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**Chairman:** Mr. Jan Paul BANNIER  
(Netherlands).

**AGENDA ITEM 7**

Consideration of the financial situation of the Organization in the light of the report of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations (A/5187, A/5274, A/5407 and Corr.1, A/5416, A/5421, A/C.5/974, A/C.5/975, A/AC.113/1-27) (continued)

1. Mr. LEWANDOWSKI (Poland) paid a tribute to the memory of His Holiness Pope John XXIII and associated himself with the condolences which had been expressed on the death of Mr. Omar Loutfi, Under-Secretary for Special Political Affairs, and Mr. José Félix de Lequerica, Permanent Representative of Spain to the United Nations. On behalf of the Polish delegation, he congratulated the Committee's officers on their re-election.

2. It was now frequently being said that the United Nations was going through a financial crisis. In reality, that expression was misleading, for it must be borne in mind that the United Nations embraced certain ideals and principles and an organizational framework which included such different organs as the General Assembly, the Security Council, the Secretariat, the regional economic commissions, UNESCO, UNICEF, WHO, FAO, and so forth. The complex as a whole was much bigger than any temporary problem to which any one of the United Nations organs might address itself. The United Nations had known many successes and failures in the past and it would face new tests in the future, for the application of the principles of the Charter would no doubt continue to meet with numerous obstacles caused by the departure of some Members from the letter and spirit of the Charter. There was no doubt that the past failures of the Organization had been facilitated by certain imperfections in the machinery of the United Nations and by decisions which had been taken when the Organization had not yet represented all the forces existing in the contemporary world; those circumstances had enabled the Western Powers at times to impose their own policy upon the Organization. But that must not happen again, and that was why any decision now taken should be aimed at strengthening the United Nations and correcting the imperfections which

in the past had enabled certain States to circumvent the Charter. That consideration would continue as before to determine the Polish delegation's attitude when decisions had to be taken.

3. There was a solid factual basis for the statement that the United Nations was not facing a financial crisis. The overwhelming majority of Members, including Poland and the other socialist countries, were paying their contributions to the regular budget which enabled the United Nations to carry out the various tasks in the political, social, economic and legal fields laid upon it by the Charter. That did not mean that his delegation did not have a number of reservations to make regarding the financial and administrative procedures for the execution of the regular budget. There were many problems, including that of the stabilization of the budget, which had increased at the alarming rate of 50 per cent every five years. The Polish delegation therefore welcomed the Secretary-General's statement (984th meeting) that he intended to administer the United Nations budget for 1964 on a basis of strict financial austerity.

4. Like most previous speakers, he would confine himself to the problem of financing United Nations peace-keeping operations. In an address to the Economic Club of New York on 5 March 1963, the Secretary-General had stated that the problem of UNEF and ONUC was both political and legal. The Polish delegation agreed with that view, and he proposed to deal with the legal and the political aspects of the question in that order.

5. From the legal point of view, it was obvious that if a Member State paid its share of the cost of the operations in the Middle East and the Congo, it was explicitly demonstrating its support for those operations, in a much more tangible and irrevocable manner than by an affirmative vote of a representative, which could always be disavowed or changed subsequently. But the Polish delegation could not in any circumstances support those operations, in spite of the efforts made since 1960 by the delegations of certain Western States to compel all Members to share the cost of UNEF and ONUC under Article 17, paragraph 2, of the Charter. To achieve their purpose, those States had requested—and obtained—an advisory opinion from the International Court of Justice<sup>1/</sup> which would strengthen their case. But the results of those efforts were highly questionable, for only five of the fifteen judges of the Court had approved the advisory opinion without reservations of any kind. That meant that two-thirds of the judges, including the President of the Court, had not supported the whole line of reasoning on which the final decision was based, even if, ultimately, only five

<sup>1/</sup> Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962: I.C.J. Reports 1962, p. 151, transmitted to the Members of the General Assembly by a note of the Secretary-General (A/5161 and Corr.1).

judges had actually refused to vote for the advisory opinion.

6. The Polish delegation entirely agreed with those representatives who considered that all United Nations peace-keeping measures lay within the competence of the Security Council, as clearly provided for in Articles 43, 49 and 50 of the Charter. That was the system officially recognized as the United Nations system; therefore, unless the Security Council had taken specific and detailed decisions concerning the financial implications also, operations like UNEF and ONUC could only be the subject of recommendations. In those circumstances, the acceptance and implementation of the Court's advisory opinion would amount to a *de facto* revision of the Charter, which would make any recommendation regarding a United Nations operation binding on all Member States, even if it had not been approved by the competent organ, since all Member States would have to share the financial burden. The Polish Government could not accept such a violation of its sovereign rights.

7. As had already been pointed out, the circumstances in which the General Assembly had requested the Court's advisory opinion had been unusual; that might be why the Court had given a judgement which was contrary to that given in 1927 by the Permanent Court of International Justice in the "Lotus" case.<sup>2/</sup>

8. Moreover, the International Court of Justice had given an advisory opinion in 1954 on the effect of awards of compensation made by the United Nations Administrative Tribunal,<sup>3/</sup> in which it had stated *inter alia* that the function of approving the budget did not mean that the General Assembly had an absolute power to approve or disapprove the expenditure proposed to it. The expenditure in question had been the compensation due to certain United States citizens who had been dismissed from the Secretariat, in violation of Article 100 of the Charter, at the request of the State Department, which had been persecuting them on political grounds. The United States, which was now energetically championing the Court's controversial advisory opinion regarding the payment of more than \$300 million for UNEF and ONUC, had taken an entirely different stand in 1954, when the compensation awards had amounted only to \$179,420: the United States Congress had adopted on 20 August 1954 a resolution to the effect that none of the contribution paid by the United States should be used to finance those compensation awards, even partially, and the United States delegation had brought every kind of pressure to bear to ensure that that sum would not be paid from Members' contributions. It had in fact succeeded, for the sum required had been taken from the staff assessment income.

9. The Western countries were thus showing once again that their attitude to the problems facing the United Nations rested not on respect for law and the Charter but on their own political interests. It was questionable whether those countries, which today wished the General Assembly's resolutions on the financing of UNEF and ONUC to be made binding and to apply sanctions to Members which failed to obey them, would be willing to recognize other Assembly resolutions as equally binding—those, for instance, dealing with the liquidation of colonialism, disarmament or the elimination of discriminatory practices in international trade.

10. To sum up, his delegation's position on the legal aspect of the problem rested on the provisions of the Charter, which clearly stated that all actions pertaining to the maintenance of peace must be decided by the Security Council and carried out under its supervision, and that the financial implications of such actions should be dealt with in accordance with the relevant articles of the Charter.

11. As to the political aspect of the problem, that was particularly important in the modern world where the use of force was so frequent, even if it was glossed over as "preventive war". There was no doubt as to the events which had taken place in the Middle East in 1956: an act of aggression had been committed against Egypt by the armed forces of Israel, the United Kingdom and France. Those three countries should therefore bear the consequences of their acts, for to compel all Members of the United Nations to participate in the financing of the Emergency Force created as a consequence of that aggression would be tantamount to rewarding those who had violated the Charter (particularly Article 2, paragraph 4), and encouraging the use of force in the future. That was why the Polish Government had always refused to help finance UNEF and would persist in that attitude.

12. In July 1960, the Congo had been attacked by Belgian troops; on 12 July 1960 the Congolese Government had sent the United Nations a telegram<sup>4/</sup> asking for aid and specifically stating that the essential purpose of such aid would be to protect the national territory of the Congo against the external aggression which was a threat to international peace. On 14 July 1960, the Security Council had decided to grant the assistance requested,<sup>5/</sup> after Mr. Hammarskjöld had informed the members of the Council that the operation should be a short-term operation. But it had soon become evident that the operation had not been conducted in accordance with the purposes for which it had been mounted: the Belgian troops, soon reinforced by mercenaries from other colonial countries, had remained in the country. The Congo had been dismembered, the Government which had appealed to the United Nations had been overthrown, and its Prime Minister, Patrice Lumumba, imprisoned and later murdered along with other Congolese leaders. While thousands of Congolese had been dying at the hands of the aggressors, in fratricidal struggles or from starvation and illness, copper, manganese, cobalt, uranium and diamonds valued at thousands of millions of dollars had continued to be shipped to the United States and Western Europe. The territory of the Congo had become an arena in which foreign monopolies had struggled with one another to divide up the country's riches. It might be wondered whether that deadly struggle was now over, or whether the United Nations forces would have to remain in the Congo until those monopolies had succeeded in imposing a new pattern of control so secure that the Congolese people would again be excluded for years to come from the management of its own natural resources. It would be the most shocking proof of a United Nations crisis if the Organization's name were used to cloak such a victory at the expense of the Congolese people.

<sup>2/</sup> Permanent Court of International Justice, *Collection of Judgments*, Series A, No. 10, *The case of the S. S. Lotus*.

<sup>3/</sup> Effect of awards of compensation made by the U.N. Administrative Tribunal, Advisory Opinion of July 13th, 1954; I.C.J. Reports 1954, p. 47.

<sup>4/</sup> See *Official Records of the Security Council, Fifteenth Year, Supplement for July, August and September 1960*, document S/4382.

<sup>5/</sup> *Ibid.*, document S/4387.

13. Many delegations, including those of Ceylon, Cambodia, Sudan, Afghanistan, Ghana, Tunisia and Guinea, had stressed that the victim should not be penalized when it came to financing operations consequent upon an act of aggression. The General Assembly itself had recognized, in its resolutions 1619 (XV) and 1732 (XVI), that Belgium had a special responsibility with regard to the costs of ONUC. It was the countries responsible for the Congolese tragedy which should bear the costs of ONUC; for its part, Poland would not share in the financing of the Congo operation either directly or indirectly, i.e., by helping to redeem the bonds issued by the United Nations and to pay the interest on them.

14. Poland had lost 6 million people and over 40 per cent of its national wealth in the Second World War, and had experienced considerable difficulty in obtaining Western currencies; nevertheless, it had paid almost \$2 million to the various United Nations bodies in 1962, including \$794,000 for the regular budget alone. Poland had never been a colonialist country, and the money which it paid to the United Nations came exclusively from its people's toil; it therefore had a right to expect that the money would be used in the service of peace and not of interests foreign to the principles and ideals of the Charter.

15. Over sixty Member States were in arrears with their contributions to ONUC, and over fifty in their contributions to UNEF. Yet the United States preferred to regard that problem in terms of an East-West crisis in the cold-war tradition. It thus presented Members with a dilemma; they must either finance the operations in question, which would mean supporting them—which was impossible—or risk splitting the Organization. Unless it was a matter of purely rhetorical hostility, a tactic against which President Kennedy had advised United States diplomats on 10 June 1963, when speaking at the American University, Washington, D. C., that was a veritable ultimatum which could lead the Organization to catastrophe. He hoped that the United States and other Western delegations would adhere to the principles pronounced by President Kennedy, and would agree to settle the Organization's problems in accordance with the provisions of the Charter.

16. Poland recognized collective responsibility for the maintenance of peace, but refused to apply that concept to acts of aggression and their consequences. It was understandable that many Member States, particularly the developing countries, should be tempted to transfer the prerogatives of the Security Council to the General Assembly, especially as the colonial Powers still had some influence in the Council. But in the absence of proper safeguards, there could be no guarantee that the Assembly's decisions, though inspired by the most unselfish and just motives, would not then be undermined by the imperialist forces, as had recently been the case in the Congo. Moreover, it was the very cause of the evil which should be addressed, in order to avoid new incidents in the future.

17. As in the past, his delegation would continue to support only those United Nations actions which were designed to defend and strengthen the independence of Member States and the political, economic and social freedom of their peoples. And it would support such actions only if there were sufficient safeguards against their subversion, safeguards which were provided in the Charter.

18. In conclusion, he recalled the address delivered on 2 June 1963 by the Secretary-General at Mount Holyoke College, when he had said: "The United Nations is not a world government, nor is its General Assembly a world legislature. It is, in a sense, the parliament of mankind, as it gives opportunity for the large and the small countries equally to have their say on major issues, and this is the original meaning of a parliament. But it is not a world legislature with the authority to pass laws binding on all member Governments; its resolutions are more in the nature of recommendations than of statutes. But the United Nations does offer a machinery for multilateral diplomacy, which did not exist before." And the Secretary-General had added: "And the means it adopts to solve the issues, big and small, which it faces are the very means of persuasion and negotiation which I advocated a moment ago." His delegation fully shared the Secretary-General's views, and hoped that they would prevail in the Organization.

The meeting rose at 11.40 a.m.