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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. SHEVCHENKO (Ukrainian Soviet Socialist Republic) said that the question of peace-keeping operations was an issue of primary importance and was closely linked to the fundamental task of the United Nations as defined by the Charter of the United Nations, namely, the maintenance of international peace and security. If that task was to be carried out, certain conditions and premises must be respected. The Charter contained provisions for collective action with respect to breaches of the peace and acts of aggression. Primary responsibility for such action lay with the Security Council, which could ask the parties to settle disputes peacefully and, as an extreme measure, could apply sanctions against the aggressors. The Charter provided for the creation of the necessary machinery for military peace-keeping operations by stipulating that all Members should make armed forces available to the Security Council under special agreements, and the practical execution of peace-keeping operations was the responsibility of the Council, aided by the advice of the Military Staff Committee. Thus, under the terms of the Charter, the Security Council was empowered to make decisions on all matters relating to the establishment and use of armed forces for peace-keeping operations, including the methods of financing, and no other body, including the General Assembly, had the right to settle such questions.

2. The United Nations could discharge its peace-keeping functions only if all Member States, and in particular the permanent members of the Security Council, abided strictly by the Charter and acted in the interest of peace. Any measures constituting a violation of the Charter could only undermine the structure of the Organization. Unfortunately, however, the Security Council was not always able to act effectively, because certain Powers, such as

the United States and the United Kingdom, which themselves committed acts of aggression against countries struggling for their national liberation, paralysed the Security Council and did their utmost to circumvent it. They attempted to use the United Nations machinery for purposes which were prejudicial to the peace, freedom and independence of nations, as in the case of the United Nations force in the Congo, which had been used, not to aid the legitimate Government of the Congo and halt imperialist intervention, but in a way which constituted a violation of the fundamental principles of the Charter.

3. Characteristically, the suggestions made by the United States, the United Kingdom, Canada, Ireland and some other Western Powers for the alleged purpose of improving the peace-keeping capacity of the United Nations were designed to undermine the Charter and enable those Powers to use the Organization for their national self-interest. There was no lack of lip-service to the fundamental goals of the United Nations in draft resolution A/SPC/L.130, but the whole purpose of that proposal was to distort the basic provisions of the Charter and to set up peace-keeping machinery which would circumvent the Security Council. If the need for peace-keeping with the use of armed forces should arise, the draft resolution might cast doubt on the competence of the Security Council and be used to justify violations of the Charter. It deliberately confused the functions of the Security Council and those of other United Nations bodies. Paragraph 4 of the draft resolution did not specify the organ to which States were to communicate information concerning the forces or services they could provide, whereas Article 43 of the Charter stated that armed forces were to be made available to the Security Council in accordance with special agreements. The draft resolution also failed to specify which United Nations organ was to determine the expenses involved and the method of apportioning them among Member States, while the Charter made it clear that both those functions belonged to the Security Council.

4. In the Special Committee on Peace-keeping Operations some delegations, and in particular that of the Soviet Union, had suggested measures to promote peace-keeping which were in accordance with the Charter, but the Western States had made counter-proposals which constituted gross violations of the Charter and were therefore unacceptable. For that reason, the Special Committee had been unable to produce positive results. He hoped that it could eventually work out a solution which took into consideration the fundamental principles of the Charter, but, in view of the continuing serious differences of

opinion, that would necessarily be a lengthy task. He felt that the Committee had done some useful work, and he agreed with those delegations which wanted it to continue its efforts.

5. Mr. WALDHEIM (Austria) reminded the Committee of his country's views, as expressed in the Special Committee and of its continued financial and material contributions to United Nations peace-keeping operations. He noted that a few Member States had to bear the heavy burden of such operations. While his Government was prepared to continue its support of United Nations peace-keeping activities, the need for a settlement of the question of financing was urgent. In view of the differences which had arisen in that connexion, his delegation felt that the problem required a realistic, cautious and pragmatic approach, taking into account the respective competences of the Security Council and the General Assembly and based on the principle of the collective responsibility of all Member States.

6. Under Article 24 of the Charter, the primary responsibility for international peace and security rested with the Security Council, but his delegation fully supported the residual responsibilities of the General Assembly, as provided for in Articles 10-17. Wide agreement among Member States, and in particular among the permanent members of the Security Council, on the procedure to be followed in carrying out peace-keeping operations was essential to the successful continuation of such activities, and his delegation therefore regretted that the Special Committee had been unable to submit any agreed recommendation on the question. However, in spite of the considerable disagreement among Member States which had been apparent in the Special Committee, its work had served to clarify the issues and define the limits within which a realistic solution must be found. Negotiations should be continued, either in the Special Committee or elsewhere, with a view to reaching a generally acceptable resolution of the basic principles involved. From past experience, he felt confident that the existing discord on principles would not prevent any necessary peace-keeping operations in the future. It must, however, be recognized that, as a result of the consensus of September 1965 (1331st plenary meeting), it would no longer be possible to expect the sanction contained in Article 19 of the Charter to be applied when Member States refused to pay their share of the expenses.

7. His delegation doubted that attempts to force the issue would serve the purposes of the Charter, and a pragmatic approach to the problem therefore seemed more appropriate. Some progress might, however, be made in some limited, mainly technical fields, in order to increase the effectiveness of United Nations peace-keeping activities. His delegation agreed with those who believed that a survey of the preparations undertaken by Member States for their participation in peace-keeping operations and a study regarding the practice adopted by the United Nations in that respect would be of considerable help for similar undertakings in the future.

8. The Secretary-General, in the introduction to his 1966 annual report (A/6301/Add.1), had expressed his increasing concern at the financial difficulties

with regard to United Nations peace-keeping operations. While Austria had not only paid its assessments for such operations but had also made voluntary contributions, it found the method of voluntary contributions inadequate, inequitable and uncertain. Such a method placed an unfair burden upon a limited number of Member States which were willing to assume it. His delegation therefore thought that collective financial responsibility, which was most in keeping with the Charter, should form the basis for financing peace-keeping operations. Such a procedure should not, however, exclude the application of a special scale taking into account the financial capability of Member States, if the costs of a peace-keeping operation were to be apportioned among Members of the United Nations.

9. He hoped that a generally acceptable and equitable cost-sharing formula would be found, but, in order to be truly effective, any solution must be based on the broad support of Member States and, in particular, must gain the endorsement of the permanent members of the Security Council. The fact that, despite all the differences on the constitutional issue, the United Nations had been able to conduct peace-keeping operations, even on a large scale, was an encouragement to continue the search for a generally acceptable solution. The statements made during the debate had demonstrated that there was a general desire to work towards that goal.

10. Mr. MAKONNEN (Ethiopia) said that the question of peace-keeping should be approached with patience, perseverance and realism. Peace-keeping was a necessary function of the United Nations and an essential service to the international community. His Government considered that peace-keeping operations represented one of the most imaginative and constructive innovations introduced by the United Nations for the maintenance of peace. It felt that the role of the General Assembly in the initiation and financing of such operations, which had been carefully developed over a long period of time, should be not only maintained but strengthened. Peace-keeping operations should be undertaken by general agreement among the Member States, and in particular the great Powers. Agreements on the subject should be envisaged on a continuing and standing basis, as opposed to ad hoc and specific agreements.

11. In fact, however, there was no agreement among the great Powers on the objectives, scope and fundamental precepts of peace-keeping operations. The absence of such an agreement had precipitated the so-called financial crisis and had introduced an element of uncertainty into the peace-keeping role of the United Nations. It had also blocked progress in the search for a solution to peace-keeping problems in both the Assembly and the Special Committee, where discussions had centred around legal and constitutional questions, while the political problem—the real problem—had not been tackled. Historically, in fact, the development of peace-keeping operations was the result, not of explicit provisions of the Charter, but rather of the progressive application of Charter provisions.

12. The legalistic discussions in the Special Committee had therefore necessarily proved barren, but

disappointment at the lack of conspicuous achievement did not justify demands for the dissolution of the Committee. His delegation had hope in the ability of the United Nations, acting through the Special Committee or some other committee, to find a generally acceptable solution to the problems of the initiation and financing of peace-keeping operations. Two years was a short time for the discharge of so complicated a task; moreover, discussions in the Special Committee had brought to the fore the apprehensions and pre-occupations of all parties concerned and, while defining the apparent issues involved, had demonstrated the magnitude and complexity of the real problems. Even if the Special Committee were to be disbanded, the General Assembly was not a suitable forum for the discussion of a complex matter. The Assembly should therefore be considering, at its current session, how best to assist the Special Committee, rather than debating whether to continue or terminate its work. It could do so by seeing whether its terms of reference inhibited it from examining the problems otherwise than in the light of a constitutional settlement; failing that, the Assembly could help the Special Committee greatly by reinterpreting its terms of reference or redirecting the thrust of its efforts. His delegation therefore hoped that the Assembly would not disband the Special Committee but would inject its work with fresh vigour and a realistic sense of direction. In its opinion, the Special Committee should be requested to seek a solution in terms of procedures that would define the separate and joint roles of the General Assembly and the Security Council in respect of the initiation and financing of peace-keeping operations. Such procedures should be of such a nature as would avoid prejudicing the basic constitutional stand which Member States, particularly the great Powers, might have taken in the past. Moreover, the agreements on procedures to be followed should be reached by a broad consensus, or, more precisely, by a gentleman's agreement which would operate on a standing and continuing basis.

13. His delegation believed that a solution to the whole problem of peace-keeping in terms of procedures would realistically meet the special exigencies of the problem, which was political in nature. It related, on the one hand, to the influence of the great Powers and to their special position in the Security Council and, on the other, to the concern of the smaller Powers, which would like the United Nations to become an effective instrument for action through the progressive extension of the role of the General Assembly in the maintenance of peace and security in the twilight area that lay between enforcement action and the traditionally accepted procedures for the peaceful settlement of disputes. The harmonization of those two principal positions was a goal which all Member States should consider it their duty and responsibility to achieve.

14. His delegation felt that any resolutions to be discussed in the Committee at the current stage should not aspire to more than providing interim solutions enabling the United Nations to undertake peace-keeping operations pending agreement on some of the fundamental issues involved. Nor should they force the controversial issues by providing an opportunity to reaffirm well-known views, thereby further

hardening them. Although draft resolution A/SPC/L.129 and Add.1 and 2 had a great deal of merit, especially in that it was consistent with previous decisions of the Assembly, with established practices in peace-keeping matters and with the Advisory Opinion of the International Court of Justice,^{1/} it restricted itself to one aspect of an essentially dual problem, namely, the question of financing, leaving aside completely the other aspect, the question of the authorization of peace-keeping operations. Nevertheless, the draft resolution forced the issue of the mandatory power of assessment of the Assembly.

15. The approach of draft resolution A/SPC/L.130 was more comprehensive, and it included suggestions for the preparatory arrangements for peace-keeping operations. His delegation favoured such a practical approach, but only as an interim measure, and there was a basic element which needed to be introduced into the text. The continuity of the common effort of Member States should be clearly stated both in the preamble and in the operative part of the draft resolution. The peace-keeping efforts of the United Nations and the useful dialogue between its Members must of necessity continue until a lasting solution to the problem of peace-keeping operations was found. By its conspicuous silence on the continuity of the work of the Special Committee draft resolution A/SPC/L.130 gave the impression, albeit inadvertently, that once it was approved the whole question of peace-keeping would be transferred to the Security Council, where peace-keeping operations would be subject to the unanimity of the great Powers. With a view to introducing that essential element of continuity and bringing the draft resolution more into line with the final objective, his delegation had submitted a number of amendments (A/SPC/L.131), which were self-explanatory and did not change the substance of the draft resolution. He hoped that they would be acceptable to the sponsors and would meet with the approval of the Committee as a whole.

16. Mr. SAMMUT (Malta) said that although the report of the Special Committee (A/6414) revealed continuing basic disagreement among Member States on the question of peace-keeping operations, his delegation did not regard it as entirely unconstructive. For example, the records of the discussions gave a fairly clear picture of the views of Member States, and that might provide a basis for the achievement of positive results. The debate on the item in the Special Political Committee had confirmed his delegation's opinion that an exclusively or even preponderantly legal approach would not make for a solution, since the language of the Charter was interpreted in radically different ways. Nor did his delegation think that the question was one which could be solved by a majority vote on a resolution. Constructive results which would safeguard the authority and usefulness of the United Nations could be achieved only by seeking unanimity among the permanent members of the Security Council and a substantial, although not necessarily unanimous consensus among other Members of the Organization. Such unanimity and such a

^{1/} Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962: I.C.J. Reports 1962, p. 151.

consensus would not be possible until the permanent members of the Security Council made a real effort to place the interests of the United Nations above their own short-term interests. If they did not do so, the continuing erosion of the United Nations' authority, prestige and possibilities for action might reach catastrophic proportions.

17. In the light of those considerations his delegation would like to state its general position with regard to the whole question. First, peace-keeping operations must be placed within the general framework of United Nations action to maintain international peace. From that angle they would be seen to constitute only one of the many means at the disposal of the United Nations, and it was therefore regrettable that in the past decisions had sometimes been taken to initiate peace-keeping operations without attempting to use the other means.

18. Secondly, peace-keeping operations could be only a provisional expedient to maintain peace and security in a situation where there was no time to initiate the measures enumerated in Article 33 of the Charter or where such measures had temporarily proved ineffective. There was nothing in the Charter to suggest that any particular peace-keeping operation could continue more or less indefinitely, thus freeing the United Nations from the obligation to recommend and, if necessary, enforce the use of one or another of the measures envisaged in Article 33 with a view to a permanent solution. It would be unfortunate if any particular peace-keeping operation came to be regarded as a convenient means of maintaining the status quo indefinitely; that might only exacerbate tension and perpetuate unjustifiable situations.

19. Thirdly, his delegation was of the opinion that no peace-keeping operation could be initiated against the will of one of the permanent members of the Security Council, particularly the United States or the Soviet Union. Should such an attempt be made, even with the support of an overwhelming majority in the General Assembly and of the other permanent members of the Council, it might lead to greater conflict and even jeopardize the existence of the United Nations. That did not mean, however, that every peace-keeping operation must necessarily receive the affirmative votes of all the permanent members of the Council. For example, if the Assembly decided upon a peace-keeping operation when the Council had failed to reach a decision owing to the abstention of one or more of its permanent members, the operation would still have some possibility of success, since co-operation between the United Nations and the abstaining member or members would not necessarily be entirely precluded.

20. Finally, the costs of any authorized peace-keeping operation should be apportioned among all Member States, in accordance with the principle of collective responsibility, if the operation could not be financed in any other way. His delegation therefore could not agree that only those permanent members of the Council which had voted in favour of a particular operation should be assessed for it. While no peace-keeping operation should be initiated against the will of a permanent member casting a negative vote, if such a vote were not cast and the operation was de-

cided upon, the permanent members should all bear financial responsibility commensurate with their special position under the Charter.

21. He was greatly concerned at the time lost in discussing the respective rights and powers of the Security Council and the General Assembly with regard to peace-keeping. Members should bear in mind not only the legal aspects of the matter but also the political realities which no resolution of the General Assembly could efface. It was to be regretted that no adequate steps had been taken to give effect to Articles 43-47 of the Charter, which were closely and fundamentally connected with the question of peace-keeping. Thus their implementation should be the Committee's first concern, for if peace-keeping operations were to be effective it was essential that they should be carried out with the least possible delay. The United Nations could not continue indefinitely trying to cope with such situations on the basis of ad hoc improvisation.

22. Mr. ANGULO BOSSA (Colombia) said that while the tension prevailing when the item on peace-keeping operations was under discussion in the past had lessened, the problem continued to have important implications for the future of the United Nations and its ability to maintain international peace and security. Although the Special Committee had not been able to find a satisfactory solution, its work had not been in vain, for the very fact that debate on the subject continued was a sign that the hope of finding a solution was still very much alive. With regard to the constitutional aspect of the question, as his country's Minister for Foreign Affairs had said in the General Assembly (1416th plenary meeting), if the United Nations was not able to prevent war all its other activities, however successful, would be in vain; that was why the Assembly must strive to correct the situation when the paralysis of the Security Council prevent the latter from performing the functions assigned to it by the Charter. If the United Nations was a single entity none of whose component parts could pursue objectives contrary to those of the others, then it would be absurd to think that there could be contradictions where the respective functions of the General Assembly and the Security Council were concerned. All the Members of the United Nations had equal rights, but some of them, owing to historical and political circumstances, had certain prerogatives which at the same time imposed on them a greater degree of responsibility. Their rights did not derogate from those of other Members but together with them made up the juridical and political system of the United Nations. To interpret the right of veto as constituting a right to take action which would have an effect other than that of reaffirming the principles of international peace and security would be to violate the Charter. The functions of the Assembly and the Council with respect to peace-keeping operations were therefore complementary and were aimed at achieving the same objectives.

23. Now that the United Nations was approaching the goal of universality, working for the consolidation of peace was no longer the exclusive privilege of the great Powers. Every new State admitted to membership swelled the ranks of those clamouring for peace.

That being the case, the desire for peace expressed in the Assembly could not be considered to be at variance with that expressed in the Council. Near-universality was also a guarantee of political impartiality, for with the Organization's present broad membership the provision that decisions on important matters require a two-thirds majority presupposed the concurrence of States having differing political systems and such decisions therefore could not be attributed to ideological preconceptions. Those who maintained that the Assembly had the right to intervene in the matter under discussion did so not because they supported the policy of a particular super-Power but, on the contrary, because they wished to give all States the opportunity to co-operate in building peace. To argue that States not represented in the Security Council were not entitled to contribute to the maintenance of international peace and security would be to return to the paternalistic era of international relations and would violate the principle of sovereign equality. At the same time, Members could not ignore the reasons for the establishment of the right of veto, which was part and parcel of the machinery of the United Nations. When the exercise of that right resulted in the paralysis of the Council, it became politically necessary, as well as legally correct, for the General Assembly to intervene. Therefore, the basic element of his delegation's position with regard to the problem of the respective competence of the General Assembly and the Security Council was that it was complementary and that since the purpose of both bodies were the same the Assembly must act whenever the Council was unable to do so.

24. The second aspect of the problem, i.e., that of financing peace-keeping operations, must be settled realistically, bearing in mind the relationship under the Charter between rights and responsibilities. In the view of his delegation, any peace-keeping arrangements finally decided upon should provide that the less developed countries would contribute a specific amount established beforehand and commensurate with their ability to pay. To do otherwise not only would be unfair but would prove unworkable, since in that case the United Nations might simply find itself unable to collect the funds it was counting on. Both the draft resolutions before the Committee (A/SPC/L.129 and Add.1 and 2, A/SPC/L.130) recognized that principle. His delegation felt it was a principle which must be clearly established, for peace was maintained not by peace-keeping operations alone: development too was a factor in the maintenance of peace and security and was thus one of the purposes of the United Nations. If the developing countries had to pay more than a certain percentage of the cost of peace-keeping operations it would be at the expense of their own development, and that might lead in turn to political and social upheavals which would in themselves constitute a threat to peace. By the same token, the developed countries which were now able to produce more than what they required for their bare subsistence should be willing to pay a greater share of the costs involved in solving problems the results of which could well affect the entire international community. In being asked to do so they should not consider themselves imposed upon or discriminated against; on the contrary, they should realize that they

were thus playing their part in writing a new page of political history based on the realization that peace and progress were the primary objectives of international solidarity.

25. The permanent members of the Security Council were among the economically most highly developed countries in the world and they enjoyed very special rights in the United Nations. In those circumstances, it would not be fair to allow them to decide what, if anything, they were going to contribute to the cost of a peace-keeping operation instead of making their contributions subject to principles adopted by the General Assembly. Draft resolution A/SPC/L.129 and Add.1 and 2 was defective in that paragraph 1 (a) (iii) did not lay down a specific procedure determining the contributions to be made by permanent members of the Security Council whether they had voted for or against a particular peace-keeping operation. Except for that sub-paragraph, the draft had the support of his delegation. Draft resolution A/SPC/L.130 was also a valuable contribution to the understanding of the problem, but was not sufficiently specific to command his delegation's support.

26. Mr. KOVALEV (Byelorussian Soviet Socialist Republic) said that the only correct and realistic approach to the solution of the peace-keeping problem was to be found in strict compliance with the Charter and the full implementation of its provisions. Indeed, it was that approach which had led to the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, two major documents which served to enhance the effectiveness of the United Nations in maintaining peace by strengthening the peace-loving peoples in their struggle for freedom and independence. However, certain imperialist forces were manoeuvring to circumvent the Charter and to undermine the foundations of the United Nations by depriving the Security Council of its prescribed role as the primary instrument for the maintenance of peace, although the respective functions of the General Assembly and the Security Council were clearly set forth in Chapters IV and VII of the Charter. Whereas the Charter conferred no power on the General Assembly to take action in the event of threats to or breaches of the peace, reserving that power exclusively to the Security Council, they argued that the Assembly had residual or complementary powers in that respect. Chapter VII, which dealt with such action, made not a single reference to the General Assembly, and Chapter IV authorized the Assembly only to consider questions affecting the maintenance of peace and to make recommendations thereon. Similarly, although the draft resolutions before the Committee (A/SPC/L.129 and Add.1 and 2, A/SPC/L.130) appeared to respect those incontrovertible principles of the Charter, it became clear on closer examination that the latter were interpreted in a manner inconsistent with the spirit of the Charter and even that the aim was indirectly to amend them.

27. At the 517th meeting the Chilean representative had candidly suggested that the peace-keeping problem should be met by yielding to the consensus of

opinion which already existed in the Committee and deferring efforts to study the whole question of peace-keeping. If necessary, he had explained, the Charter should ultimately be revised so as to provide a clearer delimitation of the respective functions of the Security Council and the General Assembly in matters of maintaining peace and security. The imperfections of the Charter were not the issue, as some delegations hypocritically argued. Rather, the difficulties encountered by the United Nations arose from the fact that the imperialist States were openly violating the Charter and frustrating its purposes. United States intervention in Viet-Nam and the Dominican Republic, for example, constituted acts of aggression in contravention of the Charter. Indeed, the Western Powers, in their efforts to crush the aspirations of freedom-loving peoples for independence, were using peace-keeping for selfish purposes. Thus, the principal sponsors of the two draft resolutions under discussion, Ireland and Canada, had been careful to emphasize that peace-keeping operations offered protection primarily to the small States, but when asked to support the interests of the African States by endorsing the use of force against the Ian Smith régime in Rhodesia, they had not hesitated to disregard those legitimate interests. Their emphasis on the financing of peace-keeping operations was also motivated by political considerations. They sought to evade the basic Charter requirements, namely, that the political substance of each conflict which called for those operations should be decided on its merits, with due regard to the interests of the victims of aggression, and the best means of protecting the rights and sovereignty of the parties.

28. Only by ensuring that United Nations armed forces and a United Nations command were established in strict conformity with the Charter could the interests of peoples aspiring to freedom and independence be effectively safeguarded. The measures provided in the draft resolution sponsored by Canada and others (A/SPC/L.130) for the preparation of peace-keeping contingents and the communication of relevant information were not compatible with the Charter. Article 43 and subsequent Articles provided quite clearly that such contingents should be made available to the Security Council in accordance with special agreements and that the task, size, command and use of those armed forces, as well as the corresponding financial arrangements, should be defined by the Council. In that connexion, the Byelorussian Soviet Socialist Republic fully supported the proposals made in the Committee by the representative of the Soviet Union and some of the proposals made by the representative of Austria.

29. The question of peace-keeping was so vital and so complex as to warrant further study by the Special Committee. The Special Committee should continue to be guided by the explicit provisions of the Charter.

30. Mr. PARTHASARATHI (India) observed that the crisis which had paralysed the work of the Assembly's nineteenth session had focused attention on a long-standing dispute among Member States concerning the interpretation of certain provisions of the Charter. It would be wise to draw certain lessons from the Assembly's past experience and to apply them to

whatever arrangements might be made for future peace-keeping operations.

31. First, General Assembly resolutions which were not wholly in accordance with the Charter, even if supported by large majorities, could not strengthen the effectiveness of the United Nations as an instrument for peace.

32. Secondly, since it was now generally recognized that the Security Council bore primary responsibility for the maintenance of peace and had exclusive powers for enforcement action under Chapter VII, the problem was to narrow the differences concerning the peace-keeping powers of the Assembly. As a compromise between the view that the Assembly had residual powers to dispatch United Nations armed forces in the event of the Council's being unable to act and the view that the Assembly could only exercise those powers at the behest or with the consent of the parties to the conflict, his delegation suggested that it might be generally agreed that the dispatch of such forces for purposes other than observation or investigation should remain exclusively within the competence of the Security Council. It might be agreed further that in cases where the parties directly concerned gave their consent, the great Powers would refrain from voting against the dispatch of armed forces even if they were not entirely satisfied with such action, except in exceptional circumstances or for special reasons. Thus, the Charter would not have been violated and there would have been no confusion about the relative competence of the two principal organs, which was clearly defined in the Charter. The views of India were, in that matter, similar to, though not identical with, the view expressed by the French representative (522nd meeting).

33. Thirdly, progress in defining the authority competent to initiate and authorize peace-keeping operations had to be taken into consideration, because in future the method of financing itself could not be decided on without taking that major factor into account. However, the principle that an organ with a limited membership could not impose a financial burden on the whole membership without its express consent was an obvious one and would have to be maintained. The Security Council was authorized to initiate peace-keeping operations and it could naturally make arrangements for the conduct of such operations, including of course the financing of those operations. That was also entirely in accord with Article 43. The Security Council could not tax the entire membership of the United Nations by a decision of its own. If the special arrangements envisaged in Article 43 were not possible, the Security Council could decide to finance the operation by deciding that the parties to the conflict should themselves finance it, either by voluntary contributions, by apportioning the costs among all or some Security Council members, or by requesting the General Assembly to establish a given method of financing. The Council, lacking the authority to tax the entire membership, would have to apply to the Assembly for funds if such a necessity arose.

34. If the above views about the initiation or authorization and financing of peace-keeping operations were considered acceptable, there would no longer seem to

be such an urgent need to adopt a special scale of assessment or even to formulate guide-lines in that regard. In the past the Assembly had made ad hoc arrangements to spread the financial burden on all its Members more or less equitably. India would welcome any initiative designed to remove uncertainties and indicating more precisely the share of each Member in future operations. It would, however, be improper for the Assembly to establish such guide-lines or a new scale without formally recognizing the precise role of the Security Council in respect of the initiation, authorization, control, conduct and financing of future peace-keeping operations.

35. It would be incorrect and impractical for the Assembly to adopt a provision such as that contained in draft resolution A/SPC/L.129 and Add.1 and 2 recognizing the right of a permanent member of the Security Council to opt out of financing a particular peace-keeping operation which it did not favour. The costs of such operations should be met either from voluntary contributions or by mandatory assessment of all Member States. The Special Committee should continue to study the whole question in the light of all the views expressed.

36. Mr. DIOUF (Senegal) expressed the deep concern of his delegation for an effective solution to the problem of peace-keeping, which lay at the core of all United Nations activities. The efforts of the Special Committee had provided a measure of the magnitude of the problem and pin-pointed the areas of agreement and disagreement among Member States.

37. The two draft resolutions before the Committee (A/SPC/L.129 and Add.1 and 2, A/SPC/L.130) suggested interim arrangements which would enable the United Nations to discharge its peace-keeping function pending a more effective solution of the problem. In considering those arrangements, the Committee should bear in mind that it was in the interest of all States, great and small, to combine their efforts and work in harmony towards converting the United Nations into a more effective instrument for the maintenance of peace. Consequently, Member States should not adopt rigid positions and refuse to be influenced by the views of others. The Special Committee should continue to study the problem of peace-keeping operations on the basis of more specific terms of reference. As the Minister for Foreign Affairs of Senegal had told the General Assembly (1414th plenary meeting), a solution did not necessarily require a revision of the Charter; legal adjustments did not solve political problems. Progress would depend rather on devotion to principles, a sense of equity and a desire to reconcile contradictory views.

38. Mr. ABDELLAH (Tunisia) pointed out that the past record of the United Nations in containing certain conflicts and arranging truces between the parties should encourage all Member States to co-operate in seeking a solution to the problem of peace-keeping. Tunisia had supported United Nations peace-keeping operations by providing men and money, in the belief that by strengthening the Organization's capacity to keep the peace, Member States could more effectively safeguard their own independence and territorial integrity.

39. Although the Special Committee had been unable to narrow differences among the great Powers on the question of financing peace-keeping operations and the relative competence of the Security Council and the General Assembly, it had undertaken a thorough discussion of all aspects of peace-keeping and it had successfully avoided a confrontation between the permanent members of the Security Council which would have had disastrous consequences for the future of the United Nations. It was to be commended upon those achievements.

40. With regard to the constitutional aspect of peace-keeping, his delegation believed, first, that the Security Council should act in defence of the interests of all Member States and secondly, that if a permanent member's veto prevented it from discharging that primary responsibility, the General Assembly had the right and duty to make appropriate recommendations and take the necessary measures.

41. In the financing of peace-keeping operations, the principle of collective financial responsibility should apply. The General Assembly should be requested to apportion the costs of a particular operation bearing in mind the special responsibility of the permanent members of the Security Council, the direct responsibility of the Member State whose actions had created the crisis, the economic capacity of the developing countries, and international solidarity. Assessment for peace-keeping should be mandatory, for as the Secretary-General had stated, voluntary contributions represented an uncertain and inadequate method of financing and placed an unfair burden on some Members. The scale of assessments suggested in draft resolution A/SPC/L.129 and Add.1 and 2 took most of those factors into account and was a tribute to the efforts of the Irish delegation to seek a solution of the peace-keeping problem. However, Tunisia could not agree that the permanent members of the Security Council should be permitted to opt out of financing a particular operation; such an exemption violated the principles of the sovereign equality of States and collective financial responsibility.

42. The Committee was grappling with a political problem which could only be resolved gradually, by dint of great patience and flexibility on the part of Member States. The guide-lines established in draft resolution A/SPC/L.130 were generally acceptable, and Tunisia would support them. The information to be provided under paragraph 4 of the draft resolution would not prejudice the decision of a State to participate in a particular operation.

43. A gradual approach to the solution of the peace-keeping problem was more likely to promote international co-operation. Political realities could make certain States adopt more flexible positions. For example, for many years the Security Council had refused to consider colonial problems on the grounds that they came within the scope of Article 2, paragraph 7 of the Charter. However, when it became clear that they were causing dangerous friction among States and the Assembly had overwhelmingly endorsed the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Council had been forced to shift its position.

44. The Special Committee should continue its work. It would help to reduce tension and ultimately work out a formula in the interest of all States, which would enable the United Nations to deal swiftly and effectively with threats to the peace.

45. Mr. CERNIK (Czechoslovakia) said that the maintenance of international peace and security was one of the main tasks of the United Nations, as many delegations had recognized during the general debate in the General Assembly. In many parts of the world the aggressive actions of certain Western Powers, particularly the United States, were endangering peace and security. Experience had shown that the authority and prestige of the United Nations depended upon the extent to which it was capable of reacting to developments in a manner conforming to the Purposes and Principles set forth in its Charter. The Czechoslovak Minister for Foreign Affairs had stated in the General Assembly (1416th plenary meeting) that the consistent observance of the provisions of the Charter had always had the effect of improving relations among States, while the violation of those provisions had invariably been prejudicial to friendly co-operation among peoples, to world peace and to the United Nations itself. The Organization's continuing difficulties were caused primarily by the fact that certain Members systematically violated the Charter's fundamental principles, resorted to the illegal use of force in international relations, intervened in the domestic affairs of States with flagrant disregard for their sovereignty, and prevented peoples from exercising their right to self-determination. Such actions created conflict, aggravated tensions and paralysed the United Nations.

46. The position of his delegation with regard to United Nations peace-keeping operations continued to be that outlined in the Czechoslovak Government's declaration of 26 November 1964,^{2/} which stressed the need to ensure that all United Nations activities for the maintenance or consolidation of peace should be in conformity with the Charter. Members should rid themselves once and for all of any ideas rooted in past practices which had led to the violation of those principles. On the basis of its experience the United Nations should rule out interpretations of the Charter which might lead to any such use of United Nations armed forces as that which had occurred in the Congo. The argument that peace-keeping operations fell within the competence not only of the Security Council but also of the General Assembly was clearly at variance with the provisions of the Charter, Chapter VII of which made clear the Council's exclusive competence in that connexion. The solution to the problem of peace-keeping operations was obviously to be found in the provisions of that Chapter, including those Articles which had not been put into effect. By the same token, his delegation could not agree that the problem could be solved by Charter revision. If anything was preventing the United Nations from serving as an effective instrument for the maintenance of peace and security it was not the Charter but the policies of certain Powers, which were trying to make the Organization's peace-keeping activities serve their own ends.

^{2/} Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 21, document A/5821.

47. The views expressed by his delegation on the subject of peace-keeping operations during the twentieth session (466th meeting) remained valid, namely, that the Military Staff Committee should be permitted to fulfil the functions envisaged for it in the Charter, that United Nations peace-keeping forces should include contingents from countries representing all social systems, that that same principle of equal representation should be reflected in the command of such forces, and that agreements with the Security Council concerning the provision of armed forces, assistance and facilities, as provided in Article 43, should be concluded. Those measures would enable the United Nations to progress towards the solution of the problem.

48. As far as the work of the Special Committee was concerned, everyone recognized that its task had been extremely difficult, and it could scarcely have been expected in so short a time to find a definitive solution. It had, however, enabled the General Assembly to resume its normal activities, and the discussion of peace-keeping operations had served as a means of clarifying the positions of the various States and had made Members more aware of the need to abide by the fundamental provisions of the Charter with respect to the role of the United Nations in maintaining security. A continuing exchange of views would be useful; accordingly, that process should be continued.

49. Some delegations had sought to accord priority to the financial aspect of the problem, separating it from the political and juridical aspects. That approach, however, violated the Charter, for the question of financing was not merely a matter of apportioning expenditure but was above all a matter involving the competence of the respective organs of the United Nations. Questions relating to the financing of United Nations peace-keeping operations should be dealt with by the organ which under the Charter was competent to decide whether such operations should be undertaken in the first place. That organ was the Security Council. The question of peace-keeping operations could not be limited to its financial aspect, nor could that aspect be dealt with in a manner which disregarded the competence and responsibilities of the Council. For that reason his delegation could not support draft resolution A/SPC/L.129 and Add.1 and 2. It likewise could not approve draft resolution A/SPC/L.130, which, while it referred in its preamble to the Security Council's primary responsibility for the maintenance of peace and security, circumvented the Security Council in its operative paragraphs. In the circumstances, he agreed with the Soviet Union representative that neither draft should be put to the vote. His delegation would, on the other hand, support any initiative aimed at continuing the frank and reasonable discussion of the matter; the Special Committee should provide a basis for that continuing discussion.

50. Mr. NGUZA (Democratic Republic of the Congo) said that his delegation, believing that the maintenance of international peace and security was one of the fundamental purposes of the United Nations, fully appreciated the importance of the problems under discussion. His country owed a heavy debt of gratitude to the Organization, which had responded to its appeal for help in overcoming the tremendous difficulties that it

had encountered immediately following its emergence as an independent State, in restoring peace and order and in preserving its unity and territorial integrity. Despite the legal controversies that had arisen as a result, in particular, of differing interpretations of the letter and the spirit of the Charter, and despite the shortcomings of the United Nations Operations in the Congo, as of all human endeavours, no right-thinking person could deny that, on balance, the operation had been a positive action and had commanded unprecedented co-operation on the part of States Members of the United Nations.

51. It must be borne in mind that incidents necessitating United Nations intervention in the form of peace-keeping operations would occur always in the smaller countries and never among the great Powers, which had the means of ensuring their own security. At the same time, the United Nations Charter, in recognition of military and economic realities, had vested in the great Powers, as permanent members of the Security Council possessing the right of veto, special responsibility with respect to the maintenance of peace. Such responsibility was not exclusive, however, and the General Assembly, representing the international community as a whole, had a complementary responsibility.

52. While there was general agreement on those principles, there were strong differences of opinion concerning the exact division of competence between the two organs, especially with respect to the financing of peace-keeping operations, and the matter must be considered under two aspects—the constitutional, which related to the interpretation of the Charter, and the practical, which was a question of the need to maintain peace at all times pending the achievement of an agreement on the constitutional problems. The great Powers, which should naturally bear the heaviest financial burden, had expressed their views on the constitutional aspect, but their common concern for the maintenance of peace should prevail over their objections of principle, in the interest of achieving a modus vivendi acceptable to all. The Special Committee on Peace-keeping Operations had been able to reconcile some differences of view by means of informal consultations, and it had been generally recognized that progress could be achieved only through co-operation within the United Nations in accordance with the Charter, and not through stubborn defence of a given position or sterile debates on the interpretation of the Charter.

53. It was in that context that the efforts of the Ministers for External Affairs of Ireland and Canada were particularly welcome, and the interest of their countries in the maintenance of peace had led to the submission of two draft resolutions which, in the view of his delegation, were not mutually exclusive but complementary, in that draft resolution A/SPC/L.130 laid down general criteria for the apportionment of peace-keeping expenses while draft resolution A/SPC/L.129 and Add.1 and 2 set out the method of apportionment in actual percentages. Although the former indicated that the search for a definitive formula should be authorized by the Security Council and the results of the study should be submitted to it for approval while the other draft resolution was silent

on the subject, both made it clear that all the Member States should participate in the search. Despite its objections to the advantageous option given to certain Powers in paragraph 1 (a) (iii) of draft resolution A/SPC/L.129 and Add.1 and 2, which it understood had been necessary in order to obtain maximum support for the text, his delegation would support that draft resolution as a measure which was provisional and practical, and certainly not perfect. It would also support draft resolution A/SPC/L.130, which laid down the principles on the basis of which the final formula could be found, with particular reference to the authority of the Security Council as the organ possessing primary responsibility.

54. Mr. FARAH (Somalia) noted that, since the Irish proposals submitted at the preceding session had become the victim of procedural tactics, no progress whatever had been made in finding even a partial solution to the problem of financing future peace-keeping operations. The report of the Special Committee (A/6414) had produced nothing but a restatement of positions, and his delegation had therefore been pleased to associate itself with a further initiative by the Irish delegation. In its view, it was better to have at least an interim agreement, however limited in scope, than no agreement at all, in order that peace-keeping might not depend on ad hoc improvisations. Draft resolution A/SPC/L.129 and Add.1 and 2 took into consideration the realities of the situation; it envisaged no more than a temporary modus vivendi, designed to check a retrogressive trend in attitudes towards the authority of the General Assembly on budgetary questions and to provide a basis for limited peace-keeping pending a comprehensive solution. Its adoption would be without prejudice to the legal or political positions of any State in relation to the eventual comprehensive solution, and many problems were left completely untouched. His delegation, like others, was by no means satisfied with the option given to the permanent members of the Security Council, and it accepted it only as a temporary measure and because of the current impasse. Somalia would prefer the establishment of a peace-keeping fund to which a portion of each State's annual contribution would be allocated as a matter of course. While it did not necessarily exclude the partial financing of peace-keeping operations by voluntary contributions, particularly in respect of past and present commitments and where mandatory assessments proved inadequate, it would be most unwise to rely entirely on the voluntary method as a basis for future operations, bearing in mind the difficulties which had been experienced in the case of Cyprus.

55. His delegation was therefore convinced that peace-keeping expenses, like the cost of other essential functions of the United Nations, should be reliably financed by a system of mandatory assessments. It recognized that the Security Council had a primary responsibility in the matter of peace-keeping operations under Article 24 of the Charter, but the General Assembly had its share of responsibility, complementary to that of the Council, under Chapter IV, particularly with respect to the consideration and approval of the budget and the apportionment of expenses among Member States under Article 17, which had been recognized by the International Court of Justice as

extending to the apportionment of the costs of peace-keeping operations.

56. Another point was that, if the General Assembly continued to delay the creation of a sound system for financing peace-keeping operations, Member States would have to look elsewhere for speedy and effective assistance. Already, an attempt had been made to set up a Commonwealth or NATO peace-keeping force in Cyprus, and the Organization of American States had sent a force to the Dominican Republic. To allow the United Nations to become paralysed by its own inadequacies and to encourage Member States to turn to other organizations for their security might well add unfortunate political dimensions to problems which were best handled impartially. In view of the tense international atmosphere described by the Secretary-General in the introduction to his 1966 annual report, "it is all too likely that, in the present circumstances, the United Nations may respond to situations which call for peace-keeping efforts of an operational kind only when matters have reached the gravest and most advanced stage of crisis". (See A/6301/Add.1, p. 5.) His delegation hoped that early agreement would be reached, preferably at the current session.

57. He could not agree with those speakers who had claimed that any discussion of the problem of financing should recognize as its starting point that the sanction provided for in Article 19 of the Charter could no longer be applied in cases where Member States refused to pay their share of the expenses of a major peace-keeping operation in the future. To seek to generalize, apparently for all time, the consensus of 1 September 1965 reached at the 1331st plenary meeting by stating that all Member States had foreseen and accepted its consequences went too far. The consensus did not purport to, and could not, amend the Charter, Article 19 of which had been the subject of divergent interpretations concerning not so much the existence of a sanction for non-payment, but rather the conditions which might provoke it—in other words, concerning the scope of the expression "financial contributions". The primary and, indeed, the quite explicit purpose of the consensus had been to enable the Assembly to resume its normal functioning, and the preamble of General Assembly resolution 2006 (XIX) was very eloquent on that point. The consensus had not claimed to dispose of the basic issue which had led to the situation confronting the Assembly at its nineteenth session, namely, whether peace-keeping costs were to be regarded as expenses of the Organization within the meaning of Article 17, paragraph 2 of the Charter and thus came within the scope of the expression "financial contributions" in Article 19.

58. Mr. SABEV (Bulgaria) recalled that his delegation had expressed gratification at the preceding session that the wholesome and realistic forces in the United Nations had succeeded in ending the abnormal situation which had resulted primarily from the position adopted by the United States. The task now confronting the Committee was to discuss the report of the Special Committee (A/6414) and to determine how the consideration of the problem should be continued. The fact that the Special Com-

mittee had been unable to make any recommendations for strengthening the United Nations as an instrument of international peace and security had again been due to the negative attitude of certain Powers, particularly the United States, in defiance of common sense and of the fundamental principles of the Charter, and should not be used as a pretext for taking hasty decisions on texts which by no means had the support of all Member States. To impose illegal decisions might only worsen the situation and create further difficulties, and his delegation therefore agreed with the many which had stressed the need to continue efforts, within the framework of the Special Committee, to strengthen the peace-keeping capacity of the United Nations.

59. His delegation had stated its general views on the subject on many occasions. It continued to maintain that the prestige and effectiveness of the United Nations must be based on observance of the Charter, and not on temporary improvisations. Since the maintenance of international peace and security was the primary purpose of the United Nations, the consideration of practical measures to be taken in emergency situations, such as the use of armed forces under the Charter, was of particular importance. Bulgaria's basic position was, therefore, one of strong opposition to the efforts of certain Powers, particularly the United States, to transform the Organization into an instrument of their imperialist and neo-colonialist policies. Its effectiveness had been weakened, not by so-called constitutional problems but by the actions of the colonialist Powers and their interference in the domestic affairs of other countries, and efforts to strengthen it must be based primarily on observance of the Purposes and Principles set forth in the Charter. The formation and use of armed forces must be an exceptional measure, to be taken for the purpose of preventing or countering an act of aggression only after the peaceful means referred to in the Charter had been exhausted. Since, under the Charter, the Security Council alone was authorized to take military measures, the Council was competent to take decisions on all matters relating to United Nations armed forces, including their financing. The General Assembly had its own role of studying problems and making recommendations but, because the unanimity of the great Powers was basic to the concept of the United Nations, the Security Council had been given primary responsibility for the maintenance of international peace and security. His delegation was therefore opposed to both the draft resolutions before the Committee, which sought, in scarcely veiled terms, to contravene the clear provisions of the Charter and to achieve what certain Powers had been unable to achieve by overt means in the past. His delegation was opposed to any improvisation or provisional solutions with respect to peace-keeping operations, and it agreed with the approach adopted by the Government of the USSR in its memorandum of 10 July 1964.^{3/} It would support any proposal which was consonant with the Charter and which would make the United Nations a truly effective instrument for the maintenance of international peace and security.

^{3/} *Ibid.*, document A/5721.

60. Mr. BENABOUD (Morocco) pointed out that the maintenance of international peace and security was so vital a responsibility of the United Nations that it had been given first place among the purposes proclaimed in Article 1 of the Charter. Peace and security were needed, not only to safeguard humanity from the consequences of an annihilating conflagration, but also to enable the developing countries to direct their efforts towards improving their economic and social conditions, overcoming poverty, disease and hunger, and closing the gap between them and the developed countries. Although strict observance of the principle of non-interference in the internal affairs of others, peaceful coexistence, pacific settlement of disputes and the eradication of colonialism in all its forms should at least limit the occurrence of armed confrontations, serious conflicts unfortunately continued to threaten peace, and the United Nations must fulfil its obligations in that connexion. For that reason, Morocco was convinced that the peace-keeping capacity of the United Nations should be strengthened, and it had contributed, within its modest means, to the success of past operations.

61. Although the Special Committee had served a very useful purpose and had been instrumental in saving the United Nations from the very acute crisis which had paralysed its activities at the nineteenth session, its latest report was regrettably and disappointingly negative. His delegation believed that the Special Committee's work should continue in one way or another, and it was not rigid in its views on whether it should proceed as in the past or whether its membership or terms of reference should be modified. If the majority view was that its composition should be revised, his delegation would like to suggest that both the permanent and non-permanent members of the Security Council should be included in its membership, since the Council was now more representative of the general membership of the United Nations than it had formerly been. The subject under consideration was quite delicate and highly complex, but he was confident that a solution would be found through joint and concerted efforts.

62. Although the Security Council was entrusted with primary responsibility for the maintenance of international peace and security, the General Assembly was vested with a great deal of authority under Article 10 of the Charter. His delegation therefore considered that

the Assembly, especially in the current changing state of world affairs, should consider matters relating to peace and security and make recommendations to the Security Council, when it deemed it necessary, provided that such action did not conflict with Article 12 of the Charter. Where the Council was unable to act owing to lack of unanimity among the permanent members, the Assembly should urgently take up matters which threatened world peace and make recommendations to the Council. In so doing, it would not be interfering with the latter's functions, but would simply be attempting to find new guide-lines which would be helpful to the Council in arriving at a unanimous decision. Thus, the work of the two organs was of a complementary nature.

63. His delegation believed in collective security and collective financial responsibility for peace-keeping operations. Voluntary contributions should be welcomed, but they were unpredictable and therefore unsatisfactory, and a formula should be worked out for financing peace-keeping operations efficiently and reliably. The economic situation of each country and its ability to make financial contributions should be taken into consideration, and Member States with highly developed economies should, in any event, make the most substantial contributions. Moreover, the victims of aggression should not bear any of the expenses of peace-keeping operations; in fact, they should be compensated for the damage inflicted upon them.

64. While the constitutional and financial problems remained unsolved, the Special Committee might think it advisable to concentrate on the organizational aspect of peace-keeping operations. A working group might be appointed to study the feasibility of forming a stand-by United Nations force, composed of troops from certain countries which were willing to participate in such a force. Any progress made in overcoming the organizational problem would have prepared the ground for the setting up of an efficient United Nations peace-keeping machinery and for the achievement of an equitable solution to the constitutional and financial aspects. His delegation remained ready to support any measure designed to maintain, consolidate and safeguard international peace and security and it would be guided, in voting on the proposals before the Committee, by the principles he had stated.

The meeting rose at 7.10 p.m.