

UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/AC.121/4  
31 May 1965

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON PEACE-KEEPING  
OPERATIONS

REPORT OF THE SECRETARY-GENERAL AND THE  
PRESIDENT OF THE GENERAL ASSEMBLY

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## INTRODUCTION

1. On 18 February 1965, the General Assembly, during the course of its nineteenth session, adopted resolution 2006 (XIX) on the subject of a comprehensive review of the whole question of peace-keeping operations in all their aspects. The resolution reads as follows:

"The General Assembly,

"Concerned at the situation at its nineteenth session,

"Deeply anxious to resolve urgently the problems which have arisen at that session, so as to enable the Organization to continue to fulfil its objectives,

"Considering it necessary to ensure as soon as possible the normalization of its work,

"1. Invites the Secretary-General and the President of the General Assembly, as a matter of urgency, to make arrangements for and to undertake appropriate consultations on the whole question of peace-keeping operations in all their aspects, including ways of overcoming the present financial difficulties of the Organization;

"2. Authorizes the President of the General Assembly to establish a Special Committee on Peace-keeping Operations, under the chairmanship of the President of the Assembly and with the collaboration of the Secretary-General, the composition of which will be announced by the President after appropriate consultations;

"3. Instructs the Special Committee, taking into account the consultations envisaged in paragraph 1 above, to undertake as soon as possible a comprehensive review of the whole question of peace-keeping operations in all their aspects, including ways of overcoming the present financial difficulties of the Organization;

"4. Requests the Special Committee to submit a report to the General Assembly as soon as possible and not later than 15 June 1965."

In accordance with operative paragraph 1 of the above resolution, the Secretary-General and the President of the General Assembly undertook extensive consultations with a large number of Member States. The Secretary-General and the President of the Assembly wish to place on record their deep appreciation of the unfailing courtesy and the unstinted co-operation extended by Member States, without which the consultations would not have been so helpful and constructive as they have turned out to be.

2. In the preparation of the present report which, it is hoped, will assist the Special Committee in carrying out the important task entrusted to it by the General Assembly, the Secretary-General and the President of the Assembly have, apart from the valuable consultations referred to in paragraph 1 above, also benefited considerably from the formal meetings of the Special Committee which were conducted in a constructive and co-operative manner and during which many helpful ideas and positive suggestions were submitted by the members.
3. The Secretary-General and the President of the General Assembly have attempted in sections I to IV of the report to place before the members of the Special Committee an account of the views and suggestions made both during the informal consultations and the formal meetings of the Special Committee on the different aspects of the matter covered by General Assembly resolution 2006 (XIX). In section I, there is also a short account of the experience of the United Nations in the field of peace-keeping operations. It is hoped that this will help to ensure a proper perspective in dealing with the problem.
4. In section V, the Secretary-General and the President have indicated some broad conclusions that can be drawn from the views expressed by the members and made certain observations which, it is hoped, will contribute in some measure towards the normalization of the work of the General Assembly and in solving the problems that confront the Organization.

## I. GENERAL

5. The term "peace-keeping operations" which, according to the decision taken by the General Assembly on 18 February 1965, is to be reviewed in all its aspects by the Special Committee, is not defined as such in the Charter, nor has any effort been made in any United Nations body at any time in the past to attempt a clear and precise definition of this term. It is therefore not surprising that there does not appear to exist among the States Members of the United Nations even a general consensus as to what constitutes a "peace-keeping operation" as that term is referred to in General Assembly resolution 2006 (XIX). Some include under this term all measures taken by the Organization in the maintenance of international peace and security, either for the peaceful adjustment of a situation likely to impair the general welfare or friendly relations among States, or for the pacific settlement of disputes or for initiating action with respect to threats to the peace, breaches of peace and acts of aggression. Others give the term a more restricted interpretation.

6. Some of the views bearing on this question and which were expressed during the informal consultations and the formal meetings of the Committee are indicated below:

(a) Peace-keeping operations are operations of a military, para-military or non-military character which are to be conducted by the United Nations for the maintenance of international peace and security, with the exception of those which fall under the category of enforcement action under Chapter VII of the Charter. According to this view, such operations are of a non-mandatory and non-coercive nature and require an invitation from or at least the consent of the country on whose territory an operation is to take place and do not place any obligations on Member States as to contributions in the form of personnel and logistical support. Such operations should not be allowed to constitute or be a pretext for any type of foreign intervention or to infringe on the national sovereignty of any country. If armed personnel is involved, the use of force should be limited strictly to the requirements of self-defence. These operations could take different forms, such as:

- (i) Observation of conditions on one side or on both sides of a frontier;
- (ii) Fact-finding and observation in regard to alleged interference from outside in the domestic affairs of a Member State;
- (iii) Observation or supervision of a cease-fire line;
- (iv) Missions of mediation and conciliation;
- (v) Missions connected with investigation or observation to clarify the factual situation;
- (vi) Assistance to a country to maintain law and order where requested by that country and in conditions in which international peace and security might otherwise be disturbed.

(b) Another view is that the term "peace-keeping operation" connotes an operation of an executive nature which interposes a United Nations presence in a situation likely to lead to a breach of the peace, but the activity involved may constitute nothing more than either the employment of peaceful means which is of the parties' own choice, within the meaning of Article 33, or a measure for the peaceful adjustment of a situation which the General Assembly can recommend under Article 14. These operations are qualitatively different from the expedition of a military force with a clearly coercive mission.

(c) Yet another view is that the concept of peace-keeping operations is a new one that should be incorporated into the Charter as soon as possible by the inclusion of a new chapter which could be placed between the present Chapters VI and VII. Peace-keeping operations are conducted on the territory of one or more States, Members of the United Nations or not, at their request or with their consent, and undertaken by military contingents supplied chiefly by medium and small Powers. The only objective of these operations would be to preserve peaceful conditions but it does not exclude, during the operations, recourse to coercive action in given circumstances and for a limited period of time.

(d) It has been observed that it is unnecessary to decide each and every one of the characteristic features of these operations, that it may suffice to spell out that these operations can be carried out only with the consent of the State or States which are parties to the dispute and that it is a question of military operations in which the Member States participate in a manner which is fundamentally different from that provided under Chapter VII of the Charter.

(e) Some members feel that any operations which involve the use of armed force, whatever the reasons for initiating such operations might be, are "actions" within the meaning of Chapter VII and fall entirely within the exclusive prerogatives of the Security Council.

(f) Another view is that the exclusive competence of the Security Council covers all operations that involve the establishment of a force, military or otherwise, except for the mere purpose of observation and investigation, whether or not the action is initiated under the provisions of Chapter VII of the Charter.

7. It will be obvious from the preceding paragraphs that the concept of "peace-keeping" is capable of widely differing interpretations and, as such, incapable of being accurately and clearly defined to the satisfaction of all Member States. It might be useful in this connexion if an attempt were to be made to outline the experience of the United Nations in this undefined and broad field - an experience which indicates very clearly the varied nature of such activities.

8. What are called the peace-keeping operations of the United Nations have varied greatly in size, nature and objective. There have also been wide variations in methods of financing. United Nations peace-keeping operations of various types and sizes have been organized in response to critical situations in Greece, Palestine, Kashmir, Suez and Gaza, Lebanon, Jordan, the Congo, West Irian, Yemen and Cyprus. It may be noted that only in the cases of the United Nations Emergency Force (UNEF) and the United Nations Temporary Executive Authority (UNTEA) did the initiative for setting up these peace-keeping missions, come from the General Assembly.

9. There is great diversity both as regards the situations dealt with by United Nations peace-keeping efforts and the type of operation set up to deal with those situations. In some of the situations, for example in Kashmir, Palestine, Lebanon and Cyprus, fighting was actually going on when the United Nations action was taken. In most of them, outbreaks of violence have been a continuous possibility, and actual incidents involving the use of armed force have been regular occurrences throughout the existence of the United Nations

Truce Supervision Organization in Palestine (UNTSO) and the United Nations Military Observers Group in India and Pakistan (UNMOGIP). Some situations, notably the Congo, Lebanon and Cyprus, have been made more difficult by threats of external interference and the fears and suspicions which such threats inevitably arouse.

10. Broadly speaking, United Nations peace-keeping operations may be divided into two main categories, namely, observer operations (UNTSO, UNMOGIP, United Nations Observation Group in Lebanon (UNOGIL) and United Nations Yemen Observation Mission (UNYOM)) and operations involving the deployment of armed forces (UNEF, United Nations Operation in the Congo (ONUC), UNTEA and United Nations Force in Cyprus (UNFICYP)). In three cases (Palestine, India-Pakistan and Cyprus) a mediator has also been appointed, at one stage or another, while in the cases of Palestine and the Congo, conciliation commissions were also set up.

11. The mandates of the various observer operations have varied widely, ranging from the observation and maintenance of a truce agreement (UNTSO and UNMOGIP) to a much more limited task of reporting, as in the cases of UNOGIL and UNYOM, and most lately in the Dominican Republic. The mandates of the various forces have also varied greatly. UNEF operates on the Armistice Demarcation Line in Gaza and on the International Frontier, covering a distance of about 450 kilometres. ONUC, with its more complex mandate, including assistance to the Government of the Congo, was far more involved with events of all kinds within the boundaries of the Congo. UNTEA had a very limited and transitional task, while UNFICYP is of necessity involved by its mandate in the intricacies of the Cyprus problem and the relations between the Greek Cypriot and Turkish Cypriot communities.

12. The national make-up of the armed forces involved in peace-keeping operations has also varied widely according to their role and location. The troops of UNTEA came from a single country, while thirty-six countries provided military personnel for ONUC. The different characteristics and demands of each operation have meant that troops of a nationality which was entirely acceptable in a previous peace-keeping mission did not prove to be acceptable in another mission. The organization and type of military personnel required also vary according to the task to be performed.

13. The conduct of these operations, whatever their size or nature, involves constant thought, direction and frequent decisions both in the field and at United Nations Headquarters. The decisions required of both the Secretary-General and the senior military and civilian officials in the field are often urgent ones which involve lives and the possibility of quick and serious deterioration of a situation. Both speed and wisdom are essential in such decisions and a great responsibility therefore rests upon the Secretary-General and his representatives in the field, for the urgency of the situation sometimes makes full consultation with the representative organs of the United Nations or with national representatives impossible. These decisions relate, for example, to such complex matters as the interposing of United Nations forces, to directives which may put United Nations troops in a position where they have to use minimum force in exercising their legitimate right of self-defence, and where emergency measures have to be taken to prevent a breakdown of law and order. In observer operations, urgent decisions are also required in emergencies where a rapid and firm intervention by the peace-keeping mission is required.

14. Involving as they do by their very nature the most delicate political considerations as well as, more often than not, a very sensitive military situation, both main types of peace-keeping operations have to be conducted with the utmost care and with constant supervision at all levels. The difference in the relative importance of various aspects of the problems concerned as seen at United Nations Headquarters and in the areas of operation themselves also requires a constant interchange of information and directives between United Nations Headquarters and the field.

15. The Secretary-General and the Secretariat at Headquarters require from the chief military and civilian officials in the field regular and immediate information as to developments on the spot, for the information of the Security Council and of Member States, as well as for their own needs. Advice on the position of the peace-keeping operation and on its potential capacity to deal with probable future situations is also essential. The military and civilian heads of operations in the field also normally require constant advice and direction from Headquarters so that their activities may conform to wider political



considerations, to the mandate laid down by the Security Council or General Assembly, and to the Secretary-General's concept of that mandate.

16. The logistic support of these operations, especially those involving sizable bodies of troops, is also a large and continuing responsibility both at Headquarters and in the field, a responsibility which is often complicated by the diverse make-up of the peace-keeping operations and by the uncertain and short-term nature of financing arrangements, as in UNFICYP.

17. Although the General Assembly has usually been responsible for the financial arrangements for peace-keeping operations, the methods of financing have varied widely. Some are charged to the regular budget (UNTISO and UNMOGIP, UNOGIL and the Mediator on Cyprus). Others, such as UNEF and ONUC, function on a more complicated basis - on a special account outside the regular budget, on ad hoc financing and a combination of assessed and on voluntary contributions. A third category, notably UNTEA and UNYOM, have been financed on the basis of a sharing of costs by the Governments principally concerned, while UNFICYP is financed by voluntary contributions. In the case of the small United Nations operation in the Dominican Republic, in the absence of any specific provision for the financing of the operation, the Secretary-General is acting under the provisions of paragraph 1 (a) of General Assembly resolution 1985 (XVIII) of 17 December 1963 and paragraph 3 of resolution 2004 (XIX) of 18 February 1965.

## II. CONSTITUTIONAL

18. The conflicting views enumerated in the preceding section regarding the concept of peace-keeping operations are based largely on conflicting interpretations of the relevant provisions of the Charter and, in particular, on the provisions relating to the respective functions and powers of the Security Council and the General Assembly. The consultations which the Secretary-General and the President of the General Assembly held with Member States and the debates in the formal meetings of the Special Committee have helped to some extent to crystallize the views concerning this aspect of the problem. An attempt has been made in the following paragraphs to deal with the main points that were brought up.

19. There appears to be general agreement that the functions and powers of the Security Council and the General Assembly should be understood as complementary and not as contradictory. Article 24, paragraph 1, of the Charter states:

"In order to ensure prompt and effective action by the United Nations, its Members 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."

Further, Article 25 of the Charter states:

"The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

The specific powers granted to the Security Council for the discharge of the duties referred to in Article 24, paragraph 1, are laid down in Chapters VI, VII, VIII and XII of the Charter. The General Assembly also bears its responsibility in maintaining international peace and security. The general functions and powers of the General Assembly relating to the maintenance of international peace and security are defined in Articles 10, 11, 12, 14, 15 and 35 of the Charter.

20. It is frequently stated that all enforcement actions are the exclusive prerogatives of the Security Council under the provisions of the Charter. However, a serious difference of view exists as to what constitutes enforcement action. Many Members hold that enforcement action is action covered by Articles 41 and 42

of Chapter VII of the Charter which is exclusively within the competence of the Security Council. According to this view, action taken at the request or at least with the concurrence of a party or parties and which is of a non-mandatory and non-coercive nature is not enforcement action and as such does not fall within the exclusive competence of the Security Council.

21. The opposite view is that, according to the Charter, it is only the Security Council that can take decisions on any questions connected with the adoption of measures for the maintenance of international peace and security, which include operations involving armed forces of the United Nations. The utilization of United Nations armed forces in any instance, without any exception whatsoever, is an enforcement action and must therefore be governed by the corresponding provisions of Chapter VII of the Charter. In other words, the establishment of United Nations armed forces aimed at maintaining or restoring international peace and security is by agreement of the permanent members of the Security Council on all fundamental matters relating to their authorization, utilization and financing. According to this view, the broader participation in decisions on matters relating to the practical implementation of the operations of the United Nations aimed at the maintenance of international peace and security must be ensured by expediting the enlargement of the composition of the Security Council. The responsibility of the General Assembly consists of the consideration of any questions related to the maintenance of international peace and security and the adoption of suitable recommendations on such questions, taking into account the terms of reference of the General Assembly as laid down in the Charter. Furthermore, any question on which action becomes necessary is transferred by the General Assembly to the Security Council, but if the Council is unable to adopt a decision on any given concrete question related to the maintenance of international peace, nothing can prevent the General Assembly from considering the whole question anew in order to adopt new recommendations based on the terms of reference of the Assembly.

22. Another view is that enforcement action includes not only measures provided for in Articles 41 and 42 but all measures the purpose of which is the establishment

of a force, military or otherwise, charged with the task of intervening against a State or inside a State, even when the latter consents and where the effective use of arms is theoretically limited to restricted or exceptional circumstances. This would exclude operations the purpose of which is to conduct observations, surveillance or enquiry, even when military personnel are used and even when such personnel are numerous, provided that such military personnel do not constitute units under a military commander and provided that they are not charged with their own security, since the latter is a task for the local forces. In other words, whenever an operation involves the use of armed personnel other than for the mere purpose of observation and investigation, such operation is enforcement action within the sole competence of the Security Council.

23. In connexion with the functions and powers of the Security Council, considerable importance is attached to General Assembly resolution 1991 A (XVIII) of 17 December 1963 on the question of equitable representation on the Security Council. In that resolution, the General Assembly recognized that it was necessary to enlarge the membership of the Security Council to provide for a more adequate geographical representation of non-permanent members and to make it a more effective organ for carrying out its functions under the Charter. The Charter amendment to this effect, decided upon by the General Assembly in the aforementioned resolution, will come into force when it has been ratified by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council. As at 31 May 1965, seventy-one Member States, including one permanent member of the Security Council, have ratified this Charter amendment and there is every reason to hope that the amendment will come into force before long.

24. Although it is not explicitly stipulated in the Charter, it seems to be the general opinion that in view of the primary responsibility for the maintenance of international peace and security conferred upon the Security Council by Members of the United Nations for the purpose of ensuring prompt and effective action by the Organization, any question which involves or may involve peace-keeping operations should be examined in the first instance by the Security Council in order that an appropriate decision could be adopted as promptly as possible by that organ.

25. It seems equally acceptable that if the Security Council is unable for any reason whatever to adopt decisions in exercise of its primary responsibility for the maintenance of international peace and security, there is nothing to prevent the General Assembly from considering the matter immediately and making appropriate recommendations in conformity with its responsibilities and the relevant provisions of the Charter. The General Assembly, if not in regular session, may be called into emergency session of the purpose referred to in the preceding paragraph upon the request of the Security Council or by a majority of the States Members of the United Nations. If the General Assembly is called upon to deal with a situation in these circumstances, it may under the relevant provisions of the Charter make recommendations to the Members of the United Nations or to the Security Council or to both, but there appears to be considerable support for the view that the Assembly should, in the first instance, address its recommendations back to the Council.

26. It was evident during the consultations that Members agree that if the General Assembly resolved by the required two-thirds majority to make recommendations to the Security Council, the weight of such recommendations, supported by a substantial majority of the membership of the United Nations, would have a very significant effect upon the subsequent action by the Security Council. It is likewise to be expected that the General Assembly will duly take into account and give the most serious weight to the views expressed and positions taken in the Council, including those by the permanent members, when the Council was previously seized of the matter at issue.

27. During the consultations, it was apparent that there was a difference of opinion concerning the scope and nature of the recommendations the General Assembly is authorized to make under the provisions of the Charter relating to the maintenance of international peace and security. This has understandably given rise to conflicting positions and has even led some to conclude that the position can be rectified only by an early revision of the Charter through the inclusion of provisions to deal with situations not adequately covered in the present Charter.

28. Article 11, paragraph 2, concerning the competence of the General Assembly to deal with questions relating to the maintenance of international peace and security, reads as follows:

"The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a State which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such question to the State or States concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion."

The difference in interpretation has arisen largely on the exact meaning of the word "action" in the second sentence of the above quoted provision of the Charter. Some Members relate this word to the enforcement action covered by Chapter VII of the Charter which, in their view, is action directed against a State. They admit that such action is beyond the competence of the General Assembly. They do, however, make a distinction between such action and action taken with the consent or concurrence of the party concerned and not against that party. In regard to action of the latter type, they hold that the General Assembly is not obligated under Article 11, paragraph 2, to refer the question to the Council for decision. Another view is that, when implicitly or explicitly describing as coercive actions only those operations directed against a State, to the exclusion of those which have as their object action against disturbers of the peace, communities or provinces, a distinction is established which is not justified either by the Charter or by experience, and that enforcement action occurs whenever the use of force is provided for in an operation authorized with or without the consent or

concurrence of the parties. According to this view, the action covered by Article 11, paragraph 2, includes not only the measures provided for in Chapter VII of the Charter, in Articles 41 and 42, but also measures the purpose of which is the establishment of a force, military or otherwise, charged with the task of intervening against a State or inside a State even when the latter consents and where the effective use of arms is theoretically limited to restricted or exceptional circumstances. This would leave aside the operations the purpose of which is to conduct observation, surveillance or enquiry, even when military personnel are used and even when such personnel are numerous, provided that such military personnel do not constitute units under a military commander and provided that they are not charged with their own security since the latter is a task for the local forces. Yet another view is that "action" covers any decision on matters relating to the practical implementation of the operations of the United Nations aimed at the maintenance of international peace and security.

29. Mention was also made by many Members in this connexion of Article 14 which, in their view, gives the General Assembly the competence to "recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations". However, there does not appear to be any clear consensus regarding the scope of the term "measures".

30. Although, in terms of the provisions of the Charter, the General Assembly, if called upon to consider a question relating to the maintenance of international peace and security, is empowered to make recommendations to the Members of the United Nations or to the Security Council or to both, it appears to be widely accepted that if the Assembly is considering a question that involves or might involve a peace-keeping operation, it should make appropriate recommendations to the Council in the first instance in view of the latter's primary responsibility in such matters.

31. Apart from the difficulty in defining the precise scope of the General Assembly's recommendations, there is a very wide difference of views regarding the steps to be followed in the event of the Security Council being unable to act promptly in conformity with the recommendations of the Assembly.

32. Some Members hold the view that if the Security Council is unable to act even on the second attempt and in spite of the strong recommendations of the General Assembly, it would be realistic to accept the inability of the Organization to intervene in the given situation and to seek help outside the United Nations framework. This view does not, however, appear to be supported by the majority of Member States. In fact, there are some who would like to see the General Assembly empowered, in such a situation, to authorize the peace-keeping operation. Others suggest a more flexible approach and would have the General Assembly, at that stage, make appropriate recommendations for measures possibly not involving the establishment of a peace-keeping operation to deal with the situation.



### III. FINANCIAL

33. Operative paragraphs 1 and 3 of resolution 2006 (XIX) make reference to the need for "overcoming the present financial difficulties of the Organization". It does not seem necessary to dwell at any great length on the history of this aspect of the problem with which the Members of the United Nations are very familiar.

34. The Special Committee is, needless to say, concerned with the whole question of the financing of peace-keeping operations. However, it is widely accepted that the immediate task is the restoration of the solvency of the Organization and that this should be achieved through voluntary contributions by Member States. It has been suggested, in this connexion, that the highly developed countries should make substantial contributions.

35. The question of the financing of future peace-keeping operations has received considerable attention. Views on this important question often differ widely, as shows in the paragraphs which follow:

(a) The view that appears to be shared by a substantial number of Member States is that, in case the financing of a peace-keeping operation is not covered by special arrangements, it should fall under the competence of the General Assembly to make assessments according to Article 17 of the Charter. These special arrangements include those envisaged in Article 43 of the Charter, as well as other arrangements such as sharing the total costs between parties who desire the particular peace-keeping operation or financing wholly or in part through voluntary contributions. If the General Assembly is required to distribute the costs of a particular peace-keeping operation, the principle of the collective responsibility of all Member States shall apply, although the assessment may be made according to a special scale which would duly take into account the special responsibility of the permanent members of the Security Council, the degree to which a State is involved in the situation giving rise to a peace-keeping operation, and the economic capacity of Member States, particularly of the developing countries.

(b) Another view is that the question of the reimbursement of expenditure required for the execution of emergency measures adopted by the Security Council to deter or repel aggression through the United Nations armed forces should be

decided in conformity with the principle that aggressor States bear political and material responsibility for the aggression they commit and for the material damage caused by that aggression. This does not, however, preclude the possibility that situations may arise where, in order to execute the above-mentioned emergency measures of the Security Council, it will be necessary for Member States to take part in defraying the expenditure involved in the maintenance and use of United Nations armed forces established in order to maintain international peace and security. According to this view, any question relating to the creation and use of armed forces, including the financing of such forces, is within the exclusive prerogative of the Security Council.

(c) A third view is that it is incumbent upon the Security Council to lay down the mode of financing of the operation which it has decided upon or recommended, either in accordance with a scale to be determined when the expenses are divided among the Members, or in accordance with the system of voluntary contributions.

(d) Another view is that the method of financing a peace-keeping operation through voluntary contributions is most unsatisfactory inasmuch as there is a large degree of uncertainty about what amounts will be actually available, and therefore the planning and advance arrangements essential to an efficient and economical operation are sorely hampered.

36. It is obvious from the preceding paragraphs that the question of financing future peace-keeping operations will need more detailed examination. In this connexion several suggestions of an organizational nature have been made:

(a) One proposal is for the establishment by the General Assembly of a standing finance committee made up of the permanent members of the Security Council and a relatively high percentage of those Member States in each geographical area that are large financial contributors to the United Nations. This committee would make suitable recommendations by a two-thirds majority to the General Assembly, on the basis of which the Assembly would apportion the expenses of the peace-keeping operation. In making its recommendations, the Committee would consider various alternative methods of financing, including direct financing by countries involved in a dispute, voluntary contributions and assessed contributions.

(b) Another proposal is for the establishment by the Security Council, under Article 29 of the Charter, of a committee which would assist it in exercising

its financial powers. The composition of the committee could be laid down on a broader footing than that of the Council itself, which would make it possible to initiate in practice a dialogue between the Council and the most representative and most interested elements within the General Assembly.

(c) A third proposal is for the establishment of a committee consisting partly of Security Council members and partly of states nominated by the General Assembly from among non-members of the Council, with terms of reference agreed by both the Council and the General Assembly.

(d) Another proposal aimed at giving an institutional form to voluntary contributions is for the creation of a fund, made up of voluntary contributions, from which appropriations would be made by the General Assembly to meet the costs of a given peace-keeping operation.

(e) A proposal that appears to have very considerable support is for a strict compliance with regulation 13.1 of the Financial Regulations of the United Nations which requires that "no council, commission or other competent body shall take a decision involving expenditure unless it has before it a report from the Secretary-General on the administrative and financial implications of the proposal". The provisional rules of procedure of the Security Council contain no provision giving effect to this regulation and in practice it has seldom been observed. It has been suggested further that any resolution involving expenditure on a peace-keeping operation should as far as possible include in it an indication as to how the required financing is to be provided or secured.

37. During the consultations, several Members stressed the necessity of giving special attention to the problem of the continued financing of UNEF and the amortization of the bond issue.

#### IV. ORGANIZATIONAL

38. The organization of the work entrusted to the Special Committee figured very much during the consultations which the Secretary-General and the President of the General Assembly held with the members.

39. It is accepted that the Committee has, in the main, two tasks to perform. One is to ensure the normalization of the work of the General Assembly and the overcoming of the present financial difficulties facing the Organization. The other is the wider task of the comprehensive review of peace-keeping operations in all their aspects, which must necessarily include as clear a definition as possible of what constitutes a peace-keeping operation.

40. It was clear from the beginning that there was a difference of opinion concerning the priorities to be accorded to the tasks referred to in the preceding paragraph. Most members felt that the immediate task of the Committee was to make certain that the General Assembly would function normally when it resumed and to recommend steps to restore the solvency of the Organization. They were of the view that the question of future peace-keeping operations was extremely complex and would require more detailed analysis and study. On the other hand, some members felt that the Committee should first concentrate on the future and formulate specific principles governing the future peace-keeping operations in conformity with the Charter. A third view was that the two questions should receive parallel attention. According to this view, while it would be difficult to find a settlement of past and present financial difficulties unless a clear decision was taken on the course which the United Nations should follow in the future, it would be equally difficult to agree upon specific principles to govern future peace-keeping operations without overcoming the existing difficulties.

41. During the consultations and discussions, certain other matters of an organizational nature were raised. These questions were not examined in detail. They are, however, of considerable importance to the work entrusted to the Special Committee and as such should find an appropriate place in this report.

42. One question referred to by several members was that the Security Council should take up the matter of negotiating agreement or agreements under Article 43 of the Charter in order that the requisite means might be available should the Security Council decide to act under Chapter VII of the Charter. It has been

suggested that the Military Staff Committee should undertake, in consultation and without waiting for the completion of the work of the Special Committee, with all the interested Member States the preparation of a draft of the basic provisions for such agreements.

43. A related question is the role of the Military Staff Committee. Several members expressed the view that the Military Staff Committee should be activated and given a positive role in future peace-keeping operations. It was suggested in this connexion that the participation in the work of the Military Staff Committee should be broadened so as to associate with it those Member States that would participate in peace-keeping operations. Another suggestion was aimed at the implementation of Article 47, paragraph 4, which provides for consultation between the Military Staff Committee and appropriate regional agencies.

44. Reference was also made to the composition of peace-keeping forces. The following views were expressed in this connexion.

(a) In order to ensure that the utilization of force by the United Nations should be in keeping only and exclusively with the interest of peace and should not in any manner be related to unilateral aims or purposes of individual States or groups of States, it is necessary that in the contingents of armed forces and the command over those forces participation be ensured on behalf of "all three groups of Member States, namely, the Western Powers, the neutralist Powers and the socialist Powers".

(b) It would be inadvisable to include contingents from any States that are permanent members of the Security Council. A view was expressed that it might not however be wise to proscribe the use of such contingents altogether and for all time.

(c) Another suggestion was that the peace-keeping operations should consist of troops from States that are not members of the Security Council.

(d) The principle of fair geographical distribution should be adhered to.

(e) When the operation is being undertaken at the request of a Member State, the concurrence of that State regarding the composition of the forces should be obtained.

## V. OBSERVATIONS AND CONCLUSIONS

45. The necessity for the development and strengthening of the United Nations as a really effective instrument for the preservation and maintenance of international peace and security is an accepted fact. Needless to say, in order to achieve this objective, it is necessary to observe strict compliance with the provisions of the Charter, which has been described as the starting point and the common denominator among all the Members of the Organization. It has been suggested that a complete solution, acceptable to all, of all the problems confronting the Organization in its main purpose of maintaining international peace and security might necessitate a revision of various provisions of the Charter. But it is evident that the vast majority of the Members of the Organization are confident that with goodwill and co-operation it should be possible to find some acceptable formula, within the terms of the Charter, to overcome the difficulties that face the Organization.

46. It would be correct to say that the problems that confront the United Nations have largely been due to the fact that the Organization has been, over the last decade or so, called upon to deal with situations in a manner not explicitly spelled out in the Charter. It is a fact that the concept of collective security, which is embedded in the Charter, has undergone significant changes over the last twenty years. This is not to deny the primary responsibility of the Security Council for maintaining international peace and security, nor is any attempt being made or contemplated to minimize the responsibilities of the permanent members of the Security Council.

47. What would appear to be necessary is for the Members of the United Nations, and particularly the permanent members of the Security Council which have a major responsibility in this regard, to face up to the realities of the situation and, in keeping with their obligations under the Charter and their common desire to enable the Organization to fulfil its objectives, take practical measures for overcoming the difficulties that confront the Organization.

48. The Charter of the United Nations contains numerous provisions aimed at dealing with situations involving the maintenance of international peace and security. It is contended by some that these provisions are incomplete and inadequate. At the same time it is a fact that the situations involving the restoration or maintenance of international peace and security vary so considerably that it would be very

difficult to attempt to rewrite the Charter to include absolutely clear and precise provisions to deal with every given situation to the satisfaction of all Members. Much of the controversy seems to be at times somewhat academic in nature and one is led to wonder if there are in fact such serious differences in interpreting the Charter. In fact, there is a great deal of merit in the view that wider use of peaceful means of settling disputes, as provided for in the Charter, should be encouraged.

49. The circumstances that led to the establishment of the Special Committee and the general concern of the Members of the Organization to avoid a repetition of the unfortunate experience of the first part of the nineteenth session have understandably highlighted the need for ensuring the normal functioning of the General Assembly when it resumes in September. This undoubtedly is one of the immediate tasks before the Committee and must necessarily deserve special attention.

50. Another equally important and pressing question relates to the present financial difficulties facing the Organization. There appears to be substantial support for the view that it is of prime importance to restore the solvency of the Organization by voluntary contributions by the entire membership of the Organization, it being understood that this arrangement shall not be construed as any change in the basic positions of any individual Members and should be accepted as a co-operative effort by all Member States, aimed at the strengthening of the United Nations with a view to creating a climate in which the future may be harmoniously planned. If this view is generally acceptable, it is expected that the members of the Special Committee may wish to authorize the Secretary-General to take appropriate steps, in consultation with Member States, towards this end.

51. There remains the wider question of the comprehensive review that the Special Committee has been asked to undertake of the whole question of peace-keeping operations in all their aspects, including the authorization of operations, the composition of forces and their control, and the financing of such operations. It is accepted that such a review, the scope and importance of which are considerable, cannot be completed by 15 June, by which date the Special Committee is required to submit a report to the General Assembly. The comprehensive review must necessarily begin with a clear definition of the term "peace-keeping operations", at present interpreted in several different ways which cannot be reconciled to the satisfaction

of everyone without further study. Undoubtedly, there has already been some noticeable progress in this matter, inasmuch as the views have become clearer and do not appear to be so far apart. It would, however, seem appropriate and advisable for the Special Committee to agree at this stage upon certain guidelines, within the terms of the Charter, which could apply to future peace-keeping operations. It must be borne in mind, in this connexion, that peace-keeping operations vary so much in so many ways that a considerable degree of flexibility will be required in dealing with each individual situation. However, the following broad guidelines may be found useful and practical:

(a) The Members of the United Nations have conferred on the Security Council primary responsibility for the maintenance of international peace and security.

(b) The General Assembly also bears its share of responsibility in maintaining international peace and security. The general functions and powers of the Assembly relating to the maintenance of international peace and security are contained in Articles 10, 11, 12, 14, 15 and 35 of the Charter.

(c) The functions and powers of the Security Council and of the General Assembly should be understood as complementary and not as contradictory.

(d) In view of the primary responsibility for the maintenance of international peace and security conferred upon the Security Council by the Members of the United Nations for the purpose of ensuring prompt and effective action by the Organization, any question which involves or may involve peace-keeping operations should be examined, in the first instance, by the Security Council in order that appropriate action may be taken as promptly as possible by that organ.

(e) If the Security Council is unable for any reason whatever to adopt decisions in the exercise of its primary responsibility for the maintenance of international peace and security, there is nothing to prevent the General Assembly from considering the matter immediately and making appropriate recommendations in conformity with its responsibilities and the relevant provisions of the Charter.

(f) According to Article 11, paragraph 2, of the Charter, the General Assembly may choose to refer the question back to the Security Council with appropriate recommendations. If the General Assembly resolves by the required two-thirds majority to make such recommendations, it is to be expected that the weight of such recommendations, supported by a substantial majority of the membership of the



United Nations, will have a very significant effect upon the subsequent action by the Security Council. It is likewise to be expected that the General Assembly will duly take into account and give the most serious weight to the views expressed and positions taken in the Security Council when the Council was previously seized of the matter at issue.

(g) The financing of peace-keeping operations should be done in conformity with the provisions of the Charter, and the General Assembly and the Security Council should co-operate in this respect.

(h) In each case involving a peace-keeping operation by the United Nations, various methods of financing may be considered, such as special arrangements among the parties directly involved, voluntary contributions, apportionment to the entire membership of the Organization and any combination of these various methods.

(i) If the costs of a particular peace-keeping operation, involving heavy expenditure, are to be apportioned among all the Members of the Organization, this should be done according to a special scale, due account being taken of: (1) the special responsibility of the permanent members of the Security Council; (2) the degree to which particular States are involved in the events or actions leading to a peace-keeping operation; and (3) the economic capacity of Member States, particularly of the developing countries.

(j) No decision involving heavy expenditure on a peace-keeping operation shall be taken without advice of the financial implications involved in the operation. The Secretary-General shall, in conformity with regulation 13.1 of the Financial Regulations of the United Nations, submit a report on the administrative and financial implications of the proposal.

52. It is obvious that the guidelines indicated above are neither comprehensive nor fully adequate to meet the varying needs that may arise. There is no doubt that these questions need more detailed study.

53. The Secretary-General and the President of the General Assembly sincerely hope that this report may help the members of the Special Committee in carrying out successfully the mandate given to them by the General Assembly.