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NOTE VERBALE DATED 26 NOVEMBER 1964 FROM THE PERMANENT
REPRESENTATIVE OF CZECHOSLOVAKIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Czechoslovak Socialist Republic to the United Nations presents his compliments to the Secretary-General of the United Nations and on the instruction of the Government of the Czechoslovak Socialist Republic has the honour to communicate the position of the Czechoslovak Socialist Republic on certain questions concerning strengthening the effectiveness of the United Nations in the safeguarding of international peace and security.

Recently, international attention has been drawn to the problems of United Nations military operations. In considering this matter, it is necessary to bear constantly in mind that the use of armed forces plays the role of only an emergency measure in the security system of the United Nations, which may be resorted to **only** after all peaceful means of the settlement of dispute provided for in the Charter have been applied. Any other procedure might only render the international situation more complicated, might increase the tensions in the world and might facilitate interference into the domestic affairs of States. The question of the so-called United Nations peace-keeping operations then must be seen as a part of a broader problem of strengthening the effectiveness of the United Nations.

In view of the role of the United Nations in safeguarding international peace and security it is evident that the successful fulfilment of this serious task is important to a great extent for the future of the United Nations as an organization associating States of different geographical and political regions and differing social and economic systems.

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The increased interest of the Member States of the United Nations in this question is only natural. The Czechoslovak Socialist Republic regards the question of the machinery of collective security of the United Nations and the strengthening of the effectiveness of the Organization as one of the most important spheres of the present and future activities of the United Nations.

Endeavours to regulate properly the various aspects of future United Nations activities in maintaining or consolidating peace may be welcome only if one single, but the most important, condition is met, namely, that all efforts must be fully in accordance with the Charter. If this basic condition is not respected, actions of States do not represent anything but undermining of the pillars on which the Organization rests.

It has been an alarming circumstance of some of the current meetings dealing with the United Nations military operations that they are held outside the Organization. Czechoslovakia is highly critical of the initiative of that kind, as in the case of the conference of military experts held in Ottawa, Canada, from 2 to 6 November 1964. Such talks may only fortify world public opinion in its belief that some Powers do not intend to draw a lesson from the past and their only concern is to create a military machinery which would serve the interests of a certain group of States under the United Nations flag.

The present situation in the talks concerning military operations of the United Nations is highly absurd; discussions are being held on different aspects of the practical conduct of future military operations of the United Nations, as e.g. their financing, while certain Powers attempt to dispute the basic principles according to which such operations should be conducted. These principles, which should not be disputable since they are embodied in the United Nations Charter, were often violated in the past and those who bear the main responsibility for such violations even make it believe that the firm and unambiguous provisions of the United Nations Charter, in particular its Chapter VII on "Actions with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression", lost their validity. This was the tone prevailing not only at the recent Ottawa meeting but also in the attitudes taken by some Member States of the "Working Group of Twenty-One" at the United Nations Headquarters.

A characteristic feature of the positions of some countries, mainly the Member States of the North Atlantic Treaty Organization, is the fact that they disregard the provisions of the United Nations Charter on exclusive authority of the Security Council in such cases when any action is to be taken under the United Nations auspices in order to strengthen or restore international peace and security or to thwart aggression. Naturally the question poses itself what are the limits of their "flexibility" that permits the shifting of the Security Council's authority to the General Assembly, which upsets the basic principle of the distribution of authority among the United Nations bodies. Who will offer the guarantee that tomorrow they may not advance the argument that the United Nations executive machinery is the competent body? Of what value are then any provisions of the Charter when what is most fundamental is so easily abandoned by the Western Powers?

It should be clear to everyone after almost twenty years of the existence of the United Nations that compromises between the position of those who abide by strict observance of the Charter and those who adjust the Charter to their unilateral needs would be harmful primarily to the Organization itself.

It is especially difficult to understand that some countries hold that only the General Assembly or a new body subordinated to it but not the Security Council are competent to take decisions concerning financial matters of the United Nations military operations. Such a position was expressed by the United States representative in the "Working Group of Twenty-One" at its September session at the United Nations Headquarters and is also held by the Government of the United Kingdom, as follows from its reply (S/5853) to the Memorandum of the Government of the USSR of 10 July 1964 (S/5811) regarding certain measures to strengthen the effectiveness of the United Nations in the safeguarding of international peace and security. The British reply proposes the establishment of a Peace-Keeping Finance Committee subordinated to the General Assembly. Although it is recognized in the British reply that the Security Council is primarily responsible for keeping international peace and security, it expressly excludes the financing of such operations from the authority of the Security Council and wishes to put it in the hands of a committee subordinated to the General Assembly although it may be clearly understood from the Charter and all

the negotiations preceding its signing that the exclusive and not only the primary responsibility in all questions connected with actions for maintaining or restoring international peace and security rests with the Security Council.

It could not escape the attention of those who follow the exchange of views on the question of United Nations military operations that in the discussions of the United Nations peace-keeping operations the countries associated in NATO in their majority have not expressed their views on one significant principle of international law, namely, that the State perpetrating aggression bears full responsibility for the aggression it committed as well as for the material damage caused by such aggression. A satisfactory solution to the question of the financial coverage of the United Nations military operations is subject to the general adoption of the principle of material responsibility of the aggressor for his aggression. The socialist and the non-aligned countries have spoken clearly in favour of such principle.

It results from the substance of the question that United Nations military operations should be conducted by forces composed of military contingents of countries belonging to all social systems, i.e. also of contingents of the armed forces of the socialist countries which, of course, would also participate in the command of the units established by a decision of the Security Council. Clear expression of a positive attitude to this principle which, as will be understood by everyone, we regard as one of the basic conditions would not only dissipate the existing ambiguities but, no doubt, would also bring the different positions closer to each other. It is necessary that the countries of the socialist world, to which the Czechoslovak Socialist Republic belongs, should be given clear assurances that the principle of full equality will govern steps to be taken in this matter as well.

The Czechoslovak Socialist Republic resolutely adheres to the principle of strengthening the United Nations on the basis of strict observance of the Charter by all United Nations Member States. The study of the positions taken so far by individual Members of the United Nations clearly demonstrates that the only proposal giving a clear-cut answer to the question of United Nations military operations is the Memorandum of the Government of the USSR regarding certain measures to strengthen the effectiveness of the United Nations in the safeguarding of international peace and security of 10 July 1964 (S/5811).

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The proposals contained therein enjoy full support of the Government of the Czechoslovak Socialist Republic which identifies itself with them since all the proposed measures are in complete accordance with the United Nations Charter. Therefore they constitute a good and reliable starting point for any further international negotiation of these questions.

The Permanent Mission of the Czechoslovak Socialist Republic to the United Nations has been authorized to declare in this connexion that under conditions explained in the present statement, the Government of the Czechoslovak Socialist Republic, in accordance with Article 43 of the United Nations Charter, is ready to make available to the Security Council a contingent of the Czechoslovak armed forces. Under condition that the principles referred to in the Czechoslovak statement will be put to life, the Czechoslovak Socialist Republic, in compliance with provisions of Article 43 of the Charter, is ready to conclude an appropriate agreement with the Security Council. If necessary and under conditions specified in the present statement, the Czechoslovak Socialist Republic is willing to participate in the financial coverage of military operations conducted by the Security Council.

The Government of the Czechoslovak Socialist Republic expects that all questions related to the strengthening of the effectiveness of the United Nations in the safeguarding of international peace and security will be considered with the objective to work out within this framework also generally recognized rules for United Nations military operations meeting the provisions of the United Nations Charter.

The Permanent Representative of the Czechoslovak Socialist Republic has the honour to request that this note be circulated to the Member States of the United Nations as a General Assembly document.
