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**Chairman: Mr. Juliusz KATZ-SUCHY (Poland).**

**Point of order raised by the representative of the United States of America**

**GENERAL DEBATE**

1. Mr. CAREY (United States of America), speaking on a point of order, wished to protest against the discriminatory treatment accorded by the Chairman to the representative of China, who, as a duly accredited representative of his country to the United Nations, was entitled to the same respect and rights as the other members of the Committee. In always calling that representative by his proper name instead of recognizing him as the representative of China, the Chairman had indulged in a practice which might prove dangerous to the United Nations.

2. There were three factors to be considered. First, the Chairman had failed to extend to the Chinese representative the courtesy which was his due.

3. Secondly, it was the duty of the Chairman to place the obligations of his office above his personal feelings, and indeed, above his convictions, however deep they might be. Observance of the rules was indispensable for the proper operation of the United Nations, and in electing the Chairman the Committee had relied on him to observe those rules and to abide by the decisions of the United Nations. It was not for the Chairman to impose his ideas on the Committee.

4. Lastly, whenever the Chairman followed the practice he had adopted with regard to the Chinese representative, he was reopening a matter which was *res judicata*. By so doing, incidentally, he was introducing a substantive matter in a procedural form. What was more important, the question of the representation of China had been settled by the General Assembly for the current year by virtue of a resolution adopted on 15 September 1953 (A/RESOLUTION/106) by a vote of 44 to 10, with 2 abstentions. In view of that final decision, Mr. Hsu was entitled to be recognized as the representative of the Government of China. Under rule 100 of the rules of procedure, Member States were represented on the Main Committees, and the persons who spoke for them were therefore representatives of States and not private individuals. Rule 109 also referred to representatives rather than individuals.

5. He therefore urged the Chairman in future to recognize the Chinese representative as such—as he was

bound to recognize any person who sat in the Committee as the representative of his government, duly certified by the Credentials Committee—and to eschew a practice which, by flouting principles accepted by the majority, might have a damaging effect upon the eventual life and strength of the United Nations itself.

6. Mr. WYNES (Australia) agreed entirely with the United States representative and felt that the situation should never have arisen. It was most regrettable that the Chairman should not have seen fit to comply with the normal practice in his treatment of the duly accredited representative of the Government of China, who was entitled to the same rights and privileges as all other representatives of Member States. Such action was contrary to what the United Nations stood for, and was particularly out of place in the Sixth Committee, where the rule of law should predominate at all times.

7. Mr. SERRANO GARCIA (El Salvador) recalled that his delegation had raised the point at the 362nd meeting, and had drawn attention to the discourteous manner in which the Chairman had called upon the Chinese representative. That objection had not, however, made the Chairman alter his conduct. He was pleased that, although after a considerable delay, other delegations had taken up the cause of the Chinese representative, who had shown remarkable patience and forbearance throughout the session, thereby facilitating the Committee's work.

8. The CHAIRMAN rejected the United States representative's charge that he had failed to treat Mr. Hsu with the same courtesy as the other members of the Committee. It was a matter of record that he had called on Mr. Hsu whenever the latter had indicated the desire to speak.

9. Similarly, he rejected the affirmation that he had failed to apply the rules of the General Assembly. The Chairman's task was to ensure the orderly conduct of meetings, and that he had done. There was nothing in the rules of procedure requiring the Chairman to address speakers in a certain way. Rule 109, for example, stated that the Chairman should "call upon speakers". As a matter of fact, he had often called on various representatives without naming their country.

10. He made, however, no secret of his attitude. He was not only the Committee's Chairman, but also an individual and the representative of his Government, and in whatever capacity he acted he recognized the Central People's Government of the People's Republic of China as the only legal Government of China, and believed that only the representatives accredited by that Government had the right to speak for China.

11. As a result of the decision taken by the General Assembly, however, a person accredited by a group that did not represent that Government was occupying China's seat. Wishing to abide by the General Assembly's decision, while maintaining his own views, he had

availed himself of the latitude afforded him by the rules of procedure and had extended to Mr. Hsu every courtesy while calling on him by his proper name. Had he followed his own feelings in the matter, he would not have permitted Mr. Hsu to take part in the Committee's work. Such a compromise was wholly in accord with the Charter, the governing principle of which was that no group, whether in the majority or in the minority, should impose its will on the others.

12. The Sixth Committee was not the first to witness such conduct by the Chairman and, in electing him, the Committee had been well aware of his position. There was therefore no reason to show surprise at his action, especially at that late stage.

13. The Committee had endeavoured throughout its work to find ground of agreement, even on the most controversial issues, and had developed a good working relationship with its officers. He appealed to the Committee to continue its work in the same spirit.

14. Mr. VALLAT (United Kingdom) said that he would not have entered the debate had the Chairman not raised the question of the representation of China. That question had been settled at the beginning of the session, when the General Assembly had approved the report of the Credentials Committee, and had adopted its resolution of 15 September 1953 (A/RESOLUTION/106). Consequently the person occupying China's seat was currently regarded by the United Nations as the representative of China, and any reference to the question of the representation of China at the present session was out of order.

15. Rule 109 of the rules of procedure expressly referred to representatives, and not individuals, hence persons were called upon to speak in their capacity as representatives of governments.

16. Mr. MENDEZ (Philippines) deplored the Chairman's interpretation of the second sentence of rule 109, since the first sentence made it clear that the entire rule referred to representatives.

17. Mr. GARCIA AMADOR (Cuba) agreed with the United Kingdom representative's statement.

18. While the Chairman was entitled to his own opinion on the question of the representation of China, in the exercise of his duties he was acting as an officer of the General Assembly, and as such had to comply with its rules, conduct its meetings fairly and recognize the governments that the United Nations recognized. That had been the understanding on which he had been elected Chairman of the Sixth Committee.

19. Although, according to paragraph 4 of General Assembly resolution 396 (V), the stand taken by the General Assembly on the question of the representation of China did not affect the direct relations of individual Member States with the State concerned, the organs of the General Assembly and their officers were bound by the General Assembly's decisions.

20. He therefore protested against the Chairman's remarks on the question of the representation of China.

21. Mr. MAURTUA (Peru) said that, even though the rules of procedure did not specifically say so, it was clearly understood that speakers were called upon by the Chairman in their capacity as representatives. A chairman was under a duty to conduct meetings fairly, and not to allow his own views to interfere with the exercise of his duties.

22. A State could be a member of an international organization without necessarily being recognized by all

the other members. The membership of the USSR in the League of Nations was a case in point. So far as the question of the representation of China was concerned, that was clearly a matter for the General Assembly to decide.

23. The CHAIRMAN pointed out to the United Kingdom representative that he had not brought up the question of the representation of China, but merely explained his position on the point raised.

24. Mr. CAREY (United States of America) observed that his criticism had been that the Chairman had discriminated against the Chinese representative, not by failing to call upon him to speak, but by failing to accord him the same respect and to grant him the same rights as to title as other representatives.

25. If the Chairman was, as he had maintained, both Chairman and the representative of Poland, rule 100 of the rules of procedure—which provided that each Member might be represented by one person in each Main Committee—was being broken, since in that case two Polish representatives were sitting in the Committee. It was the Chairman's duty to subordinate his personal views to the requirements of his office when he took the Chair.

26. If he had known that the Chairman would refuse to recognize Mr. Hsu as the representative of China, he would have had some hesitation in voting in favour of his election.

27. The Chairman had made the lame excuse that it was his custom to use various modes of address when calling upon speakers and that his method of calling upon the Chinese representative was therefore not discriminatory. By continuing to call upon the Chinese representative by name—in defiance of the regulations and of the spirit which should govern the proceedings—after the objections that had been made, the Chairman was disregarding the expressed will of the Committee.

28. The CHAIRMAN regretted that while occupying the Chair he was unable to use the same freedom of expression as the United States representative.

29. He pointed out to the United States representative that the fact that he represented Poland had been specifically in the Committee's mind when it had elected him to the Chair. Had he realized that the United States representative was not aware of his views on the matter under discussion, and of previous practice regarding it in United Nations bodies, he would have enlightened him at the beginning of the session.

30. Mr. SERRANO GARCIA (El Salvador) pointed out that if the Chairman wished to speak as the representative of his country there was nothing to prevent him from relinquishing the Chair to the Vice-Chairman and taking his place as the representative of Poland.

31. Mr. HSU (China) said that his object in raising the question under discussion, at the previous meeting, had simply been to remind the Chairman that the practice he had adopted in calling on the Chinese representative to speak was not consistent with the rules of procedure or with the General Assembly's resolution of 15 September 1953.

32. Since, however, the Chairman had declared his intention of persisting in that practice, he submitted the following resolution:

*"The Sixth Committee*

*"Resolves that the Chairman, by insisting on calling the Chinese representative by name for political rea-*

sons, is acting against the letter and spirit of the rules of procedure and the General Assembly resolution of 15 September 1953."

33. The CHAIRMAN observed that since the draft resolution amounted to a motion of censure on the Chair it would require thorough discussion, involving a review of the Chairman's practice since the beginning of the Committee's work.

34. Accordingly he suggested that the draft resolution should be considered at the following meeting, by which time the text would have been circulated.

35. Mr. CAREY (United States of America) proposed the following alternative text:

*"The Sixth Committee*

*"Resolves that the Chairman of the Sixth Committee be authorized and directed to recognize the representative or representatives of China as 'the representative of China'."*

36. After a further exchange of views, Mr. LOUTFI (Egypt) said that since all representatives had by now had an opportunity to give their views in that most regrettable discussion, he felt that it should be closed forthwith, without a vote being taken on the draft resolution.

37. For that reason he moved the closure of the debate.

38. Mr. TARAZI (Syria) supported the motion.

39. Mr. CAREY (United States of America) said that his object had been to register an objection. As

that object had been achieved, he withdrew his draft resolution.

40. Mr. SERRANO GARCIA (El Salvador) opposed the motion for the closure of the debate on the grounds that only a handful of delegations had taken part in it and that the matter was far from exhausted. Furthermore, he had prepared a proposal which he wished to submit to the Committee.

41. The CHAIRMAN replied that he could not entertain the proposal until the procedural motion before the Committee had been voted upon. The representative of El Salvador was free to reopen the subject later, if he wished.

42. Mr. TRUJILLO (Ecuador) also opposed the closure of the debate. The matter required calm reflection.

43. He therefore moved instead the adjournment of the meeting.

44. The CHAIRMAN stated that, under rule 118, the motion for the adjournment of the meeting would be put to the vote first. If it were carried, at its following meeting the Committee would proceed immediately to vote on the motion for the closure of the debate.

45. He therefore put to the vote the motion for adjournment.

*The motion was adopted by 16 votes to 7, with 19 abstentions.*

The meeting rose at 5.25 p.m.