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**Chairman: Mr. Jan Paul BANNIER**  
(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; A/C.5/L.760, A/C.5/L.761 and Add.1)**

1. The CHAIRMAN, speaking on behalf of the Committee, congratulated U Thant on his unanimous election to the office of Secretary-General and assured him that he would receive the fullest possible co-operation from the Committee in the execution of his task. It was an honour for the Committee to receive U Thant in his capacity as Secretary-General, just as at the sixteenth session it had been an honour for it to welcome him in his capacity as Acting Secretary-General.

2. The SECRETARY-GENERAL recalled that, by its resolution 1731 (XVI) of 20 December 1961, the General Assembly had requested an advisory opinion from the International Court of Justice on the question of whether certain expenditures authorized by the Assembly in connexion with United Nations operations in the Congo and in the Middle East were "expenses of the Organization" within the meaning of Article 17, paragraph 2, of the Charter. The Committee was also aware that, by a majority opinion, the Court had answered that question in the affirmative in its opinion of 20 July 1962.<sup>1/</sup> The time had now come for the Committee to consider that opinion.

3. He hoped that the Fifth Committee, in its advice to the Assembly, would follow the time-honoured tradition whereby each principal organ of the United Nations respected and upheld the views, resolutions and decisions of other principal organs in their respective fields of competence. Not to do so in the present case would be not only a departure from the tradition relating to all the past precedents concerning advisory opinions of the Court, but also a blow at the authority

<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 standing of both the Court and the Assembly in a matter vital to the future of the United Nations.

4. It had no doubt been noted by all members of the Committee that the Court, at the very outset of its opinion, had distinguished between the question of whether certain expenditures were "expenses of the Organization" and the question of how those expenditures were to be apportioned. It was to the first of those questions that the Court had returned an affirmative answer. On the second question the Court's opinion made it clear that the Assembly was not bound to apportion the expenses of peace-keeping operations in the same manner as it apportioned the regular budget, and that the Assembly might adopt whatever scale of assessments for such operations as appeared just and fair to it in the circumstances. The Committee, he was sure, would wish to keep that distinction in mind while considering the matter. It followed that the question of apportionment might be more appropriately considered at a later stage.

5. The financial problem of the Organization, which in substance was the question now before the Committee, was a vital one. A financially bankrupt United Nations would be an ineffective United Nations, if, indeed, it could survive on such a basis. The financial issue was thus one which might be said to transcend political controversy. In their various ways, all States represented in the United Nations had found that the Organization was useful, and indeed indispensable, in the modern world. It was on that basis that he trusted the Committee would deal with the item.

6. In the Introduction to his annual report on the work of the Organization (A/5201/Add.1), he had expressed his sincere hope and belief that the Governments of Member States, which were all agreed on the indispensable role of the Organization in the world today, would take appropriate action to solve its financial problems. Furthermore, as he had reminded the General Assembly at the 1182nd plenary meeting on the occasion of his election, he had indicated before the opening of the Assembly's present session that his acceptance of a further term of office would depend, in part, on "the prospect of stability of this world Organization as a potent force for peace," and he had appealed to the Governments of all Member States which had come to value the usefulness of the Organization, to assist in solving the financial problems if the usefulness of the Organization for the future was not to be seriously affected. He renewed those appeals in the belief that the decisions of the Fifth Committee would help resolve the financial difficulties of the Organization, and represent a vote of confidence in its future.<sup>2/</sup>

<sup>2/</sup> The complete text of the statement by the Secretary-General was circulated as document A/C.5/952, and appears in the Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 64.

7. Mr. PRICE (Canada) wished to assure the Secretary-General that his delegation would give him its full co-operation in discharging his heavy responsibilities. All delegations were aware of the need to place the finances of the United Nations on a more solid basis. At a time when the international atmosphere seemed propitious to co-operation, Member States should take steps to ensure that the efforts of the United Nations were not paralysed by lack of funds. The draft resolutions submitted by a group of delegations of which Canada was one (A/C.5/L.760 and A/C.5/L.761 and Add.1) were directed towards that end. Hitherto, differences of view on the basic legal aspects of the matter had hampered all attempts to find a method of financing peace-keeping operations. It had therefore been necessary to resort to *ad hoc* and temporary solutions, the results of which were known. It was because the Working Group of Fifteen on the Examination of the Administration and Budgetary Procedures of the United Nations had been unable to settle the question<sup>3/</sup> that the Fifth Committee, realizing that the General Assembly needed authoritative legal guidance, had asked the Secretary-General to request an advisory opinion from the International Court of Justice.<sup>4/</sup> On the question of whether the costs of the United Nations operations in the Congo and the Middle East constituted "expenses of the Organization" within the meaning of Article 17, paragraph 2, of the Charter of the United Nations, the Court, after considering the relevant documentation and the communications from a number of Governments, and holding oral proceedings, had replied in the affirmative.

8. Up to the present, the General Assembly had honoured advisory opinions of the International Court. To break with that tradition would be to cast a slur on the high reputation of the Court and to reverse the present tendency towards respect for the law in international affairs. That was not the only reason why the sponsors of draft resolution A/C.5/L.760 hoped that their proposal would be supported by a large majority. They also hoped that it would lay the groundwork for a constructive study of financial procedures to meet future peace-keeping costs. The opinion of the Court dispelled the doubts of certain States Members about the legality of the methods adopted for the financing of UNEF and ONUC costs. If it was accepted, the Assembly could invite the Working Group of Fifteen to resume its work, which would be more likely to result in an acceptable formula for apportioning those costs among Member States.

9. Each important United Nations peace-keeping operation had so far been treated as a special case, and the methods developed had not been acceptable to all States Members. That explained why the balance due for UNEF and ONUC had totalled more than \$112.5 million on 18 September 1962. If the present system was maintained, any peace-keeping operation which the United Nations might undertake in the future would only aggravate the financial situation and jeopardize still further the primary purpose of the United Nations—the maintenance of international peace and security. There could be little hope of major improvements in the economic and social spheres if peace and security were not guaranteed. The sponsors of the draft resolution on the re-establishment of the Working Group of Fifteen (A/C.5/L.761 and Add.1) considered

that the Working Group could now move ahead and do useful work without being hindered, as it had been in 1961, by the differences of opinion which had emerged on the legality of the financial obligations of States Members with respect to the costs of UNEF and ONUC. To facilitate its work, Governments could perhaps appoint the same individuals to the Working Group of Fifteen as they had done in 1961. The idea of the sponsors of the draft resolution was that the Working Group of Fifteen should specifically concern itself with peace-keeping operations involving heavy expenditure, in other words, with the operations of UNEF and with ONUC. In operative paragraph 3 of the draft resolution, the Working Group of Fifteen was requested to submit its report as soon as possible and by 1 April 1963 at the latest. It would therefore have only about three months, which might seem too short a period for the work it would have to do. However, although in 1961 the Group had not succeeded in settling the question, which had had to be referred to the Court, it had nevertheless carried out preparatory work which would enable it to elaborate methods of covering peace-keeping costs in a relatively short period. Above all, it could concentrate on the question of the apportionment of expenses among Member States. Finally, since the financial situation of the Organization had deteriorated still further, it was becoming more and more urgent to work out acceptable methods of financing. The General Assembly, moreover, would have to take a decision on the financing of those operations in the not too distant future.

10. In conclusion, it was absolutely essential to abandon *ad hoc* measures and work out acceptable methods. The two draft resolutions submitted were complementary and presented in a logical sequence measures which would lead to the solution of a problem that had confronted the United Nations for some time.

11. Mr. LANNUNG (Denmark) recalled that at the sixteenth session, at which he had had the pleasure of welcoming the Secretary-General to the Fifth Committee, he had said he was convinced that the Secretary-General would bring a new and substantial contribution to the development of the United Nations. A year later, that conviction was even stronger and had been confirmed by the unanimous election of the Secretary-General. He requested that the very important statement which the Secretary-General had just made in the Committee should be reproduced as an official Committee document.<sup>2/</sup>

12. His Government, which attached the highest importance to the question before the Committee, had submitted a written statement<sup>5/</sup> on the subject to the International Court. It had pointed out in that statement that the only question raised by the request for an advisory opinion was that of determining whether certain expenses constituted "expenses of the Organization", and that the Court was not called upon to rule on the apportionment of those expenses. The affirmative answer of the Court did not therefore impose an obligation on the General Assembly to apportion all categories of expenditure according to the same scale of assessments. The problem posed by the interpretation of Article 17 of the Charter was not merely a matter of hundreds of millions of dollars, although for many Member States, including his own, that aspect of the question was far from negligible. It was no exag-

<sup>3/</sup> See Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 62, document A/4971, para. 47.

<sup>4/</sup> *Ibid.*, document A/5062, para. 34.

<sup>5/</sup> I.C.J. Pleadings, Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), pp. 137-165.

geration to say that the role and the effectiveness of the United Nations were at stake.

13. The two large operations undertaken in the Middle East and the Congo were contributing to the stabilization of situations which were dangerous to international peace. They should, of course, be brought to an end as soon as possible, but a decision to that effect should depend solely on political, and in no circumstances on financial considerations. That was why his Government had welcomed the advisory opinion of the Court, which held that the expenses in question constituted "expenses of the Organization" within the meaning of Article 17 paragraph 2, of the Charter. The Court had rejected the argument that Article 17, paragraph 1, referred solely to the "administrative budget" and also the argument that Article 11, paragraph 2, and Articles 24 and 43 restricted the powers of the General Assembly to finance measures to safeguard peace and security. His Government accepted the opinion of the Court. While that involved no legal obligation for the General Assembly or Member States, the Court's procedures and its reply would be the same whether it was a question of an advisory opinion or a judgement. Having obtained the authoritative legal guidance it had requested, the General Assembly should logically accept the opinion of the Court, as recommended by the sponsors—one of which was his own country—of the first draft resolution before the Committee (A/C.5/L.760). Any decision to the contrary would weaken the prestige of the principal judicial organ of the United Nations. What must be avoided at all costs was that a political organ like the General Assembly should set itself up as a court of appeal and consider itself more competent than the International Court to give opinions on legal questions. When in May 1948, at the request of the General Assembly the Court had given an advisory opinion on the admission of a State to the United Nations<sup>6/</sup>, the delegations of the Scandinavian countries had not voted for the General Assembly resolution. Nevertheless, Denmark had considered that it had to take the Court's opinion into account. Similarly, Member States must now recognize that the expenses in question were "expenses of the Organization" within the meaning of Article 17, paragraph 2, of the Charter. Circumstances would perhaps lead the Organization to undertake other peace-keeping operations. The nature and scope of those operations would have to be decided in the light of the circumstances, but the competent organ which would take the decision should have the assurance that the United Nations would have adequate resources to undertake the operation proposed. Financing by voluntary contributions introduced an element of instability into the functioning of the Organization and operations so financed tended to become not United Nations operations but more and more those of certain States. National interests might become predominant and the general interests of the United Nations recede into the background. For the reasons which he had just given, his delegation had become a sponsor also of the second draft resolution before the Committee (A/C.5/L.761 and Add.1).

14. In conclusion, he stressed once more the importance his delegation attached to the advisory opinion of the Court and expressed the hope that Member States would accept it.

<sup>6/</sup> Admission of a State to the United Nations (Charter, Art. 4), Advisory Opinion; I.C.J. Reports 1948, p. 57.

15. Mr. KLUTZNICK (United States of America) said that the military and political aspects of the Congo problem rested elsewhere than in the Fifth Committee. In spite of differences of opinion on means and methods, he hoped that members of the Committee would respond to the earnest and urgent appeal of the Secretary-General, who had stressed, on the day of his election, the need for a rapid solution of the Congo problem and of the financial problem of the United Nations.

16. As the legal adviser of the Department of State had stressed when addressing the International Court of Justice, the case of "Certain Expenses of the United Nations" was the most important question which had ever been before the Court.<sup>7/</sup> The case raised questions of a fundamental character, such as the role and the rule of international law, the standing of the International Court of Justice, the relation of the General Assembly to the Court, the ability of the United Nations to keep the peace, and the financial integrity of the Organization.

17. A score of Governments had submitted to the Court written statements of their views on the question; nine Member States had participated in the Court's oral proceedings, and the Soviet Union had taken part in such oral proceedings for the first time: those facts testified to the importance of the advisory opinion given. Now that the law was clear, the Members of the United Nations must act if they did not want to abandon the first and primary purpose of the Charter, as defined in Article 1, paragraph 1.

18. The United States delegation was a co-sponsor of the two draft resolutions, the first of which (A/C.5/L.760) simply stated that the Assembly accepted the opinion of the Court on the question submitted to it, while the second (A/C.5/L.761 and Add.1) requested the re-establishment of the Working Group of Fifteen to consider methods of financing, in the future, peace-keeping operations of the United Nations involving heavy expenditures.

19. The operative paragraph of the first draft resolution clearly indicated that the Assembly would accept the Court's opinion only on the specific question submitted to it. By adopting that draft resolution, the Assembly would not pass upon the reasoning of the Court, because, as the Assembly had no legal competence, it was not its function to consider, approve, or criticize that reasoning. Only the Court was competent to establish and interpret the law.

20. Unlike a judgement, an advisory opinion had no binding force, because in advisory proceedings there were no parties on whom the obligation of compliance could be imposed, but it did not follow that such an opinion was any less an authoritative statement of the law, as a number of lawyers had pointed out in connexion with various other cases. According to Sir Gerald Fitzmaurice, for instance, when the Assembly received an advisory opinion from the Court, it was free to accept or reject it, but it could not say that the Court was wrong from the legal standpoint or that the Assembly did not agree with its findings, because the Assembly had no competence to agree or disagree with the Court on a point of law, as the Court was the highest authority on matters of international law, and its findings were necessarily authoritative.

<sup>7/</sup> I.C.J. Pleadings, Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), p. 413.

21. It had been the uniform practice of the Assembly in the past to accept or act upon the Court's advisory opinions, and the United States Government had consistently favoured that practice, even when it disagreed with the opinion of the Court, as it had in the case of the advisory opinion on the effects of awards of compensation made by the United Nations Administrative Tribunal.<sup>8/</sup> The only sound path open to Member States was to act in accordance with the law as the competent body found the law to be. If Member States left the moorings of the law, they could only lose themselves in the swift current where power alone dominated.

22. Nine advisory opinions had been requested of the International Court of Justice by the General Assembly, and in all those cases—with one exception, in which the Assembly nevertheless followed the Court's opinion—the Assembly had adopted resolutions accepting the Court's opinion or inviting the Secretary-General or Member States to act in accordance with that opinion. The draft resolution contained in document A/C.5/L.760 wholly conformed to the Assembly's traditional terminology in such cases. The nine requests for advisory opinions put to the Court had embraced seventeen questions in all. The General Assembly had accepted or acted upon the replies of the Court in all seventeen instances, and its response had not varied with the majority by which the Court had rendered its opinion; that majority had sometimes been larger and sometimes smaller than the one by which the Court had rendered its opinion in the case of "Certain Expenses of the United Nations".

23. Since an opinion of the Court had never before been rejected in all the history of the League of Nations and the United Nations, if the Assembly exercised its right to refuse to accept the present opinion, it would inflict a serious blow on the prestige of the Court and would sap the vitality of international law, instead of trying, as was its duty in accordance with the preamble of the Charter, "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

24. Refusal to accept the Court's opinion would also be tantamount to plunging the United Nations into bankruptcy and nullifying the efforts of those States which purchased United Nations bonds in the hope that measures would one day be taken to restore the solvency of the United Nations. No Government could have any further confidence in the financial commitments assumed by the United Nations, and it would become impossible even to sustain, much less to strengthen, the activities of the United Nations not only in the sphere of peace-keeping, but also in the humanitarian, economic and social spheres. Not to accept the Court's opinion would be to admit that the United Nations was financially irresponsible and to kill the hopes which the world had placed in it. The United Nations must have the capacity to finance collectively, by whatever method of assessment, operations to preserve the peace, if it was to be able to fulfil its purpose of saving "succeeding generations from the scourge of war".

25. Everyone knew only too well the political difficulties and, in some cases, the financial hardship, facing States that were not up to date with the payment of their assessments. No one present was seeking false

victories, and acceptance of the Court's opinion would provide all such States with a dignified opportunity to re-examine their positions.

26. The aim of the second draft resolution (A/C.5/L.761 and Add.1) was precisely to facilitate a solution of the vital question of how the United Nations would finance, in the future, peace-keeping operations that involved heavy expenditures.

27. A combination of events seemed to provide a few months' respite in which to negotiate, review and prepare a programme for the future that could gain general acceptance. The General Assembly could authorize the Secretary-General to continue the Congo and Middle East operations without appropriating any additional funds at the present session or apportioning the expenses among Member States. If the United Nations bond issue were fully subscribed and if Members accelerated the payment of arrears, then the United Nations could continue the operations, even at the present rate of expenditure, for at least five or six months. Advantage must be taken of that period to review the problem and consider the many suggestions made in the past and such further suggestions as Governments might put forward in writing to the Working Group of Fifteen whose re-establishment was proposed in the second draft resolution. That proposal did not in any way prejudge the future method of financing peace-keeping operations, and did not suggest any way of apportioning the expenses. The Court had expressly stated that it was not called upon to consider that point; it was for the Assembly alone to take a decision in the matter. The Working Group of Fifteen would be free to consider any method of financing, whether by way of assessment or by voluntary contributions, or by some combination of the two. The draft resolution did not impose any solution, but simply offered the means of finding one.

28. The United States delegation had every sympathy for those delegations which were concerned at the continuation of large-scale operations without a final decision having been taken on the method of their financing. It would, however, point out to those who were anxious for an immediate solution that there was not enough time left for the Assembly to give calm consideration to that important question. So far as the United States delegation was concerned, any discussion of the principles governing the financing of peace-keeping operations should follow, and not precede, the efforts of the Working Group of Fifteen to explore all possibilities and evaluate all ideas.

29. Member States would be failing in their duty to the United Nations and to the Secretary-General if they did not strive to find a way of solving the financial problems of the United Nations, of banishing the spectre of bankruptcy and of upholding the integrity of the Charter and the Organization, in which humanity had put all its hopes.

30. Mr. UYAM (Philippines) pointed out that the United Nations, in the same way as a government, needed a police force to ensure order and security. The weakness of the League of Nations was explainable by the fact that it had had no international police force. When the maintenance of peace and security had so required, the Security Council and the General Assembly had authorized the establishment of emergency forces in Korea, the Middle East and the Congo.

31. The uncertainty on the part of certain Member States that they were legally bound to contribute to the

<sup>8/</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.

financing of extraordinary expenses incurred by the Organization for that purpose had induced the Secretary-General, in conformity with General Assembly resolution 1731 (XVI), to bring the matter before the International Court of Justice. The Court had held that the expenses authorized by the General Assembly for the United Nations operations in the Congo and the Emergency Force constituted "expenses of the Organization" within the meaning of Article 17, paragraph 2, of the Charter. The representatives of Canada and the United States had made perfectly clear what the General Assembly's attitude should be toward the Court's opinion. The Assembly must comply with that opinion, not only on grounds of law or custom but also for the greater good of all mankind. The Philippine delegation accordingly recognized the validity of the Court's advisory opinion and would vote for draft resolution A/C.5/L.760.

32. The Court had considered, moreover, that as those expenses were expenses of the Organization, they should be apportioned in accordance with the power granted to the General Assembly by Article 17, paragraph 2. That conclusion was strengthened by the concluding clause of operative paragraph 4 of both resolution 1619 (XV) and resolution 1732 (XVI) of the General Assembly which stated that the decision to use the scale of assessment already adopted for the regular budget was made "pending the establishment of a different scale of assessment to defray the extraordinary expenses . . .". That was why the Philippine delegation, while willing to pay its share of those expenses, believed that a different scale of assessments must be established by the General Assembly, on the proposal of the working group, so that the extraordinary expenses could be met. The scale of assessments established for the regular budget must only be used on a provisional basis pending the formulation of a new scale. Under the new scale, there should be an increase in the assessments of the permanent members of the Security Council, which had a special responsibility for the maintenance of international peace and security, and a reduction in the assessments of the Member States whose percentage rate was 1.25 per cent or lower, as provided in General Assembly resolutions 1732 and 1733 (XVI).

33. Mr. CHERNYSHEV (Union of Soviet Socialist Republics) recalled the Soviet Government's position that expenses relating to UNEF and ONUC did not entail the financial responsibility of all Member States because those operations had been undertaken in violation of Article 43 of the Charter and did not constitute "expenses of the Organization" within the meaning of Article 17, paragraph 2, of the Charter, which was the only document that had binding force on Member States. Under Chapter VII of the Charter, primary responsibility for the maintenance of international peace and security, as well as the exclusive right to decide on recourse to force, vested in the Security Council. As the Soviet Government had pointed out in the memorandum which it had submitted to the Court,<sup>9/</sup> the General Assembly was authorized to consider the general principles of co-operation in the maintenance of international peace and security and to make recommendations with regard to any such questions to the States concerned and to the Security Council, but it was not competent to take decisions on the carrying-out of any action to maintain international peace and security.

<sup>9/</sup> I.C.J. Pleadings, *Certain expenses of the United Nations* (Article 17, paragraph 2, of the Charter), pp. 270-274.

That had been and continued to be the Soviet Government's position with regard to the UNEF.

34. As to ONUC, the Soviet Government continued to believe that the Security Council's resolution of 14 July 1960<sup>10/</sup> had been implemented in violation of the Charter, under which the Security Council alone determined which States were to participate in any action undertaken for the maintenance of peace and security (Article 48 of the Charter). It was obvious, however, that the agreements which should have been negotiated under Article 43 of the Charter had never been concluded and that the late Secretary-General had himself chosen the Member States which were to participate in that operation. In like manner, the financing of the Congo operation had been provided for in violation of the Charter, for the late Secretary-General had submitted that matter directly to the General Assembly, which had had no jurisdiction over it, whereas he should have addressed himself to the Security Council. That was why the Soviet Union had always refused to recognize the decision by the General Assembly that those expenses should be borne by all Member States on the basis of the regular scale of assessments. The Western States had tried to press the argument that all expenses of the Organization came under Article 17 of the Charter, even if they had been incurred for activities undertaken in violation of the Charter. However, the question of financing could not be separated from the question of the legality of the actions themselves.

35. Furthermore, the United Kingdom Judge on the International Court of Justice had considered that the General Assembly was not bound, regardless of its authority in the matter, to apportion the expenses of those operations on the basis of the regular scale of contributions, with the result that the Member States had no obligation with regard to the financing of the two operations in question.

36. In asking the Court whether certain expenses authorized by the General Assembly constituted expenses of the Organization within the meaning of Article 17, paragraph 2, of the Charter, certain Western States had contended that the General Assembly had unlimited powers in the matter of financing, but that argument was false since those powers were limited by the Charter itself (Articles 17 and 43). The General Assembly had never, either implicitly or explicitly, included expenses relating to UNEF with the expenses of the Organization within the meaning of Article 17, paragraph 2. The General Assembly had also made it very clear that the expenses of the Congo operations differed in character from those generally included in the regular budget, and that was why those expenses must be financed differently from the regular expenses of the Organization. As to the Court itself, its advisory opinion had been far from unanimous, since five of its members had submitted dissenting opinions, and many reservations had been expressed.

37. The Western countries which were making charges against the Soviet Union and the other socialist countries never alluded to the real reasons for the present situation. The aggression by France, the United Kingdom and Israel against Egypt would never have been perpetrated if the allies of those States had not tacitly given an assurance of their neutrality beforehand. Those same States, which were now in-

<sup>10/</sup> Official Records of the Security Council, Fifteenth Year, Supplement for July, August and September 1960, document S/4387.

voking the Charter, would have done better to observe it at that time, for if they had done so, the aggression and all the difficulties which had followed would have been avoided. In the case of the Congo, it had been Belgium, strengthened by the tacit consent of its NATO allies, which had committed the aggression that had led to the present crisis. The Congo crisis would have been nipped in the bud if the peace-making proposals of the Soviet Union had not been sabotaged. The Western Powers, on the contrary, had acquiesced in the infamous assassination of the patriot Lumumba and had supported Tshombe's secession. The colonialists of Katanga, whose actions were contrary not only to the Charter but also to the interests of the Congolese people, must take full responsibility for their acts; Belgium and those countries which had supported it must defray the expenses which they had made neces-

sary. While attempting to prolong the conflict artificially so as to give the impression that the Congolese were not capable of managing their own affairs, the colonialists continued to seize the Congo's wealth. Thus, according to the Financial Times of 30 May 1962, the Union minière du Haut-Katanga had made a profit of \$144 million in 1960 and 1961.

38. The very existence of the United Nations depended on respect by the Member States for the Charter, and that was why the position of the Soviet Union remained unchanged. The USSR would not participate in the financing of those two illegal operations and did not recognize the validity of the advisory opinion of the Court. It would therefore vote against draft resolution A/C.5/L.760.

The meeting rose at 5.35 p.m.