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(Netherlands).

AGENDA ITEM 64

**Obligations of Members, under the Charter of the United Nations, with regard to the financing of the United Nations Emergency Force and the Organization's operations in the Congo: advisory opinion of the International Court of Justice (A/5161 and Corr.1, A/C.5/952, A/C.5/957, A/C.5/L.760 and Add.1-3, A/C.5/L.761 and Add.1 and 2 and Add.2/Corr.1, A/C.5/L.763 and Corr.1) (continued)**

1. Mr. KOLBASIN (Byelorussian Soviet Socialist Republic) said that his delegation could not support any of the three draft resolutions before the Committee (A/C.5/L.760 and Add.1-3, A/C.5/L.761 and Add.1 and 2 and Add.2/Corr.1 and A/C.5/L.763 and Corr.1). All of them ignored the fact that the supreme judicial authority of the United Nations resided in the Charter. Under Article 11 of the Charter, any question relating to the maintenance of international peace and security had to be referred to the Security Council by the General Assembly either before or after discussion; and Article 43 also brought out the role of the Security Council. Since the United Nations operations in the Middle East and the Congo were based on decisions taken contrary to the Charter, they could not give rise to financial obligations for Member States. The arguments of the Byelorussian and other delegations which challenged the legality of expenses for those operations were based on the Charter, whereas the arguments of their opponents were founded on illegal decisions. In the circumstances, it was easy to see who had international law on his side.

2. With regard to the advisory opinion of the International Court of Justice,<sup>1/</sup> he observed that the President of the Court and a number of other outstanding judges had given dissenting opinions. Even more, four of the nine judges of the majority had expressed individual reservations. That was just as important as, if not more important than, the mere result of the

<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).

vote in the Court; in fact, the advisory opinion did not have the authority that had been expected by those who had forced the General Assembly to consult the Court.

3. The United Nations operations in the Middle East and the Congo were a façade behind which the colonialists and their lackeys continued their shameful machinations: after ridding themselves of Prime Minister Lumumba, they were now trying to make Katanga a fortified bastion of colonialism. Their interference in the affairs of the Congolese people was a threat to the great liberation movement of the African countries and to world peace. If the United Nations secured the evacuation of all mercenaries and withdrew its troops, the Congolese people itself could settle the situation in the Congo. The United Nations should apply sanctions to those who hindered the Congolese Government's efforts to unify the country. The Byelorussian SSR certainly had no intention of financing the criminal intrigues of the colonialists even when conducted behind the so-called United Nations Operation in the Congo.

4. Mr. AKHUND (Pakistan) said that it was clear that the decisions the Committee would take as a result of the discussion would have most far-reaching consequences for the structure and even survival of the United Nations. The discussion should therefore be guided by the interests of the Organization and not by considerations of prestige or propaganda.

5. The General Assembly, which had itself asked the Court for authoritative legal guidance, could not disregard it now; on the contrary, that guidance would henceforward constitute one of the elements of the whole question. The legal side of the question had been finally settled. It was true that the issue which had become of increasing gravity since 1956 had its roots in a political controversy, as had been clearly shown by the debates during the fifteenth and sixteenth sessions of the General Assembly and the deliberations of the Working Group of Fifteen on the Examination of the Administrative and Budgetary Procedures of the United Nations. In so far, however, as each side appealed to the Charter for support, the only recourse was to the arbitration, or at least the advice, of the highest judicial organ of the United Nations. It was gratifying that a number of delegations, some of which had held a contrary opinion, had accepted the Court's advisory opinion. In doing so, they had given an example that should be followed, for the Organization would run into insurmountable obstacles if every slight difference of meaning in interpreting the Charter had to be settled by the unanimous agreement of the Member States. Now that the Court had given its opinion, the General Assembly could not reject it on legal grounds or on the plea that it would create difficulties.

6. It had been argued that acceptance of the Court's advisory opinion would bring in its train the application of Article 19 of the Charter and, in the circum-

stances, that would amount to the imposition of the will of one group of States on another. As a matter of fact, the sanctions of Article 19 obviously applied only to Member States which deliberately allowed their contributions to fall into arrears. All the Members of the General Assembly enjoyed equality in voting. If Member States were given the opportunity of showing, by a kind of financial veto, their disapproval of a decision duly approved by a competent organ of the United Nations, new power and influence relationships would be established in negation of the principle of the sovereign equality of Member States.

7. Some delegations had expressed exaggerated fears concerning the future. The International Court of Justice had given a specific reply to an equally specific question; its advisory opinion related to certain specified cases and did not have the effect of amending the Charter.

8. It had been said that some Member States conceived of the Organization as a static conference machinery for dealing with disputes between nations, while others saw it primarily as a dynamic instrument playing a positive role in a changing world. Either conception could be applied within the terms of the Charter. In any case, the United Nations could not afford to return to the practice of the League of Nations, which required unanimity for its decisions. That idea was implicit in the theory that the obligation to contribute to measures pertaining to the maintenance of international peace and security fell only on those Member States which had approved those measures. No Member State could hold itself aloof from the maintenance of peace.

9. It could not be denied that the establishment of UNEF had made it possible to avert a most serious crisis. Today, UNEF was still contributing to the maintenance of international peace and security. In the Congo, the situation had demanded collective international action, and the decision to intervene had been taken by an overwhelming majority of the Members of the Organization and at the request of the Government of the Congo. Certainly, errors had been committed but it was open to critics to try to correct the errors through the procedures of the Organization instead of trying to bankrupt it or washing their hands of the operations.

10. Some delegations appeared to confuse the idea of sanctions, including financial sanctions, which the Security Council had the power to impose under the Charter, with the question of financing the cost of peace-keeping. It would be unwise to make the restoration of peace dependent on the ability or willingness of the "aggressor" to pay its cost. The financial burden of peace-keeping had to be shared by all Member States. The way in which it was shared, however, could be determined in the light of various factors, including capacity to pay. Other criteria were mentioned in the draft resolution presented by nineteen Latin American countries (A/C.5/L.763 and Corr.1). Those considerations had already been the subject of controversy during the deliberation of the Working Group of Fifteen. In view of that fact, it would not seem advisable to lay them down as guidelines for the proposed Working Group. He hoped that the Working Group would reach agreement in the light of the advisory opinion of the Court, but even if agreement was not reached, further discussion within it would facilitate a subsequent decision by the General Assembly. It was those considerations which had led his delegation to join in co-spon-

soring draft resolution A/C.5/L.761 and Add.1 and 2 and Add.2/Corr.1. It hoped that the Committee and the plenary General Assembly would approve that draft resolution and draft resolution A/C.5/L.760 and Add. 1-3 by a very large majority.

11. Mr. NOLAN (Ireland) said that it was necessary to distinguish between two elements. Were certain expenses "expenses of the Organization" and how were those expenses to be apportioned? After years of discussion, the General Assembly had succeeded in framing a specific question, to which the International Court of Justice had replied. By accepting the advisory opinion of the Court, the Assembly would be moving towards a solution of the Organization's financial difficulties. By refusing it, it would strike a blow against the authority and prestige both of the Court and the Assembly, since the matter was of vital importance for the future of the United Nations. A constructive approach was needed in dealing with the issue and the methods of financing peace-keeping operations. He noted that no Member State had formally proposed the termination of any of those operations. The Member States thus appeared to be giving at least passive consent to their continuation. What remained to be determined was the source and the amount of the funds used for such operations; it was the differences of opinion on that score that were responsible for the present financial difficulties. Some very different solutions had been proposed but their authors had worked on the principle that Member States would meet their obligation to pay. To give practical effect to that obligation, neither agreements between certain Member States and the Security Council nor resolutions of the Security Council appeared to be as satisfactory a method as that already applied by the Organization, namely, the apportionment of expenses among the Member States by General Assembly resolutions under the authority of Article 17, paragraph 2, of the Charter. Obviously, such resolutions could not be mere recommendations; they were obligations of membership.

12. The common interest should therefore compel the Committee to give unanimous endorsement to the draft resolution which recommended the General Assembly to accept the opinion of the International Court of Justice (A/C.5/L.760 and Add. 1-3). The fixing of the amount to be paid by each Member State had still to be tackled as soon as possible. The Secretary-General had indicated that that matter might be held over and the Irish delegation would not therefore oppose draft resolution A/C.5/L.761 and Add.1 and 2 and Add.2/Corr.1.

13. The representative of Jordan had stated that the small countries had the duty to speak and that the very existence of the United Nations was threatened by great Power rivalry, by pressure from one group or another, or by what amounted to a financial veto. Ireland had always done its utmost to lessen the rivalry between the great Powers and to support the authority and effectiveness of the United Nations by making contributions to the peace-keeping operations, by purchasing United Nations bonds and by supporting to the full all resolutions adopted by the Security Council and the General Assembly in relation to all aspects of UNEF and ONUC. Since Ireland considered that the financial crisis presented the Organization with a pressing danger, the Minister for External Affairs of Ireland had devoted his statement in the general debate (1142nd plenary meeting) to that subject. He had said, among other things, that he could appreciate the exas-

peration and disappointment felt by any Member State when its national policy was condemned or when it had been outvoted. He had stated that he understood that there was a temptation to block the implementation of the decisions concerned and, for that purpose, to seek to impose a financial veto on them by withholding contributions. But, he had remarked, that galling as it might be from time to time to abide by the will of the appropriate majority, abandonment of that democratic principle could only result in the paralysis of the Organization and chaos. For all those reasons, the Irish delegation, like the Jordanian delegation, refused to be a party to any steps which would paralyse the United Nations and destroy its effectiveness. It would therefore not support decisions which would lessen the moral authority and the effectiveness of the United Nations by denying it the financial support of Member States.

14. In conclusion, he hoped that the Committee would respond positively to the appeal of the Secretary-General, thus casting a vote of confidence in the future of the United Nations and in the person of the Secretary-General.

15. Mr. CORNER (New Zealand) recalled that at the beginning of the present session of the General Assembly (1133rd plenary meeting) the Prime Minister of New Zealand had expressed New Zealand's fear that the capacity of the United Nations to produce solutions to the world's problems was being threatened by the undermining of the financial base of the Organization. The imminent threat of bankruptcy was throwing into question the ability of the United Nations to carry out its primary task of sustaining the peace. A number of countries had, for various reasons, not yet paid their assessed share of the cost of peace-keeping operations in the Middle East and the Congo. By the end of December 1962, the United Nations would face a deficit of some \$80 million. Clearly the Organization was facing a crisis: basically it was a crisis of loyalty which could only be solved by the vote of confidence requested of the Committee by the Secretary-General.

16. Legally speaking, there was no longer any excuse for not contributing to the financing of the Middle East and Congo operations: the Court had given a very clear opinion. True, the Court's opinion was itself not binding. But it had to be respected if the world was to emerge from anarchy. The Court was not imposing anything on any Member States; it was merely declaring the plain meaning of the Charter. Thus it was a question of respect both for the Court and the Charter. It was as essential in principle as it was common sense in practice for the Assembly to accept the Court's opinion and make further decisions on that basis. New Zealand was greatly encouraged by the stand of many Latin American countries which had now decided to subordinate to the opinion of the Court their previous dissenting individual opinions. At a time when the international community was constantly in danger of reverting to anarchy the countries which insisted on maintaining their own opinion against that of the Court assumed a grave responsibility.

17. A refusal of the Soviet group would perhaps be less surprising than the continued refusal of the other dissenting permanent member of the Security Council. For it was in the nature of Communist doctrine to refuse to accept the supremacy of any body external to its own system. Yet that attitude on the Court opinion might decide whether the United Nations became a positive instrument for realising the purposes of the

Charter, or whether it died "slowly, painfully and disgracefully of anaemia". If a country refused to accept the opinion of the Court or to recognize the opinion of any external body as superior to its own, that meant that its attitude towards the United Nations was dictated exclusively by its own interest of the moment, and on that anarchic basis, no sound international order could be built.

18. So far as collective security was concerned, New Zealand had consistently supported the principle that the cost of peace-keeping operations was a legally binding collective responsibility. Since peace benefited all States, all should bear the cost of keeping it. That was why New Zealand had consistently supported the United Nations in its peace-keeping operations. It had paid more than its share of the Korean operations; it had paid all its assessed share of the Middle East and Congo operations; and it had subscribed \$1 million to the United Nations bond issue, which was more than would be its share under the normal scale of assessments. However, as the Prime Minister of New Zealand had stated in plenary, it was difficult for a small country, such as New Zealand, to determine the limits of patience and principle when others defaulted, especially great Powers which had special security responsibilities under the Charter and for which there was no extenuating circumstance of domestic financial difficulty or shortage of foreign exchange.

19. It was for that reason that the New Zealand delegation was disturbed by the line of argument of one of the great Powers, a member of the Security Council, who maintained that, if a majority of Member States wished to undertake some special project, they might go ahead and do so, but their decision did not bind the minority to accept the consequent financial obligations. Such an argument might conceivably have validity when applied to peripheral activities of the United Nations, but certainly not to peace-keeping which was the primary reason for the existence of the United Nations. To claim the right to pick and choose for which peace-keeping operations to pay, would be to transform collective security into selective security and thus to destroy the foundation on which the United Nations rested. Incapacity to pay was not the problem; for that was sympathetically comprehended by Article 19 of the Charter. The real problem was non-payment based on an act of will and defended on principle.

20. New Zealand had not necessarily fully approved every undertaking of the United Nations. But the New Zealand Government had diverted much needed funds because it felt it was its duty to look beyond self interest. If two permanent members of the Security Council and some of the States which had benefited from those operations should maintain the right to pick and choose, they were weakening the principle on which other Member States had justified their contributions to peace-keeping operations, and to voluntarily financed projects, in the Middle East, as elsewhere. The New Zealand contribution, and indeed the contributions of most Member States, was not vital to the United Nations. But what would happen if the United States Government should be converted by the arguments advanced by the minority that each Government was entitled to choose among the various United Nations operations and to support only those which it believed to be in its self-interest? By withholding funds, the United States could practically stop, or certainly change out of all recognition, every operation of the United Nations family.

21. Peace was indivisible. In the nuclear age every threat to the peace affected all States great and small.

22. If the great Powers dissociated themselves from collective security, the outlook for the United Nations would be ominous and the whole basis of the Organization would change. The Charter conferred certain privileges but also certain obligations on the great Powers. If those States chose to decline their obligations, would not other Members be justified in refusing on any future occasion to pay their assessments if they disagreed with a particular policy of the United Nations? And would the United Nations then meet the world's needs?

23. The United Nations as a potent force for peace was equally important to all countries. New Zealand, with its shared memories of unnecessary and painful wars therefore appealed for support of the world organization. If France and the Soviet Union decided to pay their debts, however much they disagreed with them, they would show their confidence in the United Nations in the most worth-while way—in the present crisis—by their financial backing. If the great Powers paid their arrears, other members would surely follow suit.

24. The payment of arrears would save the United Nations from bankruptcy. But Members also had to establish more permanent and adequate methods of financing peace-keeping operations. The large scale of modern peace-keeping had out-dated the budget scale of assessment and ad hoc financing had failed. Because of the critical financial situation the General Assembly had to give the matter urgent attention. For that purpose a Working Group seemed essential. Two draft resolutions were before the Committee proposing such a Group. There was no great incompatibility between the two texts, and his delegation hoped that their sponsors could reconcile their views. It would seem preferable to call again upon the Working Group of Fifteen, which already had a thorough knowledge of the situation, but not to restrict its work by laying down strict guide-lines and specific criteria. With freedom of action it could probably provide the basis for the Assembly to agree on future methods of financing peace-keeping operations.

25. Mr. MAHMOUD (United Arab Republic) recalled that his delegation had always been very doubtful about the advisability of asking the Court for an advisory opinion: it had thought that that request, as formulated in General Assembly resolution 1731 (XVI), was not calculated to lead to an adequate solution of the Organization's financial crisis. The problem was really not a legal but a political one.

26. The attitude adopted by Egypt in 1956 towards the United Nations Emergency Force and that adopted by the United Arab Republic in 1960 towards the United Nations operations in the Congo had been identical: in both cases they had consisted in refusal to pay a contribution, for the following reasons. First, a clear distinction should be drawn between the Organization's regular expenses and extraordinary expenses entailed by unforeseen operations. Secondly, such operations should be financed by funds drawn from the following sources: the country or countries whose aggression had necessitated the dispatch of the United Nations force; the country or countries whose interests had originally created the particular situation; the permanent members of the Security Council, which were primarily responsible for the maintenance of inter-

national peace and security; and finally, a special fund fed by voluntary contributions for the total or partial financing of such operations. The country or countries which had been the victims of the attack leading to United Nations intervention should be exempt from payment of a contribution in respect of such expenses. That had been, and that remained, the position of the Government of the United Arab Republic; but that Government was none the less desirous of contributing to the solution of the Organization's financial crisis, and it had therefore subscribed to the loan authorized by General Assembly resolution 1739 (XVI).

27. The question asked of the Court had to do solely with identification of the "expenses of the Organization", and not with the apportionment of those expenses by the General Assembly and with the interpretation of the words "shall be borne by the Members" (Article 17 of the Charter). The Court had therefore made no pronouncement on the method of financing peace-keeping operations—the real problem facing the Committee. Limiting the mandate of the Working Group mentioned in draft resolution A/C.5/L.761 and Add.1 and 2 and Add.2/Corr.1 to study of the methods of financing operations undertaken in the future suggested that the Court had pronounced itself on the method of financing operations already undertaken—which was not true. For that reason the delegation of the United Arab Republic would be unable to support draft resolutions A/C.5/L.760 and Add.1-3 and A/C.5/L.761 and Add.1 and 2 and Add.2/Corr.1.

28. Draft resolution A/C.5/L.763 and Corr.1 contained certain ideas which the Government of the United Arab Republic shared—in particular, the special responsibility of members of the Security Council in connexion with the financing of peace-keeping operations, and the need for a procedure different from that applied to the regular budget and for a special scale of assessments. That draft, however, was not explicit enough with regard to the treatment which should be given to countries that were the victims of aggression. Account should be taken on the one hand of the positive responsibility of the aggressor, and on the other of the "negative responsibility" of the country or countries victims of aggression.

29. Moreover, the cost of such operations varied considerably, according to the geographical region, the country, the duration and the purpose of the operation. Accordingly, the Working Group should not evolve immutable rules but should leave it open to the Assembly to arrive, in each particular case, at an ad hoc method of financing.

30. Mr. DASHTSEREN (Mongolia) thought that it was by following the Charter very closely that the question should be examined. The United Nations Emergency Force had been created and the Congo operations decided in violation of Article 43 of the Charter, which conferred on the Security Council alone the right to resort to the use of force. It was in the first case the British, French and Israel imperialists and in the second case the Belgian colonialists and their allies who should bear the full responsibility for the aggression which they had committed. Those countries would have done better to think of the Organization's prestige then, rather than to talk of it now. Instead of taking every possible step to expedite a solution of the Congolese crisis, the colonialist countries were trying to prolong that crisis so as to continue to profit from Katanga's wealth.

31. The expenses of those operations were not "expenses of the Organization" within the meaning of Article 17, paragraph 2, of the Charter, which referred solely to the regular budget.

32. As for the opinion of the Court, not only had it not been adopted unanimously but it was simply an advisory opinion, which therefore had no binding force. Accordingly, the Mongolian delegation could not recognize the validity of the Court's opinion and would not contribute to the financing of the operations in question. It would vote against draft resolution A/C.5/L.760 and Add.1-3.

33. Mr. AKE (Ivory Coast) emphasized that the main role of the United Nations was to maintain international peace and security. Accordingly, when the Organization intervened anywhere in order to restore peace or to separate the parties to the conflict, it must be held that the resulting expenses had been regularly contracted with a view to achieving one of the Charter's purposes and that all Member States, without exception, should help to meet them.

34. The very future of the Organization depended on the decision which the Member States would take on the Court's opinion. So far, the Assembly had never rejected an advisory opinion of the Court and had never made any recommendation contrary to an opinion delivered by the Court at the Assembly's request. While it was true that, as the French representative had emphasized (962nd meeting), the Court's opinion had by its very nature no binding force, it was no less true that the Assembly had the moral obligation to accept or follow it. Otherwise, it would strike a sharp blow at the Court's authority and prestige, and would compromise the very future of the Organization as an effective instrument for the peaceful settlement of disputes and for the maintenance of peace. The United Nations must be in a position to go to the aid of a weak country in order to preserve its rights, its sovereignty and its independence. In order to be able to act in that way, it must be assured that the expenses entailed by such action would be met by all the Member States.

35. For all those reasons the delegation of the Ivory Coast had joined the sponsors of draft resolution A/C.5/L.760 and Add.1-3 in recommending that the Assembly should accept the opinion of the Court. However, while his Government would continue to discharge all its financial obligations towards the Organization, he wished to emphasize that the present method of apportioning expenses for peace-keeping operations was not entirely fair, since it took insufficient account of the actual potentialities of each Member State and of the economic difficulties confronting the developing countries. It would be right that the countries which, under the Charter, had the main responsibility for permitting or forbidding such operations should bear a very large share of the resulting expense.

36. The United Nations operations in the Congo had been undertaken and pursued mainly in application of the decisions taken by the Security Council on 14 and 22 July and 9 August 1960,<sup>2/</sup> and 21 February<sup>3/</sup> and 24 November 1961.<sup>4/</sup> It might be asked why the Soviet

Union, which contended that the Assembly resolutions following upon the Security Council's resolution of 14 July 1960 had been adopted in violation of the Charter, had not used its right of veto but, by voting in favour of the resolutions of 9 August 1960 and 21 February and 24 November 1961 which recommended the use of force, had enabled the operations in question to be pursued.

37. The French delegation had contended that the Assembly's recommendations did not impose a legal obligation on Member States which had not voted for those recommendations, even if the required majority had been attained. But by abstaining in the Security Council, in order not to obstruct international co-operation, France had allowed the Congo operations to be undertaken. Moreover, decisions of the Security Council taken by the requisite majority were binding upon all States, including the permanent members of the Council. Again, although the Assembly could only make recommendations, Member States had the moral obligation of complying with those recommendations made by a two-thirds majority, for by subscribing to the Charter they had recognized the competence of the Assembly in the matters duly entrusted to it. Under the Charter, the Organization was based on the principle of the sovereign equality of all its Members, and in virtue of that principle each Member of the Assembly had one vote. There was, accordingly, no dictatorship of the majority; it was democratic procedure which prevailed.

38. Acceptance of the French argument would complicate application of the Assembly's resolutions and would play into the hands of delegations like those of Portugal and South Africa, which refused to comply with the Assembly's resolutions in the matter of decolonization.

39. He considered that the Working Group of Fifteen, whether expanded or not, should resume its work, and he hoped that the sponsors of draft resolutions A/C.5/L.761 and Add.1 and 2 and Add.2/Corr.1 and A/C.5/L.763 and Corr.1 would be able to agree upon a single text to be submitted to the Committee. If the ideas put forward in the nineteen-Power draft were destined to give rise to protracted discussion, the Committee could confine itself to approving the first draft while possibly recording in its report the main ideas contained in the second draft.

40. Mr. COMO (Albania) said that many delegations had already explained in detail, both at the present and at previous sessions, that the expenses of UNEF and ONUC had no relation to the regular United Nations budget and were not expenses of the United Nations within the meaning of Article 17 of the Charter.

41. The Charter, more particularly Articles 11, 43 and 48, was perfectly explicit in the matter. The question of the United Nations operations in the Congo and of the financing of those operations was exclusively within the competence of the Security Council. The Assembly therefore had had no need to request an advisory opinion from the International Court of Justice and it was wrong now in trying to adopt other resolutions and to set up those resolutions and the advisory opinion of the Court in opposition to the letter and the spirit of the Charter.

42. Regardless of the fact that the operations in the Congo had been conducted illegally, the Committee and the Assembly would not be fulfilling their responsibilities, the first of which was to defend world peace

<sup>2/</sup> Official Records of the Security Council, Fifteenth Year, Supplement for July, August and September 1960, documents S/4387, S/4405 and S/4426, respectively.

<sup>3/</sup> *Ibid.*, Sixteenth Year, Supplement for January, February and March 1961, document S/4741.

<sup>4/</sup> *Ibid.*, Supplement for October, November and December 1961, document S/5002.

and security, if they failed to take into account the most important fact, namely that those operations had been undertaken following aggressions perpetrated by imperialist and colonialist Powers—the United Kingdom, France and Israel in the Middle East, Belgium and other colonialist States in the Congo.

43. Since 1956 the Albanian delegation had reiterated that it was the duty of those Powers to defray the costs of the operations in question. To agree that all Member States should contribute to the financing of operations of that kind would be to encourage aggression by guaranteeing that the aggressors would go unpunished.

44. Furthermore, as many delegations had declared, the appropriate organ of the United Nations, namely the Security Council, must take into consideration the enormous profits that the Belgian, United States and other monopolies were making by exploiting the wealth of the Congo.

45. For all those reasons, his delegation would vote against any draft resolution which called on all Member States to contribute to the financing of the UNEF and ONUC operations and the Albanian Government would not share in financing those operations.

46. Mr. SANU (Nigeria) reminded the Committee that when the Prime Minister of the Federation of Nigeria had declared at the fifteenth session of the General Assembly (893rd plenary meeting) that he believed in the United Nations as providing the only effective machinery for inducing peace, he had expressed the fear that more powerful nations were losing sight of the reasons why the Organization had been founded and were turning it into an arena for playing party politics.

47. The financial situation of the United Nations had not improved since the Assembly had adopted resolution 1739 (XVI) authorizing the Secretary-General to issue United Nations bonds, in the hope of saving the Organization from bankruptcy, and had decided to request an advisory opinion from the International Court.

48. The opinion given by the Court had the undoubted merit of clarifying once and for all the legal aspects of the question. It was now beyond dispute that the expenditures relating to the operations undertaken for the maintenance of peace in the Middle East and the Congo were indeed expenses of the Organization. Skilful though they were, the arguments adduced by certain delegations in the attempt to persuade the Assembly to reject the Court's Opinion would not, unfortunately, help to resolve the United Nations financial crisis.

49. The Nigerian delegation considered that the Assembly should accept the Court's opinion and for that reason had joined in sponsoring draft resolution A/C.5/L.760 and Add.1-3. The Nigerian Government, which looked upon the United Nations as the bastion of peace, had given its financial support to ONUC, had sent troops to the Congo and had undertaken to purchase United Nations bonds, despite its own present economic and financial difficulties.

50. The United Nations had intervened in the Congo at the call of the Congolese Government and in accordance with the Purposes and Principles of the Organization as stated in Article 1 of the Charter. To those delegations which alleged that the operations had been initiated and carried out in a manner not in conformity with the division of functions among the several organs which the Charter prescribed, the Court had already

replied that if the action had been taken by the wrong organ it had been irregular as a matter of the internal structure of the United Nations, but that did not necessarily mean that the expense incurred was not an expense of the Organization.

51. His delegation considered that no time should be lost in re-establishing the Working Group of Fifteen which was thoroughly familiar with the question of financing peace-keeping operations and could best contribute to the solution of that problem; it had accordingly joined in sponsoring draft resolution A/C.5/L.761 and Add.1 and 2 and Add.2/Corr.1

52. The Court had indicated clearly that the obligation to contribute to the financing of the expenses in question was one thing and that the way in which that obligation was met was another, and that the General Assembly could follow any one of several alternatives. The Brazilian representative had clearly indicated the many reasons why it would be appropriate to use a special scale of assessments for apportioning the cost among Member States. Although it considered draft resolution A/C.5/L.763 and Corr.1 extremely interesting, his delegation nevertheless feared that, as it stood at present, that text might restrict the freedom of action of the Working Group of Fifteen excessively. It was essential that Member States should feel completely free to submit to that Group any idea or suggestion that they considered sound. It would therefore be desirable if the sponsors of draft resolution A/C.5/L.761 and Add.1 and 2 and Add.2/Corr.1 and those of draft resolution A/C.5/L.763 and Corr.1 could agree on a single text to submit to the Committee.

53. In the interests of the international community and in the interests of the United Nations itself, which must be able, if the need arose, to come to the aid of any threatened State, the problem of financing peace-keeping operations must be settled as quickly as possible. It would be naive to think that there were countries which that question did not concern, for peace was indivisible.

54. Mr. CARRILLO (El Salvador) said that his delegation, which was one of the sponsors of draft resolution A/C.5/L.763 and Corr.1, and always supported the ideas put forward in that text, the essential purpose of which was to establish a Working Group to draw up a special scale of assessments, on the basis of specific criteria, for apportioning among Member States the expenditures relating to peace-keeping operations.

55. The criteria which the Working Group should take into account in drawing up that scale of assessments included the special responsibility of the permanent members of the Security Council, which was the counterpart of their privileges, the degree of economic development of each country and whether or not it was in receipt of technical assistance from the United Nations and, lastly, the economic and social consequences of disarmament, which the Economic and Social Council and the Second Committee had discussed at great length.

56. All those criteria would be indispensable to the Working Group as a basis for preparing an equitable scale of assessments, which clearly had to be different from the scale used in apportioning the regular expenses of the United Nations among Member States.

The meeting rose at 5.30 p.m.