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16 June 1964 — 15 June 1965

1. PAGE X, FIFTH LINE:
For Asia read Africa
2. PAGE 9, RIGHT-HAND COLUMN, SECOND LINE:
For perpetrate read perpetuate
3. PAGES 53-55:
Sections A and B of chapter IV should be replaced by the following text:

*A. Establishment of the Special Committee on
Peace-keeping Operations*

The Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations adjourned on the eve of the nineteenth session of the General Assembly without adopting any recommendation or submitting a report to the General Assembly (see chapter XIII, section B).

In the special circumstances which prevailed during the nineteenth session of the General Assembly, it became clear that a far more comprehensive study of all aspects of the question of peace-keeping operations was necessary than had been contemplated in the resolution which established the Working Group.

In its resolution 2006 (XIX) of 18 February 1965, the General Assembly invited 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. The resolution further authorized the President to establish a Special Committee on Peace-keeping Operations, under his chairmanship and with the collaboration of the Secretary-General, and instructed the Committee 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. Finally, it requested the Special Committee to submit a report to the Assembly not later than 15 June 1965.

On 26 February, it was announced by the President of the General Assembly that after appropriate consultations the following Members had agreed to serve on the Special Committee on Peace-keeping Operations: Afghanistan, Algeria, Argentina, Australia, Austria, Brazil, Canada, Czechoslovakia, El Salvador, Ethiopia,

France, Hungary, India, Iraq, Italy, Japan, Mauritania, Mexico, Netherlands, Nigeria, Pakistan, Poland, Romania, Sierra Leone, Spain, Sweden, Thailand, USSR, United Arab Republic, United Kingdom, United States, Venezuela and Yugoslavia.

B. Consideration by the Special Committee

The Special Committee held fourteen meetings during the period from 26 March to 15 June. At the first meeting, the representatives of the USSR, Yugoslavia, Poland, Romania, Czechoslovakia and Hungary noted that the Committee was beginning its work at a time when the United States was engaged in activities in South-East Asia which were extremely dangerous to the cause of peace, by committing acts of aggression against the Democratic Republic of Viet-Nam. They asserted that the weapons used by United States soldiers included poisonous gas which constituted a gross violation of the principles of international law, and demanded that the United States actions should be condemned.

The representatives of the United States and Australia said that in Viet-Nam the totalitarian régime in Hanoi was conducting aggression against the Republic of Viet-Nam, which was in violation of international law, the Charter and the Geneva Agreements of 1954. The representative of the United States further declared that it was totally false to claim that the United States was embarking upon gas warfare. The gas referred to was non-lethal and no different from anti-riot substance used by many police forces.

After the first meeting, the President of the General Assembly and the Secretary-General held consultations on a broad basis, not restricted to the members of the Committee.

During further deliberations of the Special Committee, which started on 22 April, the representative of the USSR stated that the United Nations Charter provided all the necessary means for strengthening the effectiveness of the Organization. Situations might arise when the Security Council should take coercive measures not of a military character in accordance with Article 41 of the Charter. In exceptional cases, the utilization of actual force by the United Nations could be necessary if it were in conformity with Article 42 of the Charter. As the only organ which could undertake action, the Security Council alone could take decisions on any question related to the creation and use of armed forces, such as the definition of membership and strength of the armed

forces, the direction of operations and the financing of such forces. The General Assembly, under the Charter, could consider any questions affecting peace and security and make recommendations thereon. Questions on which action became necessary, however, should be transferred to the Security Council; if the Council was unable to make a decision, then nothing prevented the Assembly from reconsidering the whole question in order to adopt new recommendations based on its terms of reference. Recalling the USSR memorandum of 10 July 1964 on peace-keeping operations, the representative of the USSR said that it was necessary for the United Nations forces to include contingents from western, socialist and neutralist Powers and not from countries which were permanent members of the Security Council. If the decisions were taken in conformity with the Charter, the USSR would be prepared to participate in the financing of such armed forces. The representative of the USSR said that it would be desirable to broaden the membership of the Military Staff Committee. Not only should the permanent members of the Security Council participate in the Committee's work, but also those Member States which might be called upon to provide contingents and other facilities for the appropriate operations of the United Nations. In accordance with Article 47 of the Charter, and after consultations with the appropriate regional organizations, the Military Staff Committee could create its own regional organs. The representative of the USSR then proposed that the Military Staff Committee should proceed immediately to undertake consultations with all the interested Member States in order to prepare draft agreements, as provided in Article 43 of the Charter, to be submitted to the Security Council. Some other members later supported the view that the Military Staff Committee should be reactivated.

The representative of Mexico, as well as several other representatives, noted that the powers of the Security Council and the General Assembly should be considered as complementary. If a peace-keeping operation was advisable, the Assembly could recommend that the Council should initiate such an operation with the assent of the parties to the dispute. At the same time, the Assembly would make the necessary financial and budgetary arrangements and make appropriate recommendations to the Council. However, the Security Council could intervene either by virtue of its power under Article 36, paragraph 1, or pursuant to Article 34. The Council would inform the Assembly of its recommendations by means of the special reports provided for in Article 15. Those reports could include the Council's recommendations on how to finance the contemplated operation. In that case, the Assembly could either accept or refer back for further consideration those financial recommendations.

The representatives of Italy, Japan, Spain, Thailand, Venezuela and Austria noted that the Charter conferred residual responsibility for peace-keeping on the General Assembly in accordance with Article 11, paragraph 2, Article 12 and Article 14 of the Charter.

The representative of the United States said that the Charter gave the Security Council primary but not exclusive responsibility for the maintenance of peace and security. It conferred on the Security Council exclusive power in respect of decisions on measures, commonly called enforcement actions, and the Council's decisions taken in the exercise of that power were binding on all Member States. Under the Charter, the General Assembly had always had and should continue to have full

authority to make recommendations with respect to the maintenance of peace and security, including recommendations for the initiation of United Nations peace-keeping operations. The expenses of United Nations peace-keeping should be the collective financial responsibility of the entire membership. Only the Assembly had the power to apportion the expenses of peace-keeping operations among Member States. These principles should be applied. Nevertheless, while it felt that the practice currently followed in applying those principles was satisfactory, the United States delegation was ready to consider any new ideas consistent with those principles. One new idea which had already been put forward was the suggestion that when the Assembly apportioned the expenses of major peace-keeping operations, it should take into account any strong political objections to such operations which had been voiced by a permanent member of the Security Council. The representative of the United States also submitted to the Committee the document which his delegation had submitted to the Working Group of Twenty-One containing its views on future arrangements for the initiation and financing of peace-keeping operations.

The representatives of Poland, Hungary and Czechoslovakia considered that no operation aimed at the maintenance of international peace and security could be lawfully undertaken without a decision by the Security Council, which would also enable the making of a number of Articles of the Charter fully operative again. They also thought that the Security Council should decide upon all the financial implications of peace-keeping operations. The representative of Czechoslovakia also stressed that a draft agreement should be prepared by the Military Staff Committee, in consultation with all the Member States concerned, regulating the provision of armed forces, assistance and facilities by Member States as well as the employment and command of the forces. He also explained, in some detail, the proposed contents of such a draft.

The representative of Sweden stated that decisions taken by the Security Council under Chapter VII of the Charter should not be included in the term "peace-keeping operations". Those decisions presupposed full unanimity of the permanent members of the Council and could be taken only in extreme cases. It seemed reasonable to limit the concept of peace-keeping to operations that were essentially voluntary. Arrangements should be made so that the Council was always the first to deal with problems which might lead to a decision or a recommendation for the initiation of such an operation. If the Council could not act the Assembly itself could make recommendations for peace-keeping operations. When the expenses for a peace-keeping operation were not covered by special arrangements, it was for the Assembly to apportion them in accordance with Article 17. Where appropriate, a special scale of assessment might be used. For the financing of past operations, the Swedish delegation saw the solution only in voluntary contributions. This view was also upheld by many other representatives.

The representatives of Canada, Italy and Japan attached great importance to the principle that the General Assembly alone had the power to impose assessments on all Members. The representative of Canada added that the Security Council could recommend a method of financing a peace-keeping force, but such a recommendation should not be binding on all Members until after the General Assembly itself had signified its agreement. He

also said that, in terms of regulation 13.1 of the Financial Regulations of the United Nations, it was reasonable that the Security Council should agree to consider the financial implications submitted to it before taking a decision.

On 23 April, the representative of Ethiopia submitted a draft resolution whereby the Special Committee would: (1) note that all States Members of the United Nations agreed that, in the best interests of the Organization, a confrontation should be avoided on the question of the applicability of Article 19 of the Charter of the United Nations; (2) agree that the financial situation of the Organization should be brought to solvency by voluntary contributions by the entire membership of the Organization, on the understanding that this arrangement should not be construed as any change in the basic position of any individual Member 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; and (3) appeal to Member States to make contributions as early as possible, and particularly to the highly developed countries to make substantial contributions as would result in the solution of the financial difficulties of the Organization. On 9 June, the representative of Ethiopia submitted a revised draft of that resolution. It contained a new paragraph whereby the Special Committee would note that all Member States were agreed that the General Assembly should conduct its work normally; it also elaborated former paragraph 1 to the effect that a confrontation should be avoided on the question of the applicability of Article 19 of the Charter "with respect to the financial difficulties of the Organization arising out of its peace-keeping operations".

The representative of Yugoslavia observed that the Security Council's primary duty was to eliminate hotbeds of conflict. If, however, it was incapable of finding adequate solutions, the United Nations as a whole, and the General Assembly in particular, could not abrogate their responsibility to preserve peace, eliminate new threats, promote respect for the principles of the Charter and ensure peaceful coexistence.

The representative of India observed that there was a dispute concerning the interpretation of the word "action" in Article 11 of the Charter. The Cyprus case might suggest a possible compromise where "measures" that could be recommended by the Assembly under Article 14 ended and where "actions" taken only by the Security Council began. It might be possible to arrive at an agreement that the dispatch of armed personnel other than those for the mere purpose of observation and investigation should be within the exclusive power of the Council.

The representative of Spain said that, in his delegation's view, peace-keeping operations fell into four main categories: observation groups to supervise armistice lines or neutral zones; military forces to intervene between two fighting armies; military forces to terminate an armed conflict and help maintain internal order; and the presence of military forces to prevent the expansion of a conflict and avert the outbreak of open civil war with possible international participation.

The Brazilian representative stated that a new chapter entitled "Peace-keeping operations" should be suggested for inclusion in the Charter, between the present Chapters VI and VII. That chapter would set out the condi-

tions under which peace-keeping operations would be undertaken and would provide for a method of financing.

The representative of Nigeria suggested that the wording "peace-keeping operations", as well as measures that might be taken under Chapter VI of the Charter, dealing with the pacific settlement of disputes, should be defined. The role of the General Assembly was to make recommendations to the States parties to the dispute and to the Security Council. The Charter did not define clearly the sort of measures that might or might not be recommended under Chapter VI. The Committee should attempt to define those measures. On the important question of the use of force, his delegation would answer in the negative because the use of "incidental" force might be unavoidable and much would depend on the type of force contemplated. He also considered that the General Assembly should be able to make "appropriate recommendations" to the parties in dispute in case the Security Council failed a second time to reach a decision. With regard to the problem of financial responsibility, if there were residual costs not covered in the agreements concluded in accordance with Article 43, he suggested to delegate the power of making the assessment to a committee consisting partly of members of the Security Council and partly of countries nominated by the General Assembly from among non-members of the Council.

The need to define the term "peace-keeping operations" was upheld by several representatives.

The representative of Afghanistan suggested that one of the measures which might contribute to developing a closer relationship between the Security Council and the General Assembly could be a modification in the procedure relating to the annual and special reports received by the Assembly from the Council.

The representative of Pakistan stated that the problem which plagued the United Nations would be greatly eased if the Security Council called upon the parties to a dispute to settle it by the peaceful means mentioned in Article 33 or if the Council carried out the investigative function laid down in Article 34. The Council and the General Assembly should act as two mutually reinforcing organs, as was set out most significantly in Article 15 of the Charter. The Council under Article 24 acted on behalf of the membership of the United Nations. In those circumstances, Article 17 would not be looked upon as in any way enlarging the legislative powers of the Assembly.

The representative of Austria, as well as some other members of the Special Committee, stressed that, in case the financing of peace-keeping operations was not covered by special arrangements, the General Assembly should make a special scale of assessment, worked out and accepted in advance as part of a general settlement. Such a scale would provide for reduced contributions from the developing countries.

The representative of Argentina observed that General Assembly resolution 377 (V) entitled "Uniting for Peace", adopted in 1950, represented the most extreme example of the excessive flexibility with which the Charter had been interpreted during the past twenty years and which had resulted in the current crisis which, though not affecting the Security Council, was paralysing the General Assembly. He said that the primary responsibility of the Security Council for dealing with peace-keeping operations created a special competence of the Council in the financial arrangements referred to in

Article 43. He stated further that any suggestion that the permanent members of the Security Council which abstained in the vote on a peace-keeping operation could be exempt from sharing in the financing thereof must be ruled out.

On 6 May, the representative of Ethiopia answered some suggestions concerning his draft resolution. He explained to the representative of the United States that the deletion of operative paragraph 1 of the draft resolution might very well endanger voluntary contributions by States. He stressed to the USSR representative that the paragraph in question did not materially alter the African-Asian plan of 30 December 1964, as the representative of the USSR had claimed.

The representative of France stated on 17 May that it was by complying with the provisions of the Charter that a solution to the present difficulties might be found. His delegation could not subscribe to a limitation of the Security Council's powers to the so-called enforcement actions provided for under Chapter VII of the Charter and believed that the action referred to in Article 11, paragraph 2, included not only the measures provided for in Articles 41 and 42 but also any measure for the establishment of a force, whether military or not, to intervene against a State or within a State even when the latter consented to the intervention and the effective use of arms was theoretically limited or restricted to exceptional circumstances. He supported the view of the representative of India, who had said that the dispatch of armed personnel other than for the mere purpose of observation and investigation should be within the exclusive power of the Council. With regard to the question of the residual power of the General Assembly, he referred to Article 14 of the Charter which expressly recognized that the General Assembly might "recommend measures for the peaceful adjustment of any situation". With regard to the financing of peace-keeping operations, the representative of France said that it was incumbent upon the Council to lay down the mode of financing of any operation which it had decided to recommend either in accordance with a scale to be decided upon when the expenses were apportioned among all the Member States or in accordance with a system of voluntary contributions. He drew the Committee's attention to the possibilities inherent in Article 29 of the Charter, under which the Council could establish a committee with possibly a broader composition than that of the Council which would assist it in exercising its financial powers.

The representatives of Venezuela, the United Kingdom and some others believed that there was a vital distinction between enforcement measures undertaken under Chapter VII of the Charter, and other operations conducted by the United Nations which were not covered by that Chapter, for which the complementary responsibility of the General Assembly must be recognized and respected. As to the financing of peace-keeping operations, the representative of the United Kingdom maintained that it was for the General Assembly to make assessments in accordance with Article 17 of the Charter, but agreed that several alternatives were permissible in

deciding what method of financing was most appropriate.

The representative of Australia also thought that practical realities might require consideration of a wide variety of possibilities for financing peace-keeping operations and that an element of flexibility would continue to be most valuable in enabling the United Nations to perform its principal task of maintaining the peace.

The representative of Algeria considered that it was essential that the Assembly should resume its work and thought that the adoption of the African-Asian plan for voluntary contributions would be a step in the right direction.

On 25 May, the representative of the USSR stressed that if the United States and other western Powers tried to subvert a solution to the question of the financial difficulties in accordance with the African-Asian plan of 30 December 1964, the USSR would be obliged to revert to its earlier position and would withhold any payments whatsoever for that purpose.

The representative of the United States said that his delegation could not subscribe to such an interpretation of the Charter as had been put forward earlier by the representative of the USSR and according to which that country would have a veto over the use of any sort of military forces for any purpose whatsoever.

On 1 June, the representative of Mexico submitted a draft resolution which the Special Committee might recommend for adoption by the General Assembly. Under the draft resolution, the General Assembly, in keeping with its authority under Article 17, paragraph 2, of the Charter to determine the manner in which the expenses of the Organization are to be defrayed, would: (1) decide to resolve the financial situation by means of voluntary contributions by Member States; (2) decide that the costs of the United Nations operations in the Congo and the Middle East should be defrayed by means of voluntary contributions by Member States; (3) state, without prejudice to the positions taken by Member States on the financial question, that the contributions made until now for the purpose of defraying the expenses of UNEF and ONUC constitute voluntary contributions for the maintenance of peace; and (4) urge all Member States, in particular the industrialized countries, to act urgently to deal with the Organization's financial problems by making such contributions as would make it possible to safeguard the future of the United Nations.

4. PAGE 56, LEFT-HAND COLUMN, FIFTH LINE:
For Pakistan, read Palestine

5. PAGE 161, SECOND PARAGRAPH:
The last sentence should read:

On this basis, the Assembly will be requested to approve a revised appropriation for 1964 in the amount of \$102,948,977 and to take note of the fact that actual miscellaneous income amounted to \$6,299,870, and actual income from staff assessment, to \$9,824,968.