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Chairman: Mr. Max JAKOBSON (Finland).

AGENDA ITEM 33

Comprehensive review of the whole question of peace-keeping operations in all their aspects: report of the Special Committee on Peace-keeping Operations (continued) (A/6414, A/SPC/L.129 and Add.1 and 2, A/SPC/L.130, L.131)

1. Mr. ROSSIDES (Cyprus) said that if the United Nations were rendered incapable of fulfilling its paramount function of maintaining world peace, it would have lost its reason for being. The drafters of the Charter had made provision for the use of collective military force, but peace-keeping operations, as they were now understood, had developed pragmatically after the establishment of the United Nations and were not covered by any specific provisions in the Charter.

2. Unlike the use of military force under Chapter VII of the Charter, peace-keeping operations were not enforcement measures. Their action was restraining, rather than remedial or punitive, and they were voluntary in that they were undertaken at the invitation or with the consent of the Government concerned.

3. Unless they bore in mind the distinction between coercive and non-coercive measures, members could hardly have a realistic view of the political and constitutional differences which had arisen on the matter. The best approach might be to consider military enforcement measures and peace-keeping operations separately, as two distinct methods serving different purposes.

4. The nature and scope of peace-keeping operations must first be defined, to ensure that such operations would be voluntary, non-combatant and impartial. If it was established exactly what those operations could and could not do, the political aspects of the problem might seem less intractable.

5. Constitutional or financial difficulties were only the apparent stumbling blocks; the underlying controversy had been political. That explained the frustrations encountered by the Special Committee on Peace-

keeping Operations in its earnest effort to bring a constructive report to the General Assembly. In any further endeavour by the Special Committee or any other body, an agreed definition of peace-keeping operations should be the first step; attention should then be given to providing guide-lines for the proper use of such emergency measures.

6. Agreement should first be reached on general principles delimiting the powers and duties of a peace force with sufficient flexibility to permit effective action. It would be helpful if the General Assembly would endorse certain basic principles and rules for that purpose, as that would reduce the areas of dissent and facilitate agreement regarding the authorization and financing of the operations. Furthermore, it would provide a basis for stand-by forces, so that Governments would know what they were assigning troops for, and the troops could be trained accordingly. That training should be directed towards imparting a sense of paramount allegiance to the United Nations and its Charter.

7. Coercive action should also be more precisely defined. Valuable proposals to that end had been made in the Special Committee by certain States, including the Soviet Union, and they should be further examined. Studies of both methods might be undertaken simultaneously, since each served a different but necessary function in the preservation of peace.

8. With regard to the constitutional aspect, it was clear from the Charter that the Security Council and the General Assembly had complementary functions in the maintenance of peace. Primary responsibility was expressly conferred on the Security Council by Article 24 of the Charter. The General Assembly, however, also had competence in the matter, since under Article 11 it could discuss any questions relating to the maintenance of international peace and security and make appropriate recommendations. Furthermore, under Article 35, jurisdiction was given to both organs. On the other hand, under Chapter VII the Security Council was the authority competent to take enforcement action, in which its decisions were mandatory, whereas the General Assembly could only make recommendations. The problem, however, was what should be done when the Security Council was deadlocked on a matter requiring prompt action. In such situations it was only logical that the Assembly should make appropriate recommendations, as it had done, for example, in the Suez crisis.

9. Even if the competence of the General Assembly were not to flow directly from the provisions of the Charter, as it clearly did, a liberal interpretation of the Charter would be warranted in order to give effect to its primary purpose—the maintenance of peace. It

was a well-known principle of law that a document should be construed in such a way as to preserve rather than defeat its main object. What was needed however, was not legal argument but an effort to overcome disagreement by eliminating its causes, since there was clearly a general desire to strengthen the peace-keeping functions of the United Nations.

10. His delegation upheld the principle of collective responsibility in the financing of peace-keeping operations and considered that the General Assembly was competent, under Article 17 of the Charter, to apportion their cost. As financing on a voluntary basis had advantages for the time being, however, his delegation endorsed the idea of a special peace fund in which voluntary contributions would not be confined to States but could also come from individuals, organizations and institutions.

11. He regarded the proposals in draft resolution A/SPC/L.130 as constructive, and would support it, although he would like its recommendations to include reference to a study defining and delimiting the nature and scope of peace-keeping operations. He believed that the Secretary-General was the appropriate agent for the execution of United Nations decisions for the maintenance of peace and security and had the discretionary powers required for that function. In that connexion, he paid a tribute to the Secretary-General for his impartiality and adherence to the principles of the Charter.

12. The establishment of an organized system of peace-keeping operations was of vital importance. Increasing reliance on a truly international, impartial and effective United Nations force might encourage the developing countries to apply less of their revenue to military expenditure and more to economic development.

13. His delegation was in agreement with the general purport of draft resolution A/SPC/L.129 and Add.1 and 2.

14. Mr. ZOLINER (Dahomey) remarked that the Special Committee, in studying the whole question of peace-keeping, had achieved some measure of success, which had been reflected in the consensus enabling the General Assembly to resume its normal work procedures at the twentieth session (see A/6414, para. 2). However, it had failed to reach agreement on the substance of the problem. The draft resolutions before the Special Political Committee addressed themselves mainly to the financial aspects, although the crux of the current impasse was differences concerning the constitutional and political aspects.

15. The constitutional difficulties impeding a solution of the peace-keeping issue arose from the varying interpretations placed on the provisions of the Charter. The view of his delegation, as expressed by the Minister for Foreign Affairs of Dahomey at the twentieth session of the General Assembly (1340th plenary meeting), was that the Charter had become outmoded as a result of the rapidly changing world situation and that the preponderant role of the permanent members of the Security Council, and, in particular, their power to block collective action by a veto, could no longer be justified in an Organization of 121 sovereign Member States. Twenty years of

experience had shown that the Council, which had been designated as the principal guarantor of international peace, had lost much of its effectiveness as a result of the serious differences among the great Powers and the abuse of the power of veto. The time had come to reapportion the respective responsibilities of the Security Council and the General Assembly with a view to establishing a reasonable balance between the great Powers and the overwhelming majority of Member States. Had the framers of the Charter been able to foresee the radical developments in international relations since 1945, they would certainly have changed the provisions defining the functions of the principle organs as well as the machinery for amending the Charter. As matters now stood, the best way to ensure strict compliance with the Charter was to amend it.

16. Pending such drastic action, however, it should be recognized that under the Charter the General Assembly shared with the Security Council responsibility for the maintenance of peace and security. While the Council bore primary responsibility in that area, that primary responsibility had not been vested in it as an absolute right; under Article 24, it had been conferred upon it "in order to ensure prompt and effective action by the United Nations". Indeed, the Charter offered no other justification for vesting the Council with special powers for the maintenance of peace and security.

17. The General Assembly's functions with regard to the maintenance of peace were defined in Chapter IV: it could discuss questions relating to peace and security, make recommendations except when the Security Council was exercising its functions in that respect, and refer to the Council those questions calling for action. However, the Charter did not explicitly define the function of the Assembly in the event that the Council should fail to take action. It was logical to assume that the authors of the Charter had not intended to delay matters when the Council was deadlocked, but rather to seek some other means of ensuring "prompt and effective action" by interpreting the other relevant provisions. Since the General Assembly was the only other organ empowered to deal with questions relating to the maintenance of peace, it was fair to conclude that once it had referred matters calling for action to the Council and the Council had failed to act, it had the authority to recommend such action. Any interpretation of the Charter which would compartmentalize the functions of the two principal organs and preclude the Assembly from recommending action when the Council was paralysed could be based only on political considerations. Indeed, the Assembly itself had decided the issue in 1950 by adopting resolution 377 (V) entitled "Uniting for peace". That resolution was not a mere recommendation; it was an interpretation of the Charter and was therefore binding on all Member States, including those which had voted for it in 1950 but had subsequently repudiated it. Those same States were now demanding strict compliance with the Charter and objecting on constitutional grounds to authorizing the Assembly to recommend peace-keeping action. They were guided by two basic political goals: to vest in a small oligarchy of great Powers that primary function of the United Nations, the maintenance of peace, and to play power politics by insisting that the Security Council had

exclusive authority to decide the method of financing peace-keeping operations.

18. Nothing in the Charter conferred upon the Security Council power to determine how the expenses of the Organization, including peace-keeping costs, were to be paid. Under Article 17, the Assembly alone could apportion those expenses, as it saw fit. Yet, those States which demanded strict compliance with the Charter deliberately disregarded that express provision. The conclusion to be drawn was that their insistence on strict compliance was simply an expedient used to perpetuate a political situation. Furthermore, they demanded that the Council should decide the method of financing to be applied in each specific case when the emergency arose, whereas experience and the urgency of peace-keeping operations had demonstrated the need for a pre-established mandatory system of financing. If a system had to be improvised when each crisis arose, it was likely to meet with opposition of such magnitude within the Council as to frustrate the entire operation and lead once again to dependence on voluntary contributions. On the other hand, pending further exploration of the problem of financing and agreement on a mandatory system, some provisional system of financing future operations should be adopted.

19. Dahomey considered it essential to strengthen the capacity of the United Nations to maintain peace. In view of the prevailing political situation, to demand unanimous agreement among the permanent members of the Security Council with respect to any United Nations peace-keeping operation was to weaken that capacity. Those States which persisted in that view in order to protect their own interests assumed a grave responsibility.

20. He would not oppose the proposal that the Special Committee should continue its work and he was prepared to support any draft resolution establishing a fixed system of mandatory financing for future peace-keeping operations.

21. Mr. RICHARDSON (Jamaica) emphasized the importance to the small States of reliable security arrangements in which they could participate militarily and financially. Those arrangements should not be spoken of as "peace-keeping operations", but be viewed in the broader context of the maintenance of peace and security. In that area, the Security Council bore primary but not exclusive responsibility and the General Assembly, as the organ in which the general membership of the United Nations expressed its will, retained residual authority. His delegation did not accept the argument that by considering questions relating to peace, the Assembly was bypassing the Council; at some stage in the process of peace-keeping it might be necessary for the Assembly to exercise its residual authority, and it should not be precluded from doing so. For example, nothing in the Charter empowered the Council to assess the entire membership in order to defray the costs of operations carried out to maintain the peace: that power had been vested exclusively in the Assembly. On the other hand, under the appropriate Charter provisions, the Council had full authority to enter into agreements with Member States concerning the provision of military facilities and forces to enable the Council to discharge its peace-

keeping functions. However, once it had been decided that the cost of a particular operation was to be met in some other manner, the Assembly assumed responsibility for apportioning those costs among all Member States. Furthermore, the Committee should not endorse the view expressed by certain Council members that operations for the maintenance of peace could never be authorized on the initiative of the Assembly. In the event that the Council was deadlocked or that the general membership should deem it urgent for the United Nations to take action, the Assembly should be able to take that initiative. Indeed, except when the Council was "exercising... the functions assigned to it" in regard to questions relating to peace, the Assembly was free to discuss them and to recommend measures to the Council or to individual Member States.

22. His delegation believed that in future any threat to or breach of the peace should be brought first to the attention of the Security Council, which, in dealing with it, should adhere closely to the provisions of the Charter. For that purpose, it should have at its disposal facilities and military forces which would make aggressors realize that its authority must not be flouted. The authors of the Charter had recognized that the Council could not begin to discharge its responsibilities under Article 42 until enough agreements under Article 43 had come into effect, and the Council had been remiss in not undertaking negotiations for that purpose.

23. The report of the Special Committee (A/6414) was disappointing, owing to the lack of agreement on fundamental issues which it reflected, but that Committee had served a useful purpose in that it had shouldered the burden of disagreement and had allowed the General Assembly's authority for the maintenance of peace and security to be maintained. While it had reached no agreed conclusions, it had clarified the issues and had shown the dimensions of the Council's failure to justify its claim to exclusive responsibility in the maintenance of international peace. It had also shown the importance of strict adherence to the provisions of the Charter and had emphasized the importance of co-operation between the Assembly and the Council in future efforts to solve problems affecting international peace and security.

24. His delegation would support the majority view with regard to continuation of the Special Committee but believed that it was important to begin preparations to permit action for the maintenance of peace and security. Perhaps a smaller committee should now be set up with specific terms of reference, or the General Assembly could ask the Security Council, in the light of the two years' discussion of peace-keeping, the reports of the Special Committee and the agreed principles submitted by the Secretary-General and the President of the General Assembly,^{1/} to begin at once negotiations with Member States for the provision of forces and facilities for use when needed, in order to enable the Council to discharge its responsibilities under Articles 42 and 43.

^{1/} See Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 21, document A/5915/Add.1, annex II, para. 52.

25. The General Assembly should not try to take decisions regarding the circumstances in which peace-keeping forces were to be used, since it could not take all the possibilities into account. Member States would no doubt make certain stipulations; it was only natural, for example, that they should wish to be consulted before their forces were used. Each Member State should be invited to communicate to the Secretary-General, for the information of the Security Council, particulars regarding the facilities and forces it was prepared to place at the disposal of the Council on a stand-by basis, for the purposes envisaged not only in Article 43 but in Article 45 of the Charter as well.

26. The USSR Government had made a specific proposal regarding preparations to enable the United Nations to carry out its peace-keeping responsibilities in future.^{2/} While he did not agree with all the points in the proposal, he regarded it as a valuable contribution and regretted that neither the Security Council nor the General Assembly had examined it.

27. It was important to agree on a formula for financing future peace-keeping operations, which could be applied automatically by the Secretary-General, in order to avoid complicating the deliberations of whichever organ might initiate such operations.

28. With regard to draft resolution A/SPC/L.129 and Add.1 and 2, he paid a tribute to the Irish Minister for External Affairs for his energy and perseverance in keeping the subject before the General Assembly, but could not agree to the exemption of permanent members of the Council from contributing to the costs of peace-keeping operations. In other respects, he found the draft resolution acceptable.

29. Where draft resolution A/SPC/L.130 was concerned, he believed that the information referred to in paragraph 4 should be communicated to the Secretary-General for the information of the Security Council or of any committee dealing with the matter. As to paragraph 3, the formula proposed by Jamaica^{3/} was preferable, since there was no reason for deferring adoption of an apportionment scheme.

30. With regard to the amendment to the operative part of the draft resolution proposed by Ethiopia (A/SPC/L.131) he said that if the mandate of the Special Committee was to be renewed, the Committee should be asked to study specific aspects of the question of peace-keeping operations, such as how to ensure co-operation between the General Assembly and the Security Council in making preparations for the latter to maintain peace and security, what principles should govern peace-keeping operations, and how the expenses of such operations should be apportioned when it had been agreed that all Members were to be assessed. He regretted that the Special Committee had not reported on the Irish proposals^{4/} referred to it the year before.

31. Mr. AIKEN (Ireland), speaking in exercise of the right of reply, said that the debate had served a useful purpose, for in seeking solutions to such

complicated and delicate problems it was wise to bring all doubts, suspicions and fears into the open as the first step towards exorcising them. It was not always delegations' differences of opinion that constituted the main problem; sometimes it was the attempt to resolve those differences without taking full and open responsibility for the solution.

32. He agreed that when the smaller States confronted the great nuclear Powers on such vital political issues as the interpretation of the Charter it was essential to proceed with circumspection. At the same time, the Committee should take decisions to ensure the ability of the United Nations to mount reliable peace-keeping operations without delay when the need arose and it should arrange for a continuing study of all aspects of peace-keeping in a world in which peace might be threatened at any moment. The debate had clearly demonstrated the deep concern with which Members viewed the problem of financing future peace-keeping operations, a problem to which draft resolution A/SPC/L.129 and Add.1 and 2 would provide an immediate if not a permanent solution. The sponsors recognized that their text was not perfect, but they believed it was the best that could be devised at present as an interim formula, pending further study. Indeed, no alternative proposal had been forthcoming which would provide a reliable means of financing future peace-keeping operations.

33. The suggestion that the sponsors of draft resolution A/SPC/L.129 and Add.1 and 2 were seeking to deny to the permanent members of the Security Council the powers conferred upon them by the Charter and to deprive them of their responsibility for taking enforcement measures to keep the peace and repel aggression was simply not true, as he had demonstrated in his intervention at the 520th meeting. An essential factor in planning the organization of measures to keep the peace or repel aggression was a reliable system for meeting the expenses of the projected operation. Article 17 of the Charter provided for such a method. If the United Nations wished to develop a system of international security that would make it possible to reduce and gradually eliminate the expenditures on armaments which at present imposed such a crushing financial burden on Member States, it was vital to uphold the principle of mandatory assessments laid down in that article. It was true that a decision had been taken not to apply the provisions of Article 19 in respect of the United Nations Emergency Force and the United Nations Operation in the Congo (1331st plenary meeting), but its purpose had been simply to enable the Assembly to deal with all problems, not excluding that of financing future peace-keeping operations, in the normal manner. It would therefore be neither prudent, realistic nor accurate to read into the adoption of that expedient, for a specific and temporary purpose, any commitment to ignore for all time the responsibilities of the General Assembly under Articles 17 and 19.

34. However, his delegation and others had deduced from the procedure adopted at that time that it would be wise to acknowledge that in the present circumstances the five permanent members of the Security Council would have to be assessed not individually but as a group in which those who voted for an operation would

^{2/} *Ibid.*, document A/5721.

^{3/} *Ibid.*, *Twentieth Session, Annexes*, agenda item 101, document A/6026, annex I.

^{4/} *Ibid.*, document A/SPC/L.121/Rev.1.

be obligated to pay the shares of those who voted against it or who abstained. Some delegations had expressed the view that treating the permanent members as a group in assessing the costs of future peace-keeping operations and enabling one or another of them to decline to pay its share of the cost of such operations violated the principles of the sovereign equality of States and their collective responsibility for the maintenance of international peace and security. Yet the Charter itself accorded the five permanent members of the Council special duties and responsibilities in connexion with the maintenance of international peace and security which were not, despite the principle of sovereign equality, extended to the remaining members. Accordingly, draft resolution A/SPC/L.129 and Add.1 and 2 could not be said to violate the application under the Charter of the principle of sovereign equality. The Assembly was, in fact, accustomed to giving the permanent members of the Council special treatment, as in 1965 when it had decided to avoid a confrontation on the question of the applicability to them of Article 19. If, therefore, draft resolution A/SPC/L.129 and Add.1 and 2 took into account the fact that a distinction had on many occasions been drawn between the five permanent members as a group and the other Members of the Organization, the sponsors could not be accused of introducing a new principle. Those who maintained that by taking the decision which had enabled the Assembly to resume its normal activities Members had for ever forfeited the right to apply Article 17 to future peace-keeping operations should realize that the United Nations, like all other human institutions, was composed of imperfect human beings. They should also recognize that if Members delayed much longer in reasserting the Assembly's right to make mandatory assessments for peace-keeping operations they would have ceded to the five permanent members of the Council, in addition to the veto right already conferred on them by the Charter, a financial veto which might soon spread to all the activities of the United Nations.

35. It had also been suggested that the draft resolution violated the principle of the collective financial responsibility of Member States. That was a principle which his delegation strongly supported, but it had already been breached in connexion with the problem of peace-keeping. It was not, for example, being applied in the case of the United Nations Peace-keeping Force in Cyprus. The question was, how could the system of collective responsibility for peace-keeping be preserved in the light of the events of recent sessions and of the stated desire to avoid great Power

confrontations? Draft resolution A/SPC/L.129 and Add.1 and 2 proposed a practical and effective means of doing so. He hoped those Members who seemed unwilling to support that text because it took account of the special position of the five permanent members of the Security Council would reconsider their position and recognize that the only alternative to its adoption was a continuation and probable widening of the breach in respect of mandatory assessments.

36. In reply to the argument that the privilege of refusing to contribute to the expenses of peace-keeping operations should be extended to all Members, he pointed out that there were two sides to that provision, for the privilege was offset by corresponding obligations which would be too heavy for the poorer countries to bear.

37. If the economically less developed States feared that the implementation of draft resolution A/SPC/L.129 and Add.1 and 2 might place unduly heavy strain on their resources, he thought the sponsors would be prepared to limit the mandatory assessments to be made upon them for peace-keeping operations in any one year to 5 per cent of the first \$100 million of the costs.

38. Mr. ABDEL-HAMID (United Arab Republic), speaking on a point of order, proposed that in the interests of obtaining the widest possible agreement consideration of the draft resolutions and amendments before the Committee should be briefly postponed to allow for consultations among delegations.

The meeting was suspended at 12.45 p.m. and resumed at 12.55 p.m.

Organization of the Committee's work

39. The CHAIRMAN announced that the sponsors of the draft resolutions and amendments before the Committee and the representative of the United Arab Republic had agreed that it would be reasonable to allow time for further consultations, and therefore suggested that at its following meeting the Committee should take up the next item of its agenda, on apartheid, and that it should defer consideration of the present item until Thursday, 1 December. It would then conclude the item without any further interruptions. Any new proposals should be submitted by noon on 30 November.

It was so decided.

The meeting rose at 1 p.m.