that nomination. The Soviet Union delegation did not then take an attitude, or rather, a pose of indignation and, above all, of caprice. We did not declare then that, if the members did not reconsider the question and did not vote for Mr. Modzelewski, we should vote against any other candidate or use the veto. But that was what the United States delegation did, in the person of Mr. Austin, in connexion with the other candidatures. Since the candidature we had proposed failed to secure the support of the majority, we considered the incident closed; our attitude would have been the same had that support been refused by only a single delegation representing a permanent member State of the Security Council. We turned to the consideration of other candidatures.

7. After Trygve Lie's candidature had been proposed and we had voted against it, it was incumbent upon the other members of the Security Council, and particularly upon the permanent members, to respect our position in the matter, to reckon with it and not to create a deadlock. What, then, should be done in such a case? Simply what we did with regard to the Polish candidature, which we set aside. Be good enough, then, to set aside Trygve Lie's candidature too, seek a third solution, seek a third candidate! In fact, there was not just one third candidate, there were four—General Rómulo, Mr. Charles Malik, representative of Lebanon, Sir Benegal Rau, representative of India, and Mr. Padilla Nervo, representative of Mexico.

8. Mr. Younger—I believe he is not here and apologize for speaking in his absence, but I think it would be more desirable that he should be present—said here [297th meeting] that the opinion of the majority should be respected. But in that case it is necessary in the first place to speak of the respect due to the Charter, and to the fundamental principles of the Charter, and also to the rights of the minority. For only the Charter can protect the minority and its rights against the encroachments of a majority whose strength lies in its size and in the fact that its members act on the basis of prior agreement and organize blocs and groups which are numerically superior to any other group, a majority which can therefore automatically exert pressure at any point, at each step and in regard to any measure which it wants to take because such a measure serves its own interests.

9. In these circumstances, the rights of the minority, as I said yesterday, and I want to reiterate today, are sacred rights. If we speak of respect for the majority, then the majority should think of respecting the rights of the minority.

10. We are told that the deadlock is due to the rule of unanimity; General Rómulo made that point and was supported by Mr. Younger and some others. I submit that this is not so, and that the trouble is the unwillingness of certain representatives to respect the Charter

and its provisions, which offer an excellent way out of the deadlock.

11. Suppose that one candidate has not been supported by a single permanent member of the Security Council, and suppose that a second candidate has not been supported by one permanent member of the other political camp; in that case, let us find a third, a fourth, a sixth, a tenth candidate. There are sixty delegations here, representing most of the world; there must be someone who can break the deadlock by the normal methods provided in the Charter. Of course that could be done, especially since the opponents of our proposal do not object to the candidates personally. Have we not heard here the most flattering eulogies of Mr. Padilla Nervo, General Rómulo, Sir Benegal Rau and Mr. Charles Malik? All who spoke of them—well or ill, that is their business—emphasized that there was no objection to any of them.

12. Let us consider the full logical implications of this situation. Let us assume that two States have become capricious—not only the United States, but also the USSR. In that case, both the capricious parties would have to be pacified. The majority of the members of the Security Council would have to find a third course, which both Powers would have to respect. And we are prepared to respect it. We are prepared to support any candidature, if that candidature is suitable. What is there to prevent the United States from following such a course? What prevents it, as we have heard here, is political prejudice, bad political motives.

13. It is said that we want to punish Trygve Lie for his Korean policy, for his support of the policy of the majority. If that were the case, it would be absurd for us to support the candidature for the post of Secretary-General of any other member of that same camp, who also pursued, perhaps even more energetically, that same Korean policy to which we object and which we have censured here. What kind of logic is this? Why should the removal of Mr. Lie from the office of Secretary-General for the reasons we have stated be regarded as a punishment for his Korean policy? Why, in that case, should political figures who bear no less responsibility for that policy than he be appropriate candidates? There must be some consistency, after all.

14. Hence General Rómulo, by proposing that Trygve Lie should be appointed for a further term in the absence of a recommendation from the Security Council, is certainly not helping to find a way out of the impasse; on the contrary, he and many others who support this proposal submitted by the Anglo-American bloc are making it worse. They are simply aggravating the deadlock instead of breaking it by deciding to respect the principle of unanimity, to recognize that one of the permanent members has every legal right to object to any candidate—whatever motives may be ascribed to it for so objecting—to withdraw the disputed candidature and to look for other candidates; and that can be done, if a real attempt is made. Indeed, from certain statements which were made yesterday it may be concluded that even those who are not in favour of this course do not regard Trygve Lie as really suitable, even from their own point of view, and that, were it not for this far-fetched political motive, his value to the United Nations would not be particularly great, since others are not worse and might even be better.

15. What, then, is the crux of the matter? It is that a certain influential delegation, representing a certain influential State—I shall name it openly, it is the United States—is seeking at any cost to retain the same Trygve Lie for a further term.

16. General Rómulo, in the statement to which I have already referred, displayed a characteristic lack of respect for the Charter and, consequently, for the United Nations. He stated openly that, although the Security Council was unable to make a recommendation with regard to Trygve Lie, the Philippine Government whole-heartedly supported Trygve Lie's appointment. That was a really surprising statement, especially coming from such a guardian of the Charter as General Rómulo proved himself to be in his capacity as President of the fourth session of the General Assembly.

17. How can such statements be made? General Rómulo admits that the Security Council has made no recommendation, although a recommendation is required. He does not deny this. At the same time, he says: "nevertheless, we shall support Trygve Lie's appointment". I wish to stress the word "appointment". Thus he did not conceal the fact that it is a question of an appointment.

18. General Rómulo thus proposes that Trygve Lie should be appointed without a recommendation of the Security Council; he is acting, it seems, not on the basis of the Charter, but of the orders he has received from a certain quarter. General Rómulo does not wish to recognize or observe the requirements of the Charter. He says: "the United Nations must have a Secretary-General". We also consider that the United Nations must have a Secretary-General, but we consider that it should have a legitimate Secretary-General, that is to say, a Secretary-General who would hold that post on a legitimate basis, on the basis of the law laid down in the Charter. But General Rómulo does not want to take that into account; his reasoning seems to be as follows: "we must have a Secretary-General, even if he has to be appointed to that post illegally". As for us, we say: "we must have a Secretary-General who has been legally appointed".

19. General Rómulo proposes that we should take the line of least resistance, alleging that this would free us from what he called impotence. He does not realize, however, that it is he who is showing a "position of impotence", to use his phrase, on a question which he alleges to be merely of an administrative character.

20. If this is indeed a simple, administrative question, it is the more unpardonable and inadmissible for Mr. Austin, Mr. Younger, Mr. Pearson and others to maintain that an important principle is involved and to place the question on a high moral plane by comparing it with the attitude of the USSR to the foreign policy conducted here by Mr. Austin, a policy with which we are allegedly dissatisfied. We are displeased not only with the policy of Mr. Austin, but also with that of Trygve Lie, but we do not connect the one displeasure with the other because the selection of a Secretary-General is indeed an administrative question, although it is very important and undoubtedly has political significance. Thus the sponsors of the proposal for the extension of Trygve Lie's term of office should eliminate the contradictions which exist in their arguments.

21. Let us assume that this is indeed a simple, administrative question, which can be settled simply by agreeing on a candidate who would satisfy everybody. But that means, in the first place, abandoning the policy of using the veto against every other candidate, in other words, renouncing the threat that the veto will be used in the case of every other candidate—the second, the third, or the tenth. But that is precisely the threat made by the United States representative, Mr. Austin. If, then, the way out of the impasse is indeed renunciation of the veto, as General Rómulo said, that renunciation should also extend to the threat to use the veto. And in that case, the first step should be taken by Mr. Austin, since it was he who threatened to use the veto and in fact used it by influencing others to support his abstention.

22. I have frequently maintained, and my delegation has frequently stated, that the veto can take various forms. It can take the form of silence. It can also take the form of a conspiracy of abstention: if everybody abstains except for two members who vote against, and one who votes in favour, the proposal is rejected, having failed to secure the seven votes required by the Charter.

23. Is this not the same veto? Of course it is also a veto; it is the same principle of resistance achieved in an organized manner. Mr. Dulles openly states in his book *War or Peace*—I have already mentioned this, but think it advisable to recall it now—that it is unnecessary for the United States to use the right of veto while it has a majority. He used the words "a majority . . . friendly to the United States".<sup>1</sup> We know that friendship may be obtained by various means, such as threats, pressure, money, economic dependency, and so forth. You know this as well as I do, perhaps even better.

24. Thus, all the views expressed here by the respected General Rómulo are a general's, a soldier's, or, rather, a sergeant-major's arguments: one, two, three, left turn, march! Orders are orders! There is not a scrap of logic in this.

25. How does General Rómulo propose that this deadlock should be broken? He speaks of a vacuum and says: "this vacuum must be filled by adopting the draft resolution submitted by the fifteen delegations". I have already said, however, that there is a better method, a method provided for in the Charter; that is the method we have adopted. We maintain that it is essential to break a deadlock and to fill a vacuum by following the course laid down, established and pointed out by the Charter.

26. The representative of Pakistan, Sir Mohammad Zafrulla Khan, said [297th meeting] that the Security Council could do nothing more and that the solution of such a problem could not be postponed until the end of the session. I should like, incidentally, to say a few words about Sir Mohammad Zafrulla Khan, since he frequently comes forward here with legal analyses.

27. I should like to remind Sir Mohammad and those who may be swayed by his arguments that, unless I am mistaken, the session will not end for another forty days. I think that it is proposed to close the session between

<sup>1</sup> See Dulles, J. F., *War or Peace*, New York, The Macmillan Co., 1950, page 195.

10 and 15 December, and today is 1 November. Thus, we have at least forty to forty-five days. I believe, however, that if we were to take the course laid down in the Charter, we could reach agreement in five minutes by accepting one of the candidates to whom no objections were raised and setting aside any candidate who is opposed by anyone, not only by the five permanent members of the Security Council, but by the other six non-permanent members.

28. If Egypt, Cuba, Norway, India or any other non-permanent member objects to any candidate, I should be prepared—and I am sure that my colleague, Jacob Malik, will agree with me—not to object to any candidature, out of respect—I repeat, out of respect—not only for what may be termed the arithmetical minority, but also out of respect for the rights of that minority and for the principles on which it should base its position and in accordance with which it should act.

29. It is therefore absolutely incomprehensible that Sir Mohammad Zafrulla Khan should have said that nothing could be done. What would happen if the matter were postponed for two weeks, or four weeks? Would there not be time to take a vote on it before 10 December? But you have decided to pursue this course. Why do you insist on settling the matter today? Because you do not want to give us an opportunity of continuing our discussions and our attempts to reach agreement.

30. We know of cases where the five permanent members of the Security Council or the Foreign Ministers of the great Powers could not reach agreement not only for months, but even for years. One of the most difficult and insoluble problems during the drafting of the peace treaty with Italy was the question of the Italian colonies. Although many meetings of the Council of Foreign Ministers were devoted to that question, no solution was found: one year passed, then another and then a third. But in the end a decision was reached, a unanimous decision which solved the question and which was included in the peace treaty in the following form: "If with respect to any of these territories the Four Powers are unable to agree upon their disposal within one year . . . the matter shall be referred to the General Assembly of the United Nations for a recommendation".<sup>2</sup> As you know, the General Assembly took a decision, which all four Powers, the five great Powers, undertook to observe and have observed.

31. Of course, you will say that you are not interested in examples. Why? I am therefore surprised that the Foreign Minister of Pakistan, who is always a logical thinker, should have departed from his normal practice. His reasoning is not logical but contradictory and, what is more, it is as unsubstantial as any argument can be which says that "it is too late for action" when there are still forty days ahead.

32. Mr. Younger said that, although the Charter admittedly made no reference to an extension of a term of office, it did not forbid it. The deduction is that we may do anything which the Charter does not forbid. The Charter does not, for example, say that representatives may stand on their heads. None of them, however, stand on their heads—they all stand on their feet. The argument that what is not forbidden is permissible

does not, therefore, hold water. No criminal code lays down that swindling, rape or murder are forbidden or that theft is permitted. But they state that, if you commit murder or if you rob someone, you will receive a specific punishment. It follows therefore from Mr. Younger's logic that I am free to murder, because murder is not forbidden but is merely described as punishable. I do not know what sort of logic that is. Yesterday, we were given a taste of French logic and today we are being given a taste of English logic. But that is not logic as the world in general understands it; it is not even logic at all.

33. Mr. Younger is wrong for the further reason that resolution 11 (I), adopted by the General Assembly on 24 January 1946, provides the following: "The same rules apply to a renewal of appointment as to an original appointment". I am quoting paragraph 4 (c) of that resolution. I should be glad if someone could explain to me the difference between an extension of appointment and a renewal of appointment.

34. I am very glad that Mr. El-Khoury is the next speaker. I shall ask him either to refute what I have said or to answer this elementary question: what is the difference between "appointment" and "renewal of appointment"? What is the difference? In both cases there is an appointment. I have a second question to put. What is the difference between the renewal of a person's appointment and the extension of the appointment of the same person? Does it make any difference whether I say "Trygve Lie's appointment must be renewed for a specific period" or "Trygve Lie's appointment must be extended for a specific period"? I see no difference.

35. Consequently, even if we take the point of view of the majority that it is a question of extending the term of office, that is in effect a "renewal of appointment", nothing else. This being so, I would ask you to be good enough to carry out the terms of General Assembly resolution 11 (I).

36. We are told in reply that, while that General Assembly may have taken one decision, the present Assembly is free to take another. That would, however, be the height of arbitrariness: it would be an absolutely intolerable method of conducting our work. It would mean that every decision taken by the General Assembly would be amended in the light of the attitude we chose to adopt to this or that question later. Of course, the General Assembly laid down that provision and is also free to revoke it. But before you can take action on the basis of a provision which has been revoked, you must first revoke it. Revoke it then, and you will be in a position to say: "Reference should no longer be made to the resolution of 24 January 1946 but to that of 1 November 1950. Here you have a new rule and a new decision, to the effect that there is no need to comply with the provisions laid down on 24 January 1946."

37. You will, however, encounter a very serious obstacle, because the existing provision is based on Article 97 of the Charter and you would thus be faced with the necessity of revoking the Charter also. I am aware that many of you are prepared to go to those lengths, without regard for any considerations, without regard for Article 109 of the Charter or for the procedure laid down in the Charter for the amendment of its pro-

<sup>2</sup> See Treaty of Peace with Italy, Annex XI, paragraph 3.

visions. But all this would be a violation of the law and we shall resolutely oppose such violations.

38. It is also contended that, since the General Assembly appointed the Secretary-General for a term of five years, the Security Council is not concerned with the question under discussion. The General Assembly may, it is asserted, extend and, so to speak, permit a renewal of appointment for any period without reference to the Security Council.

39. But you are overlooking one fact. In the first place, paragraph 4 (a) of General Assembly resolution 11 (I) states: "There being no stipulation on the subject (i.e., extension of appointment) in the Charter, the General Assembly and the Security Council are free to modify the term of office of future Secretaries-General in the light of experience". You are now changing that. You are saying "for three years". Not for five years, but for three. Who then will this be? The next Secretary-General or the same one? But he is already the next one.

40. Consequently paragraph 4 (a) of the resolution does not entitle you to exclude the Security Council from this procedure. If we are to abide by the Charter, the General Assembly cannot modify the Secretary-General's term of office by unilateral action, without reference to the Security Council. If we abide by the Charter, only the General Assembly and the Security Council, acting together, can modify that term.

41. But perhaps our approach to the interpretation of the Charter is incorrect? In that case, let me put another question which any lawyer—and in this particular instance not only a lawyer—could answer without difficulty, namely, what basic rule should be followed in interpreting a law?

42. The basic rule—and this is recognized everywhere—is that we have to start with the fundamental provision enunciated in that law, with the provision which requires interpretation. What, then, is the provision that is fundamental in that sense and that we have to interpret? It is the provision concerning the modification of the term of office, concerning the procedure governing such modification. If General Assembly resolution 11 (I) provides that the term of office must be modified in a specific way, namely, by the General Assembly and the Security Council, how should that provision be interpreted in relation to the present case? Inasmuch as someone is being appointed for a new term and, inasmuch as that term is no longer to be five years but three years or even, as has been suggested, one year, or for ever or for an indefinite time, or until a date which will probably never arrive—and that is apparently the intention with regard to the respected candidate round whom the struggle revolves today—it can of course only be interpreted to mean that we must by-pass the Security Council.

43. But I maintain that, if we are dealing with the term of office, whatever it may be, and with its modification, we must be guided by the only provision contained on that subject in the Charter, which stipulates that the term of office of future Secretaries-General may not be modified by unilateral action on the part of the General Assembly but, must be effected solely in accordance with the Charter, in other words, by the General Assembly and the Security Council.

44. This is precisely the situation in which we find ourselves today and we can by-pass the Security Council only by committing a flagrant violation of the Charter. The Security Council is not even being consulted. The question has arisen of reappointing the Secretary-General for a further, reduced term or of extending his previous term of office. But I should like to know whether the Security Council has in fact discussed that question. It has discussed the question of appointing a Secretary-General and has considered various candidates. But has the Council been consulted on the question of extending the Secretary-General's term of office or reappointing him or on the question of modifying his next term of office? Is the Security Council not in fact concerned with that?

45. If it is concerned with the appointment of a Secretary-General, is it not also concerned with the question of who will fulfil his functions after the expiry of the original term of office? Would it not be correct to describe this flagrant disregard of the Charter and the Security Council as a mockery of the Charter, of the principles it sets forth and of the United Nations as a whole? Is it not an arbitrary action which the emboldened majority has seen fit to perpetrate against the minority, the Charter and the constitution under which our Organization has been established?

46. Our Organization cannot live or operate without respect for the Charter. It will die, it will wither away, it will collapse. That is precisely what the sponsors of this draft resolution are aiming at. And they have the effrontery to assert, as Mr. Pearson has asserted here, that neither the Charter nor a General Assembly resolution can render the whole Organization ineffective.

47. No, it is acts such as these which will doom the General Assembly to inactivity, or, worse still, to criminal acts which can find no justification or shadow of justification in the Charter. But to lose our respect for the Charter is to lose our respect for the Organization itself, to lose respect for ourselves.

48. Mr. Pearson is somewhat frivolous in his treatment of so important an issue as the one with which we are now concerned. He has an equally frivolous and off-hand approach to the attitude which a number of delegations and, in particular, that of the USSR, will adopt towards the illegally appointed Secretary-General.

49. I have already indicated what the attitude of the Soviet Union will be. We shall not recognize such a Secretary-General as the legal holder of that office, because he will have been continued in office illegally. What is illegal is illegal and we cannot be compelled to admit that black is white and that illegality is legality. According to Mr. Pearson, the responsibility in this regard will rest, not with those who are flagrantly and cynically violating the Charter, but with those who are defending it and upholding the honour and dignity of the United Nations.

50. Mohamed SALAH-EL-DIN Bey (Egypt): The question before us is highly important. The election of the Secretary-General, who supervises the administrative and executive functions of our Organization, is no trivial matter, especially when it provokes such sharp disagreement, involves the interpretation of one of the most important provisions of the Charter and is likely to create a precedent which would bind our Organiza-

tion. It is therefore necessary that we should be very careful in dealing with this question and that the position should be completely clarified, not only with regard to the two viewpoints presented to us by the representatives who have spoken before me, but also from the technical viewpoint which reconciles logical analysis and proper interpretation of the provisions of the Charter with accomplished facts and factors relative to the necessities of our work.

51. The Egyptian delegation, in this connexion, will not follow the method sometimes adopted, of determining the objective and then seeking to justify it. It will adopt the method of interpreting the provisions of the Charter in the light of the practical situation which confronts us, regardless of the ultimate result we may eventually reach. I need not say much after having heard the detailed speeches from both sides in support of their respective viewpoints, which are to a great extent worthy of consideration.

52. The viewpoint of the Soviet Union, which is based on Article 97 of the Charter and on General Assembly resolution 11 (I) of 24 January 1946, is that a recommendation by the Security Council is necessary in order to have the Secretary-General appointed by the General Assembly.

53. The Egyptian delegation does not doubt for one moment, in principle, the validity of this viewpoint. But what is to be done in the event of the Security Council being unable to make the required recommendation to the General Assembly? The period of five years, which is fixed in the General Assembly's resolution, is nearly over. Will the Organization remain without a Secretary-General when we are all agreed on the importance of his functions and responsibilities? I do not imagine that any of us hold such a view. Nor can any of us rightly interpret Article 97 of the Charter in a way that would lead to a result which would be unacceptable both logically and in practice.

54. What, then, is the solution? The only solution naturally is to refer the matter to the General Assembly to deal with as it deems fit. In other words, once the Security Council concedes failure to reach an agreement on making a recommendation to the General Assembly concerning the appointment of a Secretary-General, the Council has exhausted its competence. I may even say that it has abandoned its competence in favour of the General Assembly. To speak differently would mean giving the Security Council or any one of its permanent members licence to obstruct a most important function of the Organization. The Charter cannot conceivably have such an aim.

55. Of course, it must first be proved to us that the Security Council has been unable to make the recommendation required of it. This indeed is the situation in which we find ourselves today.

56. I am not basing this conclusion on the letters of the President of the Security Council dated 12 and 15 October [A/1439 and A/1460], for all that can be gathered from these two letters is that the Security Council held four meetings during which it could not agree on the recommendation to be made to the General Assembly concerning the appointment of a Secretary-General. It is possible for some members to maintain that these four meetings were not sufficient and that the Security

Council should continue to try to reach an agreement. Some of us may even feel that the members of the Security Council should remain behind closed doors until they agree on a recommendation. This may be conceivable, but we all know that the situation is more complicated than the two letters of the President of the Security Council may convey.

57. Whatever may have been the terms used by the representative of the United States at the meetings of the Security Council or at those of the permanent members concerning the attitude of his government toward the appointment of the Secretary-General, it is definitely established that the present situation is as follows: the veto was used against the recommendation for the reappointment of Mr. Trygve Lie, and the veto would be used, if necessary, against a recommendation for the appointment of any candidate other than Mr. Trygve Lie.

58. There is no need to dwell on the reasons given by each party for taking its respective stand. In my view it would serve no end except to provide a fresh example of the disadvantages of the right of veto. I think all will agree with me that the only description to be applied to the situation reached in the Security Council is that of a deadlock. In other words, the Security Council has been unable to exercise the functions vested in it by Article 97 of the Charter. It is inevitable, therefore, that these functions should go to the General Assembly, as we have already pointed out.

59. However, this competence cannot go to the General Assembly restricted by any condition, but it should be entire and intact. This is plain enough. The General Assembly becomes the master of the whole situation. No one, of course, is entitled to limit its competence to a certain proposal or to a certain candidate. I make it a point to say this lest it may be understood that our competence in considering this question is limited to the proposal which has been submitted, namely, that the present Secretary-General should be continued in office. I feel in duty bound to give a warning in this connexion, if our judgment is to be sound and based on full cognizance of the Charter, and if we are to avoid unsound precedents that may be used against us in the future.

60. Moreover, the limitations of the General Assembly's competence to the extension of the Secretary-General's term of office may lead to a very odd situation which would not be acceptable to any of us, namely, the perpetuating of the term of office of the present Secretary-General in the event of the repeated failure of the Security Council to recommend another candidate. The whole question is therefore reduced to this, that the General Assembly is entitled to approve or reject the proposal submitted by the fifteen co-sponsors as well as to consider any other proposal on the nomination of any other candidate.

61. The General Assembly should, in all events, follow in voting the established procedure for the election, since all these proposals have in fact one object, namely, the election of the Secretary-General.

62. Needless to say, if the permanent members of the Security Council which have the right of veto should decide after these lengthy and critical discussions to try again, or if the General Assembly should ask the Secu-

rity Council to make a fresh effort, we should welcome such a move.

63. For these reasons the Egyptian delegation will support the Soviet Union draft resolution [A/1471]. If this draft resolution is rejected by the General Assembly, I am afraid that many will find themselves, as we do, forced to abstain from voting on the joint draft resolution.

64. Faris EL-KHOURI Bey (Syria): I should like to tax the patience of the representatives for a few minutes in discussing the legal aspects of the case before us.

65. It is well known that the legality of any proposition is a fundamental basis for its adoption. In political matters some politicians would consider that legality is not necessary when the necessity of action is present. They might evade legality and adopt certain resolutions which are rather illegal, but there is a general doctrine which prevails that legality is essential for any decision or any action to be taken, even in political matters. Any problem solved on a wrong basis is not considered to be solved; if it is solved legally and in the right way, it is considered solved. Otherwise, the problem would remain unsolved, awaiting solution on a legal and righteous basis.

66. Many speakers on this subject have been discussing the legal aspect of the case; others have been discussing it from the political angle. The representative of Egypt, who just preceded me, has dealt with the legal aspect of the question. I should like to comment a little on what he said and also to take up some other points which I think would be proper for the consideration of the Assembly.

67. Some previous speakers have said that the Organization of the United Nations cannot remain without a Secretary-General, whose position is very important for the conduct of the executive and administrative work of the Organization. One representative made reference to a legal opinion given by the International Court of Justice in regard to Article 4 of the Charter,<sup>3</sup> to the effect that the General Assembly cannot take any position on the admission of new Members to the United Nations without the recommendation of the Security Council. He said that Article 97 would, in that case, resemble Article 4. I say that there is some difference between the two articles mentioned and the effect which results from the application of both of them.

68. In the matter of Article 4 of the Charter, it is quite conceivable that, if the Security Council did not make the required recommendation, there would be no direct harm to the Organization because the question of the admission of an applicant State was deferred for one, two or three years. But in the matter of the Secretary-General Article 97 should be so applied as to ensure an appointment, because the Organization cannot continue its work without a Secretary-General. There is that difference between the two cases, and because of it we cannot apply in the matter of the Secretary-General the legal opinion pronounced by the International Court of Justice in connexion with the question of admission to membership.

69. But let us consider the matter from the other standpoint. Article 97 requires a recommendation from

the Security Council. Therefore the Security Council should make such a recommendation. It cannot give up the problem and leave it unsolved, but should find some way of making the recommendation. Some delegations have suggested here that the Security Council should hold further meetings—another four or even eight—in order to reach a solution and to agree upon a recommendation, but I am afraid that under the system at present operating in the Security Council it would be useless even if that body met again a hundred times. This is especially so since we have heard the representative of one of the permanent members declare officially and before all the world that any proposal for any candidate other than the candidate he supports—that is, the present Secretary-General—would be vetoed by him. In that case what would be the use of nominating candidates who would be opposed and vetoed by one of the permanent members of the Security Council? So long as any permanent member of the Security Council intends to use its right of veto against any candidate it does not approve we cannot reach any solution of the problem.

70. Is it true, in the light of what the sponsors of the joint draft resolution and the President of the Security Council have reported to us, that the Council has in fact failed to find a way out of the difficulty? We must find some way out of this impasse which they claim exists. What is the way out? I have a way to suggest, and if the Security Council were to adopt it, it would extricate the General Assembly from the difficulties with which it now finds itself faced.

71. Is it necessary for the Security Council to recommend to the General Assembly one candidate only? Does Article 97 of the Charter impose upon the Security Council the recommendation of one candidate only, and is such a recommendation consistent with the dignity of the General Assembly? Should the General Assembly be dictated to and instructed or ordered by the Security Council to appoint this gentleman and no other? Is it proper for the Security Council to say: "we give you one name only"? This matter was discussed in San Francisco when Article 97 was drawn up and, as I remember it, the general conviction there was that the Security Council was not bound to recommend only one candidate but could nominate two or three, or even more, and thus leave the General Assembly free to choose among them by majority vote.

72. Why do the members of the Security Council not exercise this tolerance and accept candidates proposed by their colleagues? They should not veto candidates proposed by other representatives. If the candidacy of Mr. Trygve Lie, proposed by the United States, were not vetoed by the Soviet Union, and if a candidacy proposed by the Soviet Union were not vetoed by the United States, or any other permanent member of the Council, then two candidates could be presented to the General Assembly, and whichever received the majority of votes in the Assembly could be appointed. Would there be any harm in that method? The final choice would be left to the General Assembly. The majority of votes would go to the person in whom representatives had the most confidence, and he would be appointed as Secretary-General.

73. The question of the appointment of a Secretary-General is now before the General Assembly. A pro-

<sup>3</sup> See *Competence of Assembly regarding admission to the United Nations, Advisory Opinion: I.C.J. Reports 1950, page 4.*

posal has been submitted by fifteen delegations that Mr. Lie's term of office should be extended for three years. Its authors feel that there is no other way out of the impasse.

74. The representative of Egypt has stated that the General Assembly should not be bound by any one procedure, that it should have full liberty to decide whether to extend the term of office of the present Secretary-General or to choose among other candidates.

75. Some representatives have asked whether there is any provision in the Charter permitting an extension of the Secretary-General's term of office; they have said there is none. Others have asked: "But is there any provision in the Charter prohibiting an extension?"

76. It is true that the Charter neither allows nor prohibits such an extension. But there is a procedure set forth in the Charter for the appointment of a Secretary-General. It is therefore the legal procedure, and any other is out of order. For instance, let us suppose that a certain door was designated as the entrance to an official reception, and a person came in through another door. He could say: "Is there anything in the invitation which prohibits the use of another door?" The answer is: "No, but the entrance has been fixed and you may not use any other".

77. The procedure for the appointment of a Secretary-General is fixed by Article 97 of the Charter. Any other procedure is illegal. I do not think that the proposed extension of the term of office is a correct procedure. Some maintain that, since the General Assembly itself fixed the term of office at five years in 1946, the Assembly may now adopt a new resolution changing the term to eight years or ten years, if it so wishes. But could such a provision be applied retroactively to the previous appointment, or must it apply only to future appointments? I think it must apply to future appointments. If the Assembly wished to apply the provision retroactively, it could so vote upon a proposal to that effect. There is, however, no such proposal before the Assembly now.

78. In fact, we know that during the last two weeks we have been met in the General Assembly by different interpretations of the Charter. Attempts have been made to interpret the Charter in a way which is not clear from the text. Attempts have been made to find other interpretations which might satisfy a need in which we find ourselves.

79. What are the reasons and the necessity for these interpretations? All have been created by the rule of unanimity which exists in the Charter. These vetoes, which have been repeatedly exercised by the privileged permanent members of the Security Council, lead the opponents to find other interpretations of the Charter in order to get out of the impasse in which they find themselves. I consider that the permanent members of the Security Council conceived all these interpretations and produced all the impasses into which we have fallen. The permanent members should be more tolerant in their behaviour to each other. Why should they not try to limit their use of the veto, especially in such a case? Why should they veto one candidate for the office of Secretary-General? They should not veto any of the candidates; they should give a chance to all the mem-

bers of the Security Council to present names of candidates.

80. I was certainly pleased to hear Mr. Austin, the representative of the United States, saying from this rostrum [296th meeting] that the other candidates proposed by the representative of the Soviet Union were all respected people, that they were liked and esteemed and that they were considered able and fully qualified to fill the post. Mr. Austin said, however, that he did not wish the present Secretary-General to be punished.

81. I do not know why he considered that the presentation of more than one candidate to the General Assembly would be a punishment for Mr. Lie. Mr. Lie has a very good majority in the General Assembly, it would appear. If other candidates were proposed at the same time, he might win in a legal manner. He would then enter upon his functions through the right door, and there would be no chance then for the Soviet Union representative to say that his government would not recognize Mr. Lie. He would be recognized if he entered through the right door. Why should we make him come through the window or through the back door? He is big enough to enter through the door and perhaps too big to enter through the window.

82. I think that Mr. Austin should appreciate this situation, and that the Security Council should try, at another meeting, to recommend more than one candidate to the General Assembly, thus giving us a choice so that all the delegations could give their vote to the person in whom they have confidence. I think that now there are many who will abstain from voting on this draft resolution, or who may oppose it, not because they are hostile to Mr. Trygve Lie, but because they find that the procedure is not legal. We do not wish to support or to adhere to any procedure in the General Assembly which could be opposed from the legal point of view. So long as we can apply the law and act legally, why should we go through the back door and try to find a new interpretation of the Charter?

83. Appointment does not mean extension; appointment means appointment. A recommendation by the Security Council does not necessarily mean a recommendation of only one person; the Security Council may recommend more than one if its members wish to adopt that approach in order to facilitate the task before the General Assembly and in order not to leave us in this impasse.

84. The representative of China said yesterday [297th meeting] that, although the Security Council has not agreed up to this point, that does not necessarily mean that it will be impossible for the Security Council to agree within the next three years. It is not inevitable that the present animosity and opposition and hostility will be continued for three years; the members of the Security Council may find a way out tomorrow, may find a way next month. Why should we proceed, on the assumption that it is impossible to reach agreement in the Security Council, to act in a way which is contrary to the course indicated in the Charter? The representative of China said that we might change the draft resolution to read that Mr. Trygve Lie should continue in office until the Security Council was able to make recommendations under Article 97 of the Charter. Well, we might give the Security Council a chance to reconsider the situation and to try to harmonize matters



and to reach agreement on more than one candidate. As long as it is considered that the Security Council can recommend only one candidate, it will be difficult to attain any results.

85. This is the first time that we have been faced with this impasse. But it seems evident that it can be repeated. Who knows whether the same thing will not happen again after three years, or after one year, or after five years? One permanent member of the Security Council may declare—as one has declared this time—that it will veto any candidate except its own. Then they will come to us and say: "We are in an impasse. We should extend the term of office. Why should we extend the term of office? Because it is impossible for an appointment to be made. Under Article 97 of the Charter, an appointment has to be made upon the recommendation of the Security Council. As long as there is no recommendation, we cannot appoint. What should we then do? We should extend the term of office."

86. That is the way out which is likely to continue, which is likely to be repeated forever. I do not think that the members of the General Assembly are willing to establish such a precedent and to leave themselves and the Organization in such an impasse for the future.

87. I am sorry; I should have liked to have before me some legal draft resolution which I could have supported. But I consider that the draft resolution which has been presented is not in conformity with the Charter, and I have given a pledge never to support any action which is not legal. I appeal to all the delegations to be interested in the legal aspects of any question put before us. It would be much better for the reputation and the solidarity of the General Assembly to stick to that principle and to keep that doctrine sacred. I say again that I am sorry, but I cannot support this draft resolution.

88. It seems that there is practically a revolt in the General Assembly against the Security Council. It has been manifested in different forms during this session from 19 September until now. I may comment that this revolt is not unexpected. It was preceded by many warnings to the Security Council and its permanent members to take heed of such a future explosion which might come about as a result of the obstructions and frustrations practised in the Security Council on many matters, which have been patiently endured by the Member States.

89. Another way in which the Member States have been frustrated has been in regard to the question of the admission of new Members. I believe that there will also be a revolt in connexion with that matter. Nobody can endure for a long time the elimination of large States like Italy from the United Nations. They have the right to be among us, but the veto in the Security Council has prevented their admission to the United Nations. We also hope that this situation will be remedied so as to avoid another revolt by the bold action of the General Assembly against the veto exercised in the Security Council, even though it may lack a certain legality.

90. Mr. CHAMORRO (Nicaragua) (*translated from Spanish*): My delegation wishes simply to explain briefly why it has joined in sponsoring the draft resolution under consideration.

91. It has joined other delegations in submitting the draft resolution which provides for a three-year extension of the term of office of the present Secretary-General, Mr. Trygve Lie, because the members of the Security Council were unable to agree on a recommendation concerning the appointment of a new Secretary-General in accordance with the Charter. My delegation is happy to have taken this step; it considers that, in view of the very special circumstances which have given rise to this problem, essential and extremely important principles are involved.

92. Indeed, what in normal times would have been merely an administrative matter, a purely personal question, becomes in these historic days, when the future of the United Nations is at stake, a most important question of principle.

93. Mr. Lie, because of his great personal qualities, his administrative ability and his valuable experience, to which my delegation is pleased to pay a public tribute, fully deserves to be appointed unanimously for a further term as Secretary-General, in recognition of his meritorious services in permitting the Organization to function effectively in its difficult initial stages.

94. That in itself would be more than enough, but, as I said before, a question of principle is involved. I shall not attempt to prove this, because that has already been brilliantly done by other sponsors of the draft resolution. I shall not repeat their arguments which have established so securely the opinion which my delegation fully shares.

95. Basing itself on these considerations, and faithful to the spirit of co-operation which it has shown in connexion with any measure calculated to raise the prestige of the United Nations and strengthen the principles and aims which constitute the foundation of the Organization, my country could do no less than take part in the effort to safeguard that prestige and uphold those principles and aims in this specific question, which is so closely linked with the whole problem of Korea, a problem which endangered the very existence of the United Nations.

96. To replace Mr. Lie at this crucial time, just as he has displayed such efficiency and energy in carrying out the duties incumbent upon him under the decisions which the Security Council took to counter the unjustified aggression against the little Republic of Korea, could have no other effect upon world public opinion than to lower the prestige of the United Nations, which has risen so greatly on account of the swiftness and efficacy with which it has repelled aggression.

97. My delegation considers that the weaker countries can obtain a genuine guarantee only if the system of collective security is strengthened and if it inspires ever greater confidence; otherwise they must depend on the good will of the great Powers, and only for so long as those great Powers decide to act in that spirit of good will.

98. For this reason we believe that everything that helps to maintain the prestige and increase the moral force of our present system of collective security, which we are all striving to perfect, concerns the smaller countries more vitally than the great Powers. It is obvious that the latter can maintain their own collective security with their own forces, whereas the weaker

countries can find a real guarantee only in the growing strength of the Organization, for the defence of international peace, security and justice.

99. Thus my delegation, representing a small country, has enthusiastically joined other delegations in sponsoring this draft resolution.

100. Sir Benegal RAU (India): In the somewhat heated atmosphere that this issue has created, it is inevitable that actions should be misinterpreted and motives imputed. I shall therefore try to explain as objectively as I can the situation as it appears to my delegation and the part which we have tried to play.

101. As you all know, under Article 97 of the Charter, the General Assembly has to appoint the Secretary-General on the recommendation of the Security Council. I believe the International Court of Justice has advised, in another connexion, that a recommendation does not include the absence of a recommendation—which, indeed, requires no authority. There must be a positive recommendation. So we tried hard in the Security Council to arrive at a positive recommendation. We first considered two candidates, A and B. I shall not mention their names. A was rejected; B was vetoed. There was thus no recommendation at that stage, and the Security Council reported accordingly to the President of the General Assembly.

102. It then occurred to my delegation that a further attempt should be made to achieve a positive recommendation, if possible. In order to convince the General Assembly and the world generally that the Security Council had attempted to exhaust all possibilities, I suggested, on the analogy of the plan by which we elected the judges of the International Court of Justice, that each of the eleven members of the Security Council should put forward two names. These twenty-two names were then to be submitted confidentially to the permanent members which, after mutual consultation, would submit to the Security Council a revised list comprising only those names that none of the permanent members would veto. From this revised list the Security Council would then proceed to elect a person to be recommended for appointment as Secretary-General.

103. This suggestion, although welcomed at first, did not find sufficient support in the Security Council. However, after some further consultation amongst the permanent members, the Security Council voted upon two other candidates, C and D. Neither of them secured the necessary number of votes. The deadlock therefore continued. Indeed, it became quite clear from the proceedings in the Council that the deadlock would continue whatever names were proposed.

104. In this situation my delegation had to consider what to do. On the one hand, there was this continuing deadlock; on the other hand, the United Nations had to have a Secretary-General. We have been advised that legal experts consider that the only possible course is for the General Assembly to decide that the present Secretary-General should continue in office for a certain time, and they further tell us that the General Assembly can legally do this. I am aware that according to another school of thought the General Assembly cannot do even this legally. In their view the deadlock must continue until the Security Council produces a positive recommendation. Since there is no prospect of such a

recommendation in the present situation, this means that the deadlock must continue indefinitely.

105. Having failed in our own endeavours to secure a positive recommendation from the Security Council, and anxious to see that the United Nations is not deprived of its chief administrative officer indefinitely, my delegation has joined others in sponsoring the present draft resolution.

106. The PRESIDENT (*translated from French*): The list of speakers is now closed and the general discussion is also closed. We shall proceed to vote on the various draft resolutions before us.

107. The representative of Iraq wishes to speak. If he wishes to explain his vote, I shall ask him to be kind enough to wait until after the voting. The representative of Iraq wishes to submit a draft resolution; if there are no objections, therefore, I shall give him the floor.

108. Mr. AL-JAMALI (Iraq): My delegation has not participated in the discussion but we have listened most carefully to all that has been said by other speakers.

109. We certainly feel that the Security Council has been completely paralysed by the veto and the counter veto. In other words, the veto has paralysed the Security Council and we consider it impotent on this issue. We have considered the grave legal and political problems which have been discussed here. We feel that if the United Nations is to act in the true spirit of the Charter, we must have a calmer atmosphere. We must have clearer views and a more conciliatory spirit. That is why my delegation is convinced that the General Assembly is now seized of the problem of the appointment of a Secretary-General and that, since the Security Council has failed to do so, it is now the duty of the General Assembly to deal with the matter afresh and to study it anew, uninfluenced by any arguments brought to the General Assembly by the Security Council, which has failed to reach agreement on this issue.

110. We believe that it is the duty of the General Assembly to take up the matter again and, for that purpose, to appoint a committee to study all the aspects of the issue and to report to the General Assembly within two weeks. I shall, therefore, read the draft resolution which my delegation is submitting:

*"The General Assembly,*

*"Recognizing that the Security Council has failed so far to recommend a candidate for the post of Secretary-General of the United Nations,*

*"Recognizing that the General Assembly is faced with the question of appointing the Secretary-General,*

*"Appoints a committee of seven representatives of Member States to meet to study the matter and to report to the General Assembly within two weeks about ways and means of solving the matter."*

111. The PRESIDENT (*translated from French*): There were already two draft resolutions before the General Assembly: the joint draft resolution [A/1464 and Add.1] and the draft resolution submitted by the Soviet Union [A/1471].

112. A further draft resolution has just been submitted to the Assembly but the text has not yet been distributed. It would be difficult for me to put that draft resolution to the vote unless the Assembly so agreed. The draft resolution is very simple. It proposes that a committee of seven should be set up to study the question and report to the General Assembly.

113. If I were to follow the chronological order, I should put the joint draft resolution to the vote first. I feel, however, that the draft resolution submitted by the USSR delegation should be put to the vote first, as there would be no point in taking a vote on it if the joint draft resolution were adopted.

114. I suggest that we should vote first on the draft resolution submitted by the Soviet Union delegation; if that text is adopted, the question will be settled. If it is rejected, I shall put to the vote the suggestion of the representative of Iraq. If that is rejected too, we shall come back to the original draft resolution. If there are no objections, we shall follow that procedure.

115. I shall put to the vote the draft resolution of the Soviet Union [A/1471].

*The draft resolution was rejected by 37 votes to 9, with 11 abstentions.*

116. The PRESIDENT (*translated from French*): I shall ask Mr. Cordier to read the text of the draft resolution which has just been submitted by the representative of Iraq. The question is simple and I do not think that there is any need to have the written text distributed.

*The Executive Assistant to the Secretary-General read the draft resolution submitted by Iraq.*

117. The PRESIDENT (*translated from French*): I shall put to the vote the draft resolution of Iraq.

*The draft resolution was rejected by 35 votes to 15, with 7 abstentions.*

118. The PRESIDENT (*translated from French*): We shall now return to the joint draft resolution [A/1464 and Add.1]. Before putting it to the vote, I should like to give my opinion and to make a suggestion. I shall try to be as clear as possible and would ask the representatives for their undivided attention.

119. As the Assembly knows, the rules of procedure do not provide for a secret ballot except in the case of the election of persons and States. All other draft resolutions must be voted on in the normal manner, namely, by show of hands, unless a delegation asks for a vote by roll-call.

120. If we wished to apply the rules of procedure strictly, I should have to put the draft resolution to the vote in the normal way. It is true that the draft resolution does not involve an election; however, since it concerns a person, namely, the present Secretary-General, I think that it would be advisable to apply the rules of procedure *mutatis mutandis* and to have a secret ballot. I must inform you that the person concerned, Mr. Trygve Lie, has asked me to request the Assembly to agree to a secret ballot on this occasion because that would give delegations more freedom of action. Furthermore, when the authors of the Charter agreed to the secret ballot, one of their reasons for so doing was to ensure that after the vote had been taken, no one should know who had voted in favour and who against.

121. I think that the representatives in the General Assembly will appreciate Mr. Trygve Lie's gesture and, if they agree, we shall vote by secret ballot. I must make it clear, however, that, in my opinion as President, the acceptance of my suggestion would mean suspending one of the rules of procedure and it must therefore be approved unanimously. If a single delegation objects to my suggestion, I shall have no choice but to put the draft resolution to the vote in the normal manner.

122. Are there any objections to my suggestion? Since the representative of Chile objects, we must proceed in the normal manner.

123. I shall put to the vote the joint draft resolution [A/1464 and Add.1]

*The draft resolution was adopted by 46 votes to 5, with 8 abstentions.*

124. The PRESIDENT (*translated from French*): As the draft resolution has been adopted, Mr. Trygve Lie, Secretary-General of the United Nations, will remain in office for a period of three years.

125. The representative of Iraq has asked for the floor in order to explain his vote.

126. Mr. AL-JAMALI (Iraq): My delegation had sincerely hoped that the question of the selection of the Secretary-General would be one of those to be discussed among the five permanent members of the Security Council in accordance with the draft resolution [A/C.1/585] which we had the honour to co-sponsor in the First Committee with Syria, as being one of those problems which are outstanding among the great Powers. We had hoped for further study of the matter in a more calm and peaceful atmosphere. It is regrettable that the matter has taken such a tense and highly controversial character.

127. As regards the fifteen-Power proposal for the extension of the term of office of Mr. Trygve Lie, my delegation deeply regrets that it could not vote for it, and had to abstain. This was not due to lack of respect and admiration for Mr. Lie and for his many fine qualities. On reviewing the Palestine tragedy since 1947, the tragedy which has led to the homelessness of nearly one million Arabs, we find that Mr. Lie had not been entirely impartial. His activities, and his statements as revealed in the American Press, show him to have taken sides in many situations. Mr. Lie did not react towards recent Jewish aggressions in Palestine with anything like the zeal which he displayed on the question of Korea.

128. I need not emphasize here that Palestine, the heart of the Arab world, is today bleeding. Unless justice is done to the million Arabs of Palestine, the United Nations record in promoting world peace and justice will not be a clear one. With due respect to Mr. Lie, we do not believe that he has helped enough to make the United Nations bring about peace and justice to the Arabs of Palestine.

129. The PRESIDENT: I am sorry, but that is not an explanation of a vote. You cannot continue this way to attack a person who is not present here and who has received the confidence of the General Assembly by its 46 votes in his favour. I am sorry, but I shall be obliged to stop the representative of Iraq.

130. Mr. AL-JAMALI (Iraq): It would certainly have been a betrayal of Arab public opinion and sentiment if we had not abstained.

131. Sir Keith OFFICER (Australia): I thank the President for giving me this opportunity to explain the vote of the Australian delegation on this matter.

132. First of all, I wish to make it clear that we are entirely at one with those countries in the General Assembly which wish, by this resolution, to prevent any attempt by any nation to punish Mr. Lie for doing what was, by all standards, his clear duty as regards the action of the United Nations in Korea. It should be plain from the statements which have been made by Mr. Spender, both here and in the Committees of the General Assembly, where Australia stands in relation to Soviet methods of standing over us and endeavouring to intimidate us. No nation has made its position on this question clearer than we have done.

133. I should like to make it crystal clear that we are glad to see Mr. Lie as Secretary-General for a further term. Our abstention on the vote in no way relates to Mr. Lie. We have abstained because we feel that the action which the General Assembly has taken may create a precedent, both as regards Article 97 and certain other articles of the Charter, with which Australia could find it hard to agree. The words of the Charter seem to us to be clear. They are confirmed by the understanding of them which was recorded by the General Assembly in 1946 when the original appointment of the Secretary-General was under consideration. They are confirmed by other authorities on the Charter such as, for instance, Professor Kelsen, whose work has been so much quoted in recent weeks. While we realize the case that can be made out on the other side, Australia entertains genuine doubts about it and has felt therefore that abstention is the proper course.

134. We should not like to see the events of the past month or so repeated. We hope, therefore, that the General Assembly, over the next two years, will give careful consideration to the possibility, as a matter of practice, of the Secretary-General in the future being appointed for a term of perhaps seven years and not being eligible for reappointment. First-class men can be found, and such a provision would mean that we should be forced to make a real effort to look for them, while providing by the increased term of seven years for reasonable administrative continuity.

135. I should like to repeat that our abstention had nothing to do with Mr. Lie himself, whom we congratulate most heartily on his new term in office, and we wish him very well in it.

**Question of the majority required for the adoption by the General Assembly of amendments to and parts of proposals relating to important questions: report of the Sixth Committee (A/1433)**

[Agenda item 49]

136. The PRESIDENT (*translated from French*): The draft resolution which the Sixth Committee has submitted to the Assembly was approved unanimously

—or at least without opposition. It is contained in the Committee's report [A/1433]. I call upon the Rapporteur.

137. Mr. KURAL (Turkey), Rapporteur of the Sixth Committee (*translated from French*): You know that our rules of procedure, as they now stand, do not specify whether the important parts of a proposal, or amendments to such a proposal, must be adopted by a simple majority or by a two-thirds majority when the proposal as a whole, in order to be adopted by the Assembly, normally requires a two-thirds majority.

138. That problem has given rise to certain difficulties in the past. It was studied in turn by the Special Committee on Methods and Procedures of the General Assembly, and by the General Assembly at its fourth session, and the Secretary-General subsequently produced a brilliant report [A/1356] on the question. Finally the Sixth Committee, this year, has arrived at a solution.

139. The details of the discussion on the subject appear in the Sixth Committee's report. I should like simply to read to you the new rule of procedure which the Sixth Committee proposes that you should adopt. It reads as follows:

"Decisions of the General Assembly on amendments to proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be taken by a two-thirds majority of the Members present and voting."

140. I should like to draw your attention to the fact that, under the draft resolution before you, this new rule 84 (a) will become effective immediately upon its adoption, that is to say, should you adopt it, this very day.

141. The PRESIDENT (*translated from French*): As I said before, the proposed new rule of procedure was unanimously approved by the Sixth Committee. If there are no objections to this rule, we shall consider that it has been adopted.

142. Mr. BARTOS (Yugoslavia) (*translated from French*): Mr. President, may I be permitted to make a slight correction to your statement. There were three abstentions during the vote in the Sixth Committee; two delegations explained their votes in writing and those explanations are included in the report.

143. The PRESIDENT (*translated from French*): Thank you for that explanation. In my earlier statement I said that the proposed new rule of procedure had been approved unanimously or at least without opposition. My own view is that when there is no opposition to a draft resolution, it is adopted unanimously, since in my opinion—and that is my ruling—an abstention is equal to non-participation in the vote. However, as the Yugoslav representative has just stated, explanations of votes are already contained in the report of the Sixth Committee.

144. I therefore put to the vote the draft resolution proposed by the Sixth Committee.

*The draft resolution was adopted by 57 votes to none, with 1 abstention.*

*The meeting rose at 1.5 p.m.*