

# United Nations GENERAL ASSEMBLY

TWENTIETH SESSION

Official Records

## SPECIAL POLITICAL COMMITTEE, 462nd MEETING

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### CONTENTS

	Page
<i>Agenda item 101:</i>	
<i>Comprehensive review of the whole question of peace-keeping operations in all their aspects (continued):</i>	
(a) <i>Report of the Special Committee on Peace-keeping Operations;</i>	
(b) <i>The authorization and financing of future peace-keeping operations . . . . .</i>	1

*Chairman:* Mr. Carlet R. AUGUSTE (Haiti).

### AGENDA ITEM 101

Comprehensive review of the whole question of peace-keeping operations in all their aspects (*continued*)  
A/SPC/L.117 and Add.1 and 2):

- (a) Report of the Special Committee on Peace-keeping Operations (A/5915 and Add.1, A/5916 and Add.1, A/5972, A/6026);
- (b) The authorization and financing of future peace-keeping operations (A/5966/Rev.2)

1. Mr. GARCIA DEL SOLAR (Argentina) said that while his delegation had consistently supported the peace-keeping operations undertaken by the United Nations, it had always been seriously concerned over their constitutional and financial aspects. In 1956, together with the other Latin American countries, Argentina had put before the Assembly the first proposals concerning special financing for such operations. Later it had taken part in the activities of the Working Group of Twenty-One and the Special Committee on Peace-keeping Operations. In the latter Committee it had spoken of the need to find a common denominator on the basis of which a generally acceptable solution could be put forward. In the view of his delegation, that common denominator was nothing more nor less than recognition of the need for strict observance of the juridical criteria by which the framers of the Charter had been guided. Concern for the faithful application of the terms of the Charter should take precedence over any political considerations. In that instrument the respective powers of the Security Council and the General Assembly were interrelated in a judicious balance and it would not be advisable to try to alter it. As a country which had always upheld the principle of the juridical equality of States, Argentina was well aware that under a more flexible interpretation of the Charter, which would circumvent the privilege enjoyed by the great Powers, the equality of the small and medium-sized States would be more satisfactorily assured. To be realistic, however, those States must recognize that the great Powers

bore a particularly heavy responsibility for the maintenance of international peace and security. It was not the small countries but the great Powers which, in the interests of safeguarding peace, had instituted action that subordinated legal to political considerations and thus perilously strained the juridical interpretation of the Charter. The Uniting for Peace resolution (377 (V)), on which his delegation had abstained, was the most extreme example of the flexible interpretation. As Argentina had pointed out in the Special Committee on Peace-keeping Operations, while that resolution had seemed to the small countries to affirm the concept of the juridical equality of States in deciding problems which constituted a threat to peace, it had constituted an excessive departure from the strict legal interpretation of the principles of the Charter and had thus sown the seeds of future discord. The result had been the paralysis of the Assembly's nineteenth session and the near collapse of the United Nations.

2. In the light of those circumstances it should be noted that in the recent Cyprus and Kashmir crises the Security Council's capacity to assume responsibility for the maintenance of peace had been fully demonstrated. Yet the United Nations must explore other possible ways of dealing with future threats to international peace. He recalled in that connexion the Brazilian suggestion at the nineteenth session of the General Assembly (1289th meeting) that the Charter should be amended to insert a new chapter entitled "Peace-keeping Operations" between the present Chapters VI and VII. Although that was a very constructive suggestion it did not offer an immediate solution, since it would take a considerable time to complete the process of amending the Charter in such an important respect. For the immediate future, therefore, his delegation thought that the United Nations would have to resign itself to finding *ad hoc* solutions to peace-keeping problems which would take into account the particular circumstances and characteristics of each crisis.

3. The documentation contained in the report of the Special Committee on Peace-keeping Operations (A/5915 and Add.1), including the records of meetings and the report of the Secretary-General and the President of the General Assembly, provided material which would be most useful in the further study of the problem. He would like in particular to stress the importance of the guide-lines laid down in paragraph 52 of the report of the Secretary-General and the President of the General Assembly (*ibid.*, annex II); he agreed with the representative of Canada that they might be taken as a basis for the discussion of rules which should govern the authorization and financing of future peace-keeping operations. His

delegation felt that the study of the problem should not be interrupted and that the Special Political Committee should take a decision in the matter, providing either for an extension of the mandate of the Special Committee on Peace-keeping Operations or for the establishment of a new body to carry on that Committee's work.

4. Finally, he would like to express his delegation's appreciation of the initiative taken by Ireland in the preparation of the draft resolution (A/SPC/L.117 and Add.1 and 2). As in the case of its notable contribution to the study of the dangers inherent in the proliferation of nuclear weapons, the Irish delegation's efforts in connexion with the problem of peace-keeping operations would doubtless constitute the basis on which the solution to that problem would ultimately be found. The draft resolution approached the question of the financing of peace-keeping operations in a very positive manner which was in keeping with the suggestions made by the Latin American countries. However, one aspect of the procedure proposed in the draft resolution raised a point of principle which seemed very important to his delegation, concerned as it was to maintain the balance between the powers of the Assembly and the privileges of the Security Council as set forth in the Charter. It was one thing to acknowledge the special responsibility of the great Powers in respect of the maintenance of peace but it was quite another to amend the Assembly's rules in such a way as to permit procedures which would not be entirely in conformity with the democratic practices proper to an organ based on the concept of the juridical equality of States. The proposed changes in the traditional voting procedures would enable certain Powers to be the first to express their opinions, thereby influencing the positions of other States. Moreover, the draft resolution provided for an exception to the principle of collective responsibility. Such an exception would not create such difficulties for his delegation if it was a result of resolutions adopted by the Security Council, since it was agreed that that organ was not subject to the principle of the juridical equality of States. In the General Assembly, however, there should be no derogation from either that principle or the principle of collective responsibility.

5. Mr. FARAH (Somalia) recalled that his Government had on previous occasions, both in the United Nations and in other international conferences, advocated strengthening the Organization's capacity to undertake peace-keeping operations. It had taken that position because it believed that the preservation of international peace and security was the Organization's primary task, and it was determined to oppose any movement that might lead the Organization to abdicate that role. In so doing, it was guided not by altruism but by enlightened self-interest, for it considered that the development of the Organization's peace-keeping capacity would increase the security of the vast majority of Member States which were, like Somalia, small Powers.

6. United Nations peace-keeping activities, which consisted of relatively small-scale operations designed to assist States in need, could not be said to constitute a threat to the position of the major Powers. If

the latter opposed such operations, they would not benefit themselves but would deny the smaller Powers the minimum protection the United Nations could give them. Furthermore, his Government held that the world was likely to witness a series of minor conflicts which could be checked by relatively small peace-keeping operations, but which, if allowed to continue, could represent a constant threat of involvement of the larger Powers and thus a constant risk of world conflict.

7. Those were the basic motives which had prompted his delegation to support the Irish delegation's draft resolution. The purpose and effects of that draft had already been fully explained, and he would therefore confine himself to stressing some of its salient features.

8. First and foremost, the system envisaged in the draft was a provisional one, designed to check what was rightly regarded as a retrogressive trend in attitudes towards the General Assembly's authority on budgetary questions and to provide the Organization with a temporary basis for limited peace-keeping operations, pending the adoption of a comprehensive solution. Adoption of the draft would not prejudice the legal or political positions which States might assume with regard to an eventual final solution. Because the solution envisaged in the draft resolution was a temporary one, it left many problems untouched: for example, no mention was made of the very difficult problem of continuing political control over a peace-keeping operation once it had been authorized. His delegation was not satisfied with the provision giving permanent members of the Security Council the right to gain exemption from financial responsibility by voting against an operation or abstaining. It would prefer to see a peace-keeping fund established, with a portion of every Member State's annual contribution set aside for it as a matter of course. In view of the present political impasse, however, it was willing to accept the temporary solution proposed in the draft.

9. Secondly, the draft resolution recognized the primary responsibility of the Security Council, and envisaged Assembly action only as a last resort. The affirmation of the Assembly's residual responsibility corresponded to existing Assembly practice, which was supported by the vast majority of Member States and had been recognized as valid by the International Court of Justice in the Expenses Case.<sup>1/</sup> Those States which denied the Assembly's residual responsibility must remember that United Nations peace-keeping operations protected the smaller Powers and did not threaten the larger Powers. Moreover, if the United Nations did not undertake such operations other organizations would certainly do so: the United Kingdom had attempted to organize a Commonwealth or NATO peace-keeping force in Cyprus, the Organization of American States had actually sent a force to the Dominican Republic, and there was a distinct possibility that the Organization of African Unity might organize a force to intervene in Southern Rhodesia.

<sup>1/</sup> Certain expenses of the United Nations (Article A, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962; I.C.J. Reports 1962, p.151.

10. Turning to the operative part of the draft resolution, he observed that the provisions of paragraph 1 were eminently reasonable, since they ensured that the Assembly could only initiate a peace-keeping operation when there was majority backing for such action. It was to be noted that the provisional method of allocating net costs for future peace-keeping operations proposed in operative paragraph 2 would be employed only in the absence of other agreed arrangements. As for the proposed percentages, there was little point in demanding more than 5 per cent from the economically less developed Member States, since that would cancel out the aid given them by the United Nations in the form of technical assistance. The allocation of 25 per cent of net costs to the

middle Powers was just, since those Powers would probably provide and maintain the peace-keeping contingents and would thus be making a far higher contribution to total costs. Similarly, the 70 per cent of net costs allocated to the permanent members of the Security Council was justifiable, since it was unlikely that they would be called upon to provide contingents.

11. The draft resolution represented only a small step forward, and if the Assembly failed to adopt it, it would bear a very heavy responsibility to posterity.

The meeting rose at 4.5 p.m.