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Chairman: Mr. Mario MAJOLI (Italy)

**UNITED NATIONS OPERATIONS IN THE CONGO:
1961 COST ESTIMATES AND FINANCING (A/4703,
A/4713, A/C.5/860, A/C.5/L.658 AND CORR.1)
(continued)**

1. Mr. KESZTHELYI (Hungary) observed that the General Assembly, through the Fifth Committee, was being called upon to consider the Secretary-General's recommendation concerning the approval of a \$135 million appropriation for 1961 to cover the so-called "United Nations operations in the Congo", whereas the Charter (in particular Articles 11, 43 and 48) specified that measures relating to the maintenance of international peace and security were the responsibility of the Security Council. As the United Nations operations in the Congo unquestionably resulted from a decision of the Council, the Secretariat's report (A/4703) should have been submitted to that body for approval. Furthermore, that report was not based on decisions taken by a competent organ of the United Nations but on certain assumptions. Mr. Hammarskjöld appeared to have decided that the operations would continue throughout the year 1961, that they would necessitate the presence in the Congo of 25,000 troops and more than 3,000 vehicles and aircraft under the command of the United Nations and so forth. No provision of the Charter gave a Secretariat official that much latitude.

2. The matter which had been put before the Committee in the guise of a financial problem was actually a political problem that was the responsibility of another organ of the United Nations. His delegation could not endorse such a procedure, the acceptance of which would create an extremely dangerous precedent.

3. It was also very revealing to examine the way in which the administrative apparatus set up by Mr. Hammarskjöld in the Congo was functioning. Normally the direction of matters relating to ONUC should have fallen to the official in charge of the Department of Political and Security Council Affairs, a post which was at present filled by a Soviet citizen. The latter had, however, simply been by-passed. Only a small number of the posts were occupied by Africans, more than half, including the key posts, having been assigned to nationals of countries belonging to Western military blocs. In the circumstances it was not surprising that the objectives of the Security Council had not been attained. In reality Mr. Hammarskjöld, acting in contempt of the decisions

of that organ and in the interests of the colonialist Powers, had paralysed and blocked the efforts of the Congolese Government to retain control of the country in the face of the aggressive acts committed by the Belgians and the secessionist movements instigated by foreign agents. Confusion reigned where order should have been restored, and Belgian troops were still in the Congo.

4. In view of the political and financial dangers which resulted from that situation, the only solution was to abide by the Charter in the strictest sense. His delegation accordingly would not consider itself bound by any resolution which was contrary to the provisions of the Charter.

5. Mr. CUTTS (Australia) recalled that the stand taken by his Government with regard to the political aspect of the Congo question had been set forth two days earlier at the 976th plenary meeting of the General Assembly. In the Australian Government's view, the United Nations operation in the Congo should be continued as long as the maintenance of peace and security in that area made such action necessary.

6. During the debate on the financing of the United Nations operation in the Congo for 1960, his delegation had expressed the opinion that such expenses constituted expenses of the Organization and should be borne by Members as apportioned by the General Assembly in accordance with Article 17 of the Charter. The same thing applied to the cost of the operation for 1961. The General Assembly was free to choose whatever financing arrangements it considered appropriate, but the decision it took would be binding upon Member States and those which did not comply with it would be subject to the sanctions envisaged in Article 19.

7. Certain delegations had invoked Article 48 of the Charter to contest the General Assembly's right to take decisions concerning the financing of the Congo operation. It was perfectly true that the Security Council bore the primary responsibility for the maintenance of international peace and security, and that was why the Congo problem had been put before the Council at the outset. In view, however, of the paralysis of the Security Council resulting from the disagreement among its members, the General Assembly had been called into emergency special session in September 1960 under the provisions of General Assembly resolution 377 A (V). The Assembly had then decided to continue the Congo operation and had recommended the inclusion of the item in the agenda of the fifteenth regular session. It was therefore difficult to see how the General Assembly's competence in the matter could be challenged. Under the terms of resolution 377 A (V), the failure of the Security Council to discharge its responsibilities did not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security.

8. In any case, even if the Security Council had been able to take all the necessary political decisions, the General Assembly, acting through the Fifth Committee, would have still been responsible for the question of financing, since Articles 43 and 48 of the Charter, contrary to the argument put forward by the representative of the Soviet Union, did not confer upon the Security Council any powers with regard to financing. It was likewise incorrect to state that the approval of an appropriation constituted a decision concerning the substance of the problem, irrespective of whether that was a matter for the General Assembly or the Security Council.

9. A number of delegations had stated that they would not consider themselves obliged to share in the financing of the United Nations operation in the Congo, whatever decisions might be taken, because they disapproved of the way in which that operation was being carried out. Some had claimed that it had been purely "Western" and had been aimed at protecting the interests of the colonialists at the expense of those of the Congolese people and of Africa as a whole. If that was actually the case, steps would have to be taken immediately to remedy the situation. The delegations which had raised that objection, however, were not those in the best position to make such charges; the African and Asian delegations would be better judges in the matter. In any case such charges, even if well-founded, could not serve as grounds for refusing to make contributions as apportioned by the General Assembly. Articles 17 and 19 of the Charter were categorical on that point.

10. It was all very well to rely on the United Nations as the best means of ensuring the maintenance of international peace and security, but it was difficult to see how it could do so if it lacked the means of obliging Member States to bear the expenses which the maintenance of peace and security entailed. Perhaps that was precisely what certain Members desired. The efforts of the Soviet Union, for example, were all aimed at limiting the actions of the United Nations to those which it approved. It was because the Soviet Union possessed the right of veto in the Security Council that it would like the problem to be debated in that organ. It now sought to impose a financial veto on the General Assembly. Similarly, it would like to replace the Secretary-General by a triumvirate which could not act without the consent of the Soviet Union. It could easily be seen that if the Soviet Union attained its ends, there would be nothing to prevent other great Powers from acting in the same way. It was surprising that that danger had not aroused more concern among delegations, particularly those of the small countries for which the United Nations represented a guarantee of independence from great-Power domination.

11. Although draft resolution A/C.5/L.658 and Corr.1 called for a few reservations on points of detail, it represented a constructive element both as to the apportionment of the cost of financing the operations in the Congo in 1961 and as to the more general question of establishing a system of apportionment which would be applicable whenever there was a need to finance action for the maintenance of international peace and security in which the collective responsibility of Member States was involved. There was, however, a contradiction between the second preambular paragraph and the rest of the draft resolution. According to the representative of Mexico, the second preambular paragraph assumed that the cost of the operations in the Congo did not fall within

the scope of the expenses referred to in Articles 17 and 19 of the Charter. It was nevertheless obvious that the rest of the draft resolution, which provided for an apportionment of expenses, must be governed by Article 17, since no other Article authorized the General Assembly to apportion expenses. Moreover, if Article 19 was not applicable, it would seem futile to try and apportion contributions unless payment could be ensured. It would be perfectly reasonable to cover that expenditure by applying a different "scale" or "formula" from those followed in the case of the regular budget, but not a different "procedure".

12. While his delegation generally supported the principles for apportionment set out in the third preambular paragraph, it would prefer that, instead of the five permanent members of the Security Council contributing 70 per cent of the total, as was provided for in operative paragraph 3 (a), their contributions should be based on the regular scale of assessments and thus amount to 65 per cent only. In any case it was particularly disturbing to note that two of the permanent members had refused to make any contribution and that a third had not yet made any payment for 1960. With regard to operative paragraph 3 (b), not only did it fail to give a complete, or even accurate, definition of the countries having special interests and hence special responsibilities in the Congo, but it would tend to discourage investment in the Congo. It would, further, be somewhat Utopian to restrict the participation of the rest of the Member States to 5 per cent, especially if the permanent members of the Security Council were to contribute 65 per cent of the total as well as their assessment under paragraph 3 (a).

13. His delegation was not in principle opposed to a special scale for the apportionment of expenses such as those of the Congo. It might be possible, for example, to establish a scale based, like the regular scale, on Members' capacity to pay, but with no ceiling or minimum assessment. The chief objections to the draft resolution were its lack of precision and of measures for enforcing its provisions. The amendment proposed by the representative of Lebanon (830th meeting, para. 1) which introduced the imprecise notion of an "economically developed" country also departed from the conception of special interest as a basis for special responsibility. Australia would favour apportioning the expenses of the Congo operation for 1961 along the same lines as for the expenses of 1960, namely, by applying the regular scale of assessment but with reductions for some countries. In that case, Australia's share would be slightly more than \$2 million and, while Australia would pay its assessed contributions it would do so with some reluctance if there was any real doubt that the generality of members of the Assembly wished the operation in the Congo to continue. In any case it could not be permitted to continue indefinitely, as had the United Nations Emergency Force.

14. If the Congo operation continued throughout the year and there was no change in the attitude of the Member States concerning the payment of their contributions, the United Nations would be faced, at the end of the year, with liabilities at least \$80 million in excess of its means. That situation, which threatened the very existence of the United Nations, might be considered with greater deliberation at the sixteenth regular session than at the present time. The same applied to a revision of the financial regulations and procedures as had been requested by the representatives of Canada

and France. The essential point for the moment was to finance the Congo operation in 1961.

15. Mr. KITTANI (Iraq) said that in his opinion everyone must recognize the need to strengthen the United Nations. Hence, it was important for all points of view to be given due attention. He wished first to refer to the report of the Secretary-General (A/4703), which had not so far received sufficient attention from the Committee. The Secretary-General himself conceded that the future of the operations in the Congo was very uncertain. In paragraph 5, for instance, he had stated that the average numerical strength of the Force throughout 1961 was estimated at 23,400 officers and men, although the actual necessity for the Force at that or some other strength to remain throughout 1961 could be determined only by events. Everyone knew how rapidly the situation in the Congo changed; circumstances might well require the numerical strength of the Force to be doubled, or they might permit a reduction in that strength or even the withdrawal of the troops. The estimates of expenditure would thus have to be based on assumptions. With regard to the minimum strength of 25,000 men which the Secretary-General had requested, he wished to know what was the present strength of the Force, taking into account the Indian contingent recently made available to the United Nations, and when the minimum figure of 25,000 men was likely to be reached.

16. The Advisory Committee had made several comments (A/4713) on the estimates submitted by the Secretary-General. For instance, the estimates for part B, section IX, chapter 1, seemed somewhat high, and in the light of the experience gained since they had been prepared they might be reduced below the sum recommended by the Advisory Committee. It would also seem that the activity of the Chief of Civilian Operations and of his consultative group should be distinguished from the military operations concerning the maintenance of peace and security. It might be more reasonable to make the civilian expenses a charge on the special United Nations Fund for the Congo, which was financed by voluntary contributions. Furthermore, the expenses relating to air travel by that category of personnel could probably be reduced. Thus, in general, the estimated expenditure seemed rather high. Although it represented a sum more than twice as large as the regular United Nations budget, the explanations relating to it filled a mere twenty-two mimeographed pages. Under those circumstances it was difficult to make comments. He endorsed the reductions recommended by the Advisory Committee and expressed the hope that no effort would be spared to economize as much as possible. A strict check on the expenditure was all the more essential in view of the very large scale of the operation.

17. With regard to the financing of the operations in the Congo, his delegation had never considered that expenditure under that head should be treated in the same way as the regular expenses of the United Nations. In any case, the question was not so much in what category to place that expenditure as to find the means for meeting it. He agreed with the sponsors of the draft resolution (A/C.5/L.658 and Corr.1) that the regular scale of assessments could not be applied in the present case. The representative of the United Kingdom had maintained that for the past three years the scale of assessments had been distinctly favourable to the underdeveloped countries. The question, however, was one of percentages, and there was no ground for saying that a percentage was too high or too low for a given country.

Everything depended, for the individual country, on the total sum to which the percentage applied. In establishing the scale of assessments, the Committee on Contributions had taken as a basis the total United Nations regular budget and not a budget of \$135 million.

18. In their draft resolution, the eighteen Powers had first of all stated the principle of the correlation between powers and obligations. It was true that the five permanent members of the Security Council had powers which were not possessed by the other States. They had assumed a guiding role in the affairs of the United Nations and had decided that Security Council decisions would have to be adopted by the unanimous vote of the five permanent members.

19. The eighteen Latin American countries had stated the second principle of their draft resolution in extremely moderate terms. His own delegation thought that the level of the contributions should be related not only to the degree of material benefit, but also to the relative responsibility in the current situation in the Congo. The dangers which threatened the United Nations were not confined to the risk of financial bankruptcy.

20. The United Nations was weakened every time a Member State refused to comply with Article 25 of the Charter, under which the Members of the United Nations agreed to accept and carry out the decisions of the Security Council in accordance with the Charter. The Security Council had several times called for the withdrawal of Belgian troops, para-military personnel, political advisers and mercenaries from the Congo. The General Assembly had just had placed before it a draft resolution (A/L.339) calling for their withdrawal within three weeks. No one could conscientiously assert that Belgium had complied with its obligations under the Charter; the evidence of facts pointed in the opposite direction.

21. Certain countries, particularly those of Africa and Asia, had experienced the process of "decolonization". They knew that it was by no means unusual, on the long road leading to independence, to meet persons like Tshombe, Iléo and Mobutu, and that, so long as the foreign element had not been eliminated from the Congo, it would be virtually impossible for the United Nations to achieve the objectives it had set for itself in that country, whose independence would thus remain purely theoretical and whose territorial integrity had, as everyone knew, already been gravely compromised.

22. The Congo problem could not be reduced to a simple question of money, because the political and financial aspects, it must be repeated, could not be dissociated. He recalled that, at the 977th plenary meeting of the General Assembly on the previous day, the Secretary-General himself had referred to the foreign element which was still an important factor in the military situation, and sufficient evidence of that fact was contained in the photographs on page 3 of the *New York Times* of 6 April 1961. The Secretary-General had also referred on that occasion to the difficulties which the United Nations was encountering in its efforts to ensure the withdrawal of the Belgian troops because of a lack of co-operation. As to those delegations which had stressed the need to strengthen the United Nations and support the Secretary-General, the best way to achieve that objective would seem to be to assist the Secretary-General in eliminating the factor which, by his own admission, was perhaps the main obstacle. The representative of the United Kingdom had illustrated his argument by saying

that when there was a fire, the cost of calling in the fire brigade was a liability on the whole community and not merely on the person whose house was on fire. That was an excellent example, provided that it was borne in mind that the community, whatever it might be, would certainly not fail to take the necessary steps against a person who, not content with having started the fire, stayed in the house to fan the flames.

23. What threatened to weaken the United Nations and lead it to ultimate ruin more rapidly than financial difficulties was the possibility for a particular Member State to evade with impunity its obligation under Article 25 of the Charter to carry out the decisions of the Security Council, an obligation that was reinforced by the provisions of Article 106, which he then cited. The fact that Belgium had not complied with that obligation and therefore bore responsibility for the worsening of the Congo situation ought to be taken into consideration, and the delegation of Iraq would find it very difficult to vote in favour of a draft resolution which did not do so. The text submitted by the Latin American countries recognized that fact, although in veiled and polite language. Its sponsors had even stated that the arrangement they were suggesting was not punitive with respect to Belgium, but he could not agree on that point, since he believed that Belgium's responsibility should be translated into financial terms.

24. He then turned to the problem which, for many delegations, was certainly the main cause for concern, namely, how to cure the Organization of a sickness of which the Congo affair was only a symptom, and how to avoid in future the kind of crisis which the Congo had started and which endangered the very basis of the United Nations. That question, which had already been raised during the first part of the session, had been left unsettled, owing to the urgency at that time of coping with the difficulties of the moment. The United Nations could not continue as in the past to check each crisis as it arose. The fundamental problem would have to be considered and solved once for all, and for that purpose it was desirable to look back and recall the circumstances in which the United Nations had been established and the way in which those circumstances had evolved.

25. The provisions of the Charter concerning the maintenance of international peace and security were based on the hypothesis of unanimity among the five permanent members of the Security Council. At the end of the Second World War the great Powers, then allied with one another, had moved to establish the United Nations and, in the optimism prevailing at the time, they had doubtless expected that the co-operation then existing among them would continue. Regrettably but undeniably, however, it had not been long before they had begun to disagree. There was no point in asking who was responsible for that state of affairs; it must simply be recognized that with the cold war the provisions of Article 43 of the Charter had become a dead letter, the permanent members of the Security Council had not been able to discharge their obligations under Article 106 and United

Nations action to maintain peace and security had taken a course different from that originally envisaged. As it had become less and less possible for the Council to exercise the full powers conferred upon it with regard to questions affecting peace and security, the General Assembly had been obliged to take cognizance of those questions and the intervention of the Secretary-General himself had been expressly requested.

26. The result was that the Security Council was still the organ competent to deal with those matters and, as such, adopted decisions, but since it was not possible for the Council to conclude the agreements envisaged in Article 43 of the Charter, which should perhaps also govern the financial aspects of the action undertaken, the General Assembly was subsequently confronted with a *fait accompli* and had to improvise means of covering the enormous expenses incurred at a time when the problem had become the subject of heated political controversy. That was a situation which could not be allowed to continue; the Congo problem had not created it but had brought it to a head.

27. As there appeared to be little hope that the provisions of Article 43 could be effectively applied in the near future it was necessary to find a way out of the present intolerable situation in which, putting the cart before the horse, delegations were voting in favour of appropriations, as the Mexican representative had said, without asking where the money was to come from—a situation which was awkward for all concerned. One solution would be to close the door customarily left open by the resolution concerning unforeseen and extraordinary expenses and to decide that when the expenses to be incurred under that head exceeded a certain figure, such as \$5 million, the General Assembly should be consulted. The report submitted by the Advisory Committee on that subject¹ was a step in the right direction. However that might be, his delegation, although it had no definite idea as yet concerning the procedure which should be adopted, was convinced that a decision in the matter could no longer be deferred and that the time had come to work out a formula whereby the order could be reversed, and the availability of funds would be guaranteed before the General Assembly was presented with the bill. In the absence of such a formula, the United Nations would eventually find itself unable to carry out its tasks, even in implementing decisions adopted with the unanimous agreement of the five permanent members of the Security Council.

28. That was a problem which should be accorded priority at the sixteenth session and which delegations should begin to ponder immediately. It might even be advisable to have a competent group undertake a preliminary study of the matter at once so that the General Assembly at its sixteenth session might have some material on which to base its deliberations.

The meeting rose at 1 p.m.

¹ *Official Records of the General Assembly, Fifteenth Session, Annexes, agenda item 50, document A/4715.*