

# United Nations GENERAL ASSEMBLY

TWENTIETH SESSION

Official Records

## SPECIAL POLITICAL COMMITTEE, 468th MEETING

Friday, 26 November 1965,  
at 3.20 p.m.



NEW YORK

### CONTENTS

#### Agenda item 101:

*Comprehensive review of the whole question of peace-keeping operations in all their aspects (continued):*

(a) *Report of the Special Committee on Peace-keeping Operations;*

(b) *The authorization and financing of future peace-keeping operations . . . . .*

Page

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. SETTE CAMARA (Brazil) said that his Government considered it essential to maintain United Nations peace-keeping operations, which were an effective means of securing the peaceful settlement of conflicts that threatened world peace. Brazil had participated in the Suez and Congo operations and had supported the formation of the United Nations Force in Cyprus. His delegation had participated actively in the search for ways to overcome the financial crisis arising from the conflict of opinions over peace-keeping operations, and had accepted the consensus arrived at by the General Assembly on 1 September 1965 (1331st plenary meeting), by which it had been decided not to raise the question of the applicability of Article 19 to the arrears of the United Nations Emergency Force (UNEF) and the United Nations Operation in the Congo (ONUC). That consensus had been possible because Member States believed that the deficit would be covered by voluntary contributions, chiefly from developed countries. His delegation was therefore gratified that some major Powers now showed signs of being disposed to play their part in liquidating the Organization's debt, and it earnestly hoped that they would do so at the earliest opportunity.

2. Apart from the financial crisis, however, the constitutional crisis over peace-keeping operations remained to be settled. His delegation's position in that respect was based on five general principles. First, the General Assembly was competent to initiate peace-keeping operations whenever the Security

Council was unable to do so. Secondly, the General Assembly must intervene in the financing of peace-keeping operations whenever collective responsibility was involved. Thirdly, expenses entailed by peace-keeping operations involving collective responsibility should be apportioned among Member States according to special criteria such as those set forth in resolution 1874 (S-IV). Fourthly, no Member State should be exempted from contributing to peace-keeping operations involving collective responsibility. Fifthly, a distinction should be drawn between operations authorized under Chapter VI of the Charter and the enforcement action provided for under Chapter VII. The most appropriate procedure to that end would be the addition to the Charter of a new chapter dealing with peace-keeping operations.

3. In the light of those principles, it was clear that his delegation would have no difficulty in supporting most of the Irish plan set forth in document A/SPC/L.117 and Add.1 and 2. It did object, however, to the provisions of operative paragraph 2 (iii), which would add fiscal exemption to the already privileged status of permanent members of the Security Council and would conflict with the principle of collective responsibility, thus emphasizing the "second-class citizen" status of the other Member States. If the notion of fiscal exemption was accepted, his delegation failed to see why it should not apply to all Member States not voting in favour of a given operation. Although his delegation favoured the Irish initiative, it doubted whether it would be conducive to the establishment of an enduring and practical solution to the peace-keeping question. What was needed was an instrument which would establish procedures for the authorization and financing of such operations without reference to past controversies.

4. In his delegation's view, the climate in the Special Political Committee was not the most propitious for producing the desired solution. It would prefer the General Assembly to instruct the Special Committee on Peace-keeping Operations to pursue the task of reviewing the whole question. The Special Political Committee would transmit to the Special Committee on Peace-keeping Operations the records of its debate, including the Irish proposal and any other proposals submitted to it. The fact that the twentieth session of the Assembly had been able to function normally, and the possibility that substantial voluntary contributions might be made in the meantime, would favourably affect the activities of the Special Committee on Peace-keeping Operations and help it to find a satisfactory solution.

5. Mr. HILMY (United Arab Republic) recalled that in his statement to the 1351st plenary meeting of the General Assembly the Minister for Foreign

Affairs of the United Arab Republic had said that the responsibility for maintaining international peace and security was shared by the entire membership of the United Nations, and that while the Security Council, with the wide authority conferred on it by the Charter, was the organ most competent to deal with situations affecting international peace and security, it was possible to envisage situations in which the Council would be unable to discharge its responsibilities. In such situations it was essential to find ways and means of securing the continuous operation of the principle of collective security, which was the basic principle of the Charter. To that end, the Minister had continued, it was vital that the machinery of the United Nations should be flexible and that it should be capable of being applied in a realistic manner. That required recognition of the authority of the General Assembly to take practical measures when the Security Council was unable to act. Any attempt to legislate for future peace-keeping operations should lay down an appropriate system for their administration and conduct in order to ensure against repetition of the grave failures and errors which had characterized the Congo operations.

6. Although his delegation agreed in principle with the guide-lines laid down in the report of the Secretary-General and the President of the General Assembly (A/5915/Add.1, annex II), its approach to the question of future peace-keeping operations derived from the basic premise that the United Nations should at all times be able to move quickly enough to carry out peace-keeping operations when they were required in conformity with the Charter. Any system for future peace-keeping operations should not prevent the General Assembly from taking the immediate measures necessary for intervention by the United Nations to repel aggression.

7. The United Arab Republic had consistently supported the principle that a victim of aggression should not be assessed for any expenses or financial obligations resulting from aggression committed against it, and rejected the view that the victim of aggression was, in the last analysis, the one to benefit from a peace-keeping operation, for such an interpretation was in conflict with the principles, spirit and aims of the Charter. Furthermore, it would be wrong to equate aggressors with other Member States not involved in the events leading to the establishment of a peace-keeping operation. That point, it would be recalled, had been emphasized by the fourth special session of the General Assembly, basing itself on the memorandum submitted by seven members of the Working Group of Twenty-One.<sup>1/</sup> His delegation also could not accept the view that a Member State's financial responsibility for future peace-keeping operations should depend on the way it voted. Such a view would undermine the principle of collective security. Indeed, the permanent members of the Security Council should, in view of their special responsibility for the maintenance of international peace and security, bear a greater share of the financial burden of peace-keeping operations than should other Members. Furthermore, methods of

apportioning the financial burden among Member States should not be confused with the principle of collective responsibility; whatever Member States contributed as a mandatory share in accordance with that principle could be combined with other systems of financing peace-keeping operations on the basis of voluntary contributions. He wished to commend the initiative of the Minister for External Affairs of Ireland in the search for a solution to the problem of peace-keeping operations; but for the reasons he had set forth, his delegation found itself in disagreement with certain fundamental aspects of the draft resolution (A/SPC/L.117 and Add.1 and 2).

8. As a member of the Special Committee on Peace-keeping Operations, his delegation believed that the problem was not one which could be solved by a majority decision at the present time. What was needed was the kind of atmosphere, free from dissension and recrimination, which had enabled the Special Committee on Peace-keeping Operations to engage in a constructive exchange of views aimed at seeking areas of agreement rather than stressing mutually exclusive positions with regard to fundamental issues. Had it not been for that constructive approach, the guide-lines set forth in paragraph 52 of the report of the Secretary-General and the President of the General Assembly could not have been formulated. Those guide-lines were, however, neither comprehensive nor fully adequate to meet the varied needs that might arise, as the Secretary-General and the President of the Assembly had noted in paragraph 53 of their report. His delegation accordingly was of the opinion that the time was not yet ripe for voting on resolutions relating to the substance of the issue and it thought that the Special Committee on Peace-keeping Operations should be asked to continue its work, taking into account the deliberations in the Special Political Committee thus far and any further comments which might be forthcoming with respect to the guide-lines.

9. Mr. SOSA RODRIGUEZ (Venezuela) said that the primary purpose of the United Nations was to maintain international peace and security, without which there could be no economic, social, cultural or humanitarian progress. Although the question of the applicability of Article 19 to UNEF and ONUC arrears had been sidestepped, the fundamental causes of the crisis over peace-keeping operations still existed, and the Committee's discussion of agenda item 101 was therefore of the greatest importance.

10. His delegation congratulated the Irish delegation, and in particular Mr. Aiken, on their tireless efforts to find a compromise interim solution that would enable the Organization to undertake peace-keeping operations if the Security Council was unable to act. All Members wished to avoid the possibility of United Nations action being paralysed because of a divergence of opinion among the permanent members of the Council, and the Irish proposals brought up to date the concepts of the "Uniting for Peace" resolution.

11. The United Nations Charter was a multilateral treaty whose provisions could only be amended in accordance with the procedure laid down in the Charter itself. The Charter did not provide for any

<sup>1/</sup> Official Records of the General Assembly, Fourth Special Session, Annexes, agenda item 7, document A/AC.113/18.

procedure whereby a specific interpretation could be imposed on a signatory in those cases where the text permitted varying interpretations. In such cases, however, the Charter should not be viewed in the light of the circumstances and concepts prevailing in 1945; signatories should be willing to accept a dynamic, progressive interpretation which, while remaining faithful to the Charter's fundamental principles, would take changing conditions into account, thus enabling the Organization to adapt itself to modern requirements, the better to attain the fundamental goals of the Charter.

12. In the specific case of peace-keeping operations, there were two possible interpretations of the relevant Articles. The first would make it possible for any of the permanent members of the Security Council to prevent the United Nations from taking peace-keeping action. His delegation supported the second interpretation, which conferred residual responsibility for peace-keeping operations on the General Assembly; for it believed that that was the only interpretation consonant with the Organization's fundamental purposes. His delegation therefore agreed with the advisory opinion of the International Court of Justice<sup>2/</sup> that the word "action", as employed in Article 11, paragraph 2 of the Charter, referred to preventative or enforcement action against a specific State, for any other interpretation would be tantamount to nullifying all the powers which Articles 10, 11 and 14 conferred upon the Assembly in matters relating to the maintenance of peace and security. Action could be taken without implying the use of military force against a specific State; for example, the appointment of a mediator, the arrangement of a truce or the appointment of an observer force. Such action should be decided upon by recommendation of the General Assembly within the provisions of Articles 10, 11 and 14. His delegation believed that the General Assembly was competent to initiate and carry out peace-keeping operations when those operations did not imply the use of force against a specific State.

13. With regard to the financing of those operations, his delegation also accepted the criterion set forth in the advisory opinion of the International Court of Justice to the effect that expenditure on such operations should be considered as regular expenses of the Organization and included among the expenses mentioned in Article 17, paragraph 2. It therefore considered that each Member State was under an obligation to defray those costs in accordance with the scale of assessments determined by the General Assembly. His delegation's position was based on five principles. First, primary, but not exclusive, responsibility for the maintenance of international peace and security devolved upon the Security Council. Secondly, peace-keeping operations requiring enforcement action against a State, pursuant to the provisions of Chapter VII of the Charter, fell within the exclusive competence of the Security Council. Thirdly, the General Assembly had residual power to recommend peace-keeping operations in all cases not specifically reserved to the Security Council. Fourthly,

when the Assembly recommended a peace-keeping operation, it was also empowered to decide on the financing of that operation and to apportion its cost among all Member States. In his delegation's view, the Security Council did not have the power to apportion costs; it could only act in that connexion on the basis of the special agreement referred to in Article 43 of the Charter. Thus, in apportioning costs for peace-keeping operations the Assembly should adopt a scale different from the regular scale of assessment, taking into account the special responsibility of the permanent members of the Security Council, the degree of relationship of a State to a specific peace-keeping operation, and the economic capacity of Member States.

14. In general, his delegation supported the draft resolution (A/SPC/L.117 and Add.1 and 2), which incorporated a number of the principles advocated by Venezuela, including the primary responsibility of the Security Council, the residual power of the General Assembly and the principle of collective financial responsibility. However, his delegation had certain reservations concerning the proposed procedure. Operative paragraph 2 (a) (iii) would confer an extra privilege on the five permanent members of the Security Council which was not envisaged in the Charter, for it would enable them to obtain exemption from responsibility for the financing of peace-keeping operations of which they did not approve. Operative paragraph 1 (c) (ii) would affect to some extent the principle of the equality of all Member States in the General Assembly, for it established an unusual system of voting which would enshrine in a rule of procedure the political pre-eminence of the permanent members of the Council and the influence they might have in deciding the vote of other Member States. Finally, his delegation feared that the special majority required under operative paragraph 1 (b) (ii) might paralyse the General Assembly, for it would enable a small group of States to block the approval of the necessary resolution. Furthermore, the proposed change in rule 88 of the rules of procedure would indirectly imply an amendment of Article 18 of the Charter, which provided for only two types of decisions: those taken by a simple majority and those taken by a two-thirds majority. The provisions of operative paragraph 1 (b) (ii) would in fact create a third category of decision, requiring a larger majority than that required for either of the other two categories.

15. His delegation's position on the important question of peace-keeping operations was flexible, and it was ready to co-operate in finding a viable solution acceptable to all Member States which would make it possible to establish United Nations peace-keeping activities on a stable constitutional and financial basis.

16. Mr. CAMPOS TORRES (Guatemala) said that the item under discussion was of crucial importance for the very existence of the United Nations and was a concern not only to the great Powers but also to those small States which, like his own, were trying to create a better life for their people in a peaceful world. The Committee was attempting to

<sup>2/</sup> Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962: I.C.J. Reports, 1962, p. 151.

work out procedures for eliminating breeding grounds of war which could bring about a world-wide nuclear conflict and cause the destruction of civilization. While small countries like Guatemala could not provide logistic support or substantial sums of money for peace-keeping operations, they should endeavour to ensure that those who had the power to decide the issue of war or peace used their power wisely and within the framework of the United Nations.

17. At the previous meeting, one delegation had expressed the view that those who, instead of recognizing the exclusive responsibility of the Security Council for the maintenance of international peace and security, held the General Assembly to have residual power in that regard, were making an indirect and unlawful attempt to amend the United Nations Charter. His delegation was aware that the present dispute was a political rather than a legal one; but it did not believe that it could be stated categorically that the General Assembly was not empowered to undertake peace-keeping operations. The question was a very complicated one, and no simple solution was possible.

18. Those who took the view that the Security Council had exclusive power in the matter based their position primarily on Articles 24 and 43 of the Charter. They were correct in citing Article 24, which provided that Member States "confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf". It should be noted, however, that under Article 24 that delegation of responsibility was made "In order to ensure prompt and effective action by the United Nations". It was assumed that the Assembly, which included all Member States, would take more time to act than the much smaller Security Council. When the Council did not act promptly and effectively, it was not carrying out its duties under Article 24 and the Assembly was clearly free to take action. In addition, the second paragraph of the same Article provided that "In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations". The purposes of the United Nations, as set out in Article 1, did not indicate in any way that, in assigning primary responsibility for the maintenance of peace to the Security Council, the General Assembly had permanently and unconditionally delegated its powers to the Council. The second sentence in Article 24, paragraph 2, stated that "The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII". But whatever action the Security Council might take under those chapters, they must necessarily be interpreted in the light of Article 24, which, as he had already pointed out, left the General Assembly free to act in cases where the Council failed to do so. As far as Article 43 was concerned, he would merely note that, as part of Chapter VII, it was subject to the provisions of Article 24.

19. Those who felt that the General Assembly had a residual or complementary function with regard to peace-keeping invoked Articles 10, 11, 12, 14, 15 and 35 of the Charter in support of their thesis; his

delegation proposed to direct its attention to the provisions of Articles 10 and 12. Article 10 provided that "The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters". The limitation imposed by Article 12 was as follows: "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendations with regard to that dispute or situation unless the Security Council so requests." The General Assembly obviously could not deal with a matter while it was still before the Security Council; furthermore, no one denied that the Council had priority in matters relating to the maintenance of peace. However, if the Council was no longer dealing with a question or did not deal with it at all, the General Assembly was clearly responsible for upholding the purposes and principles of the United Nations. Article 11, paragraph 2, which provided that questions relating to the maintenance of international peace and security "on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion", was invoked in support of the thesis that the Assembly was not empowered to take action on such questions. In fact, however, that provision meant only that the Council was empowered to act first; where the Council failed to act promptly and effectively, the Assembly remained free to take action under Article 24. His delegation therefore felt that those who recognized the residual powers of the General Assembly were more correct than those who contended that the Security Council had exclusive power in the matter of peace-keeping.

20. His delegation wished to go on record as firmly supporting the position stated in paragraph 52 of the report of the Secretary-General and the President of the General Assembly (A/5915, annex II). It felt that, under Article 18, paragraph 2 of the Charter, the General Assembly was competent to apportion costs in connexion with the maintenance of peace. Furthermore, there was nothing in the Charter to prevent the establishment of a committee or other body entrusted with the apportionment of such costs, particularly in view of the likelihood that the Secretary-General would preside over such a body; indeed, justification for its establishment could be found in Article 22 of the Charter, which provided that "The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions".

21. With regard to the draft resolution (A/SPC/L.117 and Add.1 and 2), his delegation associated itself with those who had praised the sincere interest and concern shown by the Government of Ireland, whose delegation had originally sponsored the draft. In particular, he wished to pay a tribute to Mr. Aiken, the Irish Minister for External Affairs, for his ceaseless efforts to find a solution to the problem of peace-keeping. The delegation of Guatemala shared

the view that, while the maintenance of peace was the most important task of the United Nations, it was essential to maintain a balance between promptness and caution. His delegation had certain reservations about the draft resolution which it might discuss at a later date. For the present, it merely wished to touch upon one of the many positive features of the draft resolution, namely, the fact that due account was taken of the developing countries' capacity to pay. While peace was essential to the very existence of the smaller countries, his delegation hoped that the developed countries would not require them to make contributions which, although small in comparison with those of the great Powers, would have to be made at the expense of other budget items vital to their development.

22. Mr. PRANDLER (Hungary) said he would like to express his delegation's satisfaction with the work of the Special Committee on Peace-keeping Operations as a whole and with the contribution to its efforts made by the Secretary-General and the President of the nineteenth session of the General Assembly. In connexion with the study of that Committee's report, three fundamental points emerged. The first was that the Committee had found a means of reaching a consensus, and it had thus been possible to avoid a confrontation on the issues which had divided the General Assembly at its nineteenth session. It should be stressed, however, that it was not only the Special Committee on Peace-keeping Operations but a large majority of the membership which deserved credit for the normalization of the Organization's work. Secondly, the Special Committee on Peace-keeping Operations had agreed that its task was not to consider revision of the Charter but to explore every possibility open to it under the provisions of the Charter as it stood. Finally, it had taken only the first steps towards a solution of the problem of peace-keeping operations, and its work must be continued.

23. In the light of those general remarks he wished to set forth his delegation's views with regard to various aspects of the matter dealt with in the report of the Special Committee on Peace-keeping Operations, or raised by representatives in the meetings of that Committee and of the Special Political Committee. First of all, the problem of peace-keeping operations could not be separated from the actions of the United Nations as a whole and settled by devising artificial categories and schemes which would be in conflict with the spirit and the letter of the Charter. Such operations should, on the contrary, be made an integral part of the collective security system provided for in Articles 1 and 2 of the Charter. Secondly, the Charter provision requiring unanimity among the great Powers before the Security Council could act was the cornerstone on which the whole edifice of the United Nations rested, for it recognized the historical necessity of co-operation by those Powers in the context of peaceful coexistence among States having differing social systems and at the same time facing the threat of a nuclear war. Speaking at the 1350th plenary meeting of the Assembly, the Hungarian Minister for Foreign Affairs, Mr. János Péter, had said that it was in the interest of the whole world—in

other words of the small as well as the great Powers—not to permit a loosening of the obligations and rights of the great Powers in the Security Council. Any move directed against the rule of unanimity and the competence of the Security Council should therefore be rejected. Thirdly, his delegation considered that the competence of the Security Council covered all operations involving the establishment of a United Nations force, military or otherwise, with the exception of missions of observation and investigation, whether the action was initiated under Chapter VI or Chapter VII of the Charter.

24. With regard to the question of the competence and the so-called "residual powers" of the General Assembly, his delegation agreed that under Articles 10, 11, 12, 14, 15 and 35 of the Charter the Assembly bore its share of responsibility for the maintenance of international peace and security. Nowhere in those Articles, however, was it provided that the General Assembly could adopt binding resolutions or could act in place of the Security Council. That was why his delegation had observed in its letter of 31 July 1965 (A/6026, annex I) to the Secretary-General and the President of the Security Council that the term "complementary" in paragraph 52 (c) of the report would open the way to contradictory interpretations and thus erode the definitely established boundary between the competence of the Security Council and that of the General Assembly. The well-known legal authority Hans Kelsen had written that one of the reasons for the weakness of the League of Nations was its extended decentralization; the Covenant had conferred upon the two main organs of the League concurring jurisdiction and no power beyond that of making recommendations, which were not binding upon Members. The United Nations Charter, on the other hand, provided for a high degree of centralization, assigning to the Security Council the most important functions in maintaining international peace and the power to adopt decisions binding upon all Member States. To that extent, Kelsen had written, the Organization of the United Nations was based on the principle of division of labour between the Security Council and the General Assembly. Those comments, made in 1951, were still valid now, when attempts were being made to revive the Uniting for Peace resolution—which had been formulated and applied in circumvention of the Charter and in contradiction to the basic philosophy and intentions of the Charter's authors. His delegation, like those of the other socialist countries, had firmly opposed that resolution at the time of its adoption, and continued to oppose any moves based on its provisions.

25. Another authority on United Nations law, Pierre Brugière, had observed that nothing in the Charter stipulated that the Assembly should act in place of the Security Council when the latter failed to take a decision and that the principle embodied in resolution 377 (V) was thus devoid of any legal foundation.

26. In other words, there was no political or legal basis whatever for altering the fundamental division of labour between the Security Council and the General Assembly. Any solution based overtly or covertly on the "Uniting for Peace" resolution was therefore

completely unacceptable to his delegation. The draft resolution introduced by the Irish delegation (A/SPC/L.117 and Add.1 and 2) was a case in point. He could not agree with the interpretation that it was aimed only at amending the rules of procedure. It was clearly in conflict with the basic provisions of the Charter and was questionable even from the procedural standpoint. It therefore could not serve as a basis for future deliberations.

27. Before concluding his statement he would like to mention a disquieting development which had been observed in various United Nations bodies. That was the talk about so-called inherent contradictions between the great Powers and the small countries. His delegation, which represented one of the small countries, considered that the rule of unanimity of the great Powers was in the interest of all Members. If there was a dividing line it was not between small and great Powers but between those which were

striving to implement the spirit and letter of the Charter and those which had colonialist and neo-colonialist designs and practised racism. Not only certain great Powers but also small and medium-sized countries had often pursued colonialist and imperialist policies in the past and were continuing to do so today. Hence the small and medium-sized countries could best contribute to the maintenance of international peace and security by supporting the Charter and exerting pressure on any Power, whatever its size, which might embark on the path of aggression.

28. His delegation was of the opinion that as the comprehensive review of the question of peace-keeping operations was still in its preliminary stages, the General Assembly should instruct the Special Committee on Peace-keeping Operations to continue its work without undue delay.

The meeting rose at 5.15 p.m.