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**President: Mr. Salim Ahmed SALIM  
(United Republic of Tanzania)**

**AGENDA ITEM 15**

**Elections to fill vacancies in principal organs (*con-  
tinued*):**

**(a) Election of five non-permanent members of the  
Security Council**

1. The PRESIDENT: As members are aware, in conducting its one hundred and thirty-ninth ballot yesterday the General Assembly failed to elect the remaining non-permanent member of the Security Council. Since the Assembly held its first ballot, on 26 October, and throughout the subsequent days and weeks, it has been my deep concern and preoccupation that the Assembly fulfil its Charter responsibility, as well as conform to its own rules of procedure, by successfully completing this process. That we have set a record of so many ballots to date is in itself an unprecedented attempt, within the existing rules and on the basis of past practice and tradition, to discharge that responsibility; and the fact that, as President, I have repeatedly drawn members' attention to this grave responsibility is also a matter of record.

2. During the course of the past several weeks, I have also undertaken extensive consultations with a broad section of delegations encompassing a wide spectrum of opinion. In addition, I have held frequent consultations with the principal parties, namely, the delegations of Colombia and Cuba. The purpose of these consultations—which, I wish to stress, have been as extensive as they could possibly have been—was to find a way in which the Assembly's task could be facilitated and its obligations discharged.

3. Members which have been involved in the consultations with me are fully aware of my role. But for those which have not been I think it is useful for the record to show that my efforts have been in large measure devoted to emphasizing the responsibility we all bear for electing members of the Security Council. For my part, I have consistently conveyed to the two candidates various suggestions which emerged during the consultations, since the history of previous efforts to resolve deadlocks has shown that in every instance

the matter was settled on the basis of the agreement of the competing candidates.

4. I should like, at the same time, to emphasize that in connexion with all these consultations I regarded my role as that of helping to facilitate the Assembly's reaching an agreed decision. Quite clearly the role of the President in this situation, I believe, is not and could never be to impose a decision. I have therefore endeavoured to abide scrupulously by the practice and tradition of a presiding officer in analogous circumstances. Regrettably, however, despite those comprehensive consultations and notwithstanding the record number of ballots that we have held so far, the Assembly has not been able to arrive at a solution enabling it to fulfil its responsibility. I might add that my expectation that the Christmas recess would provide an opportunity for reflection, and consequently for necessary action, has thus far remained unrealized.

5. As members are aware, on 31 December this year, that is, three days hence, five non-permanent members of the Security Council will be completing their terms of membership in the Council. If the Assembly does not succeed in discharging its obligation by 31 December, it is evident that the membership of the Council will be one short of the 15 members prescribed in Article 23 of the Charter. It is equally clear that without discharging that responsibility the Assembly would not be in a position to conclude its thirty-fourth session. Under the circumstances, I consider it my duty to bring the entire matter to the attention of the General Assembly with a view to soliciting the opinions of its members as to how best we could proceed on the question. I would urge all members of the Assembly—as I urged all members of the General Committee this morning—to remain actively and seriously seized of this problem. Any suggestions which might be made offering a way out would obviously be helpful and appreciated. I would none the less wish to emphasize the point which has in fact been most emphatically stressed to me by a number of members during my consultations with them—that is, that it is extremely important that the General Assembly discharge its responsibility as expected and indeed as prescribed in the Charter of our Organization.

6. I now call on the representative of Austria to speak on a point of order.

7. Mr. KLESTIL (Austria): Since 26 October, in an unprecedented 139 ballots, the General Assembly has tried unsuccessfully to elect the fifth non-permanent member of the Security Council to serve as of 1 January 1980.

8. My delegation—like, I am sure, all other delegations in this hall—is deeply concerned about this continued inability of the General Assembly to fulfil its

obligation under the Charter concerning the election of non-permanent members of the Security Council. We feel that a properly constituted Security Council is of utmost importance for the smooth functioning of the United Nations in general and of the Security Council in particular.

9. In that connexion, I want to be very clear. We are aware that there exist different legal opinions on the question of whether or not the Security Council can legally function with only 14 members. International lawyers are certainly able to advance well-founded arguments for both an affirmative and a negative answer to that question. However, it is our considered opinion that it would be wrong to address this issue from a purely legal point of view. What is really at stake is a primarily political question.

10. There can be no doubt that if the Security Council were composed of only 14 members the possibility would be raised that its decisions on fundamental questions of peace and international security might be challenged by those to whom such decisions were addressed. I might add that my country, as a small country deeply committed to the purposes and principles of the United Nations, is especially concerned about such a prospect.

11. It is our first and foremost task during the remaining days of this year to exclude any possibility of such a dangerous situation arising. The only way to fulfil that task is for the General Assembly to elect the remaining non-permanent member of the Council.

12. It is true that the stalemate that we have reached in the elections, which is manifested by 139 inconclusive ballots, is an exceptional situation for the General Assembly. However, similar although not equally grave situations have occurred in the past and it has always been possible to resolve them in a spirit of goodwill co-operation and compromise demonstrated by all parties concerned.

13. It is precisely to put the necessary political pressure on all countries concerned that my delegation has taken the initiative of submitting a draft resolution [A/34/L.66] which we hope might be the first step to facilitating agreement at this late hour.

14. The preambular paragraphs of that draft resolution, which I now wish to introduce, are merely descriptive and, I believe, are self-explanatory. By the operative part of the draft resolution, the General Assembly would call upon the member States concerned to enter immediately into consultations with a view to arriving at an appropriate solution which would enable the Assembly to fulfil in time its responsibility under the Charter concerning the election of non-permanent members of the Security Council. That appeal is addressed to the two candidates, to the regional group, and, beyond that, to all members of the General Assembly.

15. We are aware that even at this late hour there is more than one possible solution. Many delegations, including my own, have been thinking in the last few days about the possibility of a split term whereby each of the two competing candidates would assume the function of non-permanent members of the Secu-

urity Council for one year. In our opinion that certainly constitutes an appropriate solution which merits serious consideration in the course of the consultations referred to in operative paragraph 1 of the draft resolution.

16. At the same time, we did not wish to exclude other possibilities, such as a last-minute agreement by one of the two candidates to withdraw its candidature—possibly combined with an endorsement by the group of Latin American States which would ensure the successful presentation of its candidature for one of the next terms—or an agreement on suitable compromise candidate.

17. We are convinced that the mere continuation at this point of the technical election process will not solve the constitutional and institutional crisis that we are facing and that might very well damage the credibility of the United Nations in the eyes of world public opinion.

18. We know about the untiring efforts made during the past weeks by our President and we deeply appreciate those efforts. At the same time, we are aware of the limits of his office, which he has exercised in a particularly objective manner, especially with regard to the problem before us. It is now the responsibility of all members of the General Assembly to assist the President in the discharge of his duties.

19. We hope that the urgent appeal contained in the draft resolution, which, we are confident, will meet with the overwhelming approval of the General Assembly, will give the necessary impetus to serious negotiations which will enable the Assembly to come up with a satisfactory solution as early as next Monday. It is of paramount importance that in such negotiations the concern for the functioning of our Organization and for its reputation in the world be given priority over considerations of national political interests and group policy.

20. The Austrian delegation hopes that its initiative might prove to be a modest contribution towards that goal. We are aware that a number of delegations could suggest amendments to the draft resolution that might basically reflect the sentiment of one or the other side. Since such amendments would in our view be against the primary objective of this draft resolution—that is, to facilitate in a generally acceptable and objective way a solution of the problem before us—we appeal to all delegations not to introduce amendments.

21. The PRESIDENT: The Assembly has heard the concrete proposal put forward by the representative of Austria. In view of the lateness of the hour and bearing in mind the importance of the question under consideration, I would propose that the Assembly adjourn now and resume the discussion this afternoon. At this afternoon's meeting members will be in a position to address themselves to this proposal or any other proposal that may be put before the General Assembly.

22. I would in the meantime, in all solemnity, urge all delegations wishing to address themselves to this question to do so in a most constructive, serious and serene way.

*The meeting rose at 1.15 p.m.*