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President: Mr. Muhammad ZAFRULLA KHAN (Pakistan).

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss reports of the Fifth Committee and of the First Committee.

AGENDA ITEM 65

Review of the pattern of conferences

REPORT OF THE FIFTH COMMITTEE (A/5376)

AGENDA ITEM 66

Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly (concluded):*

(b) Committee on Contributions

REPORT OF THE FIFTH COMMITTEE (A/5382)

AGENDA ITEM 70

Personnel questions:

(a) Geographical distribution of the staff of the Secretariat: report of the Secretary-General;

(b) Proportion of fixed-term staff;

(c) Other personnel questions

REPORT OF THE FIFTH COMMITTEE (A/5377)

AGENDA ITEM 72

United Nations International School: report of the Secretary-General

REPORT OF THE FIFTH COMMITTEE (A/5378)

AGENDA ITEM 12

Report of the Economic and Social Council (chapter XIV) (concluded)**

REPORT OF THE FIFTH COMMITTEE (A/5381)

AGENDA ITEM 64

Obligations of Members, under the Charter of the United Nations, with regard to the financing of the United Nations

*Resumed from the 1191st meeting.

**Resumed from the 1197th meeting.

Emergency Force and the Organization's operations in the Congo: advisory opinion of the International Court of Justice

REPORT OF THE FIFTH COMMITTEE (A/5380)

1. Mr. QUAO (Ghana) Rapporteur of the Fifth Committee: I have the honour to present to the General Assembly six reports of the Fifth Committee on agenda items 65, 66, 70, 72, 12 and 64. With the permission of the President, I propose to make this single introduction to the several reports.

2. On agenda item 65, the Fifth Committee's main recommendations are to be found in its report [A/5376]. The Committee thought that in deferring the review of the pattern of conferences for consideration by the eighteenth session of the General Assembly, steps would be taken to introduce some rationalization into the ever-increasing number of conferences and meetings which was causing some concern.

3. The reports on agenda items 66 (b) [A/5302] and 12 [A/5381], are routine matters which do not call for comment on my part.

4. As regards agenda item 70 (a) to (c) [A/5377], the draft resolution which is submitted for the approval of the General Assembly represents, in my opinion, a happy compromise which, in the opinion of most delegations, points the way to a steady and continuing improvement in the geographical distribution of the staff of the Secretariat.

5. As for agenda item 72, the report on the United Nations International School [A/5378] contains a draft resolution in which, among other things, the General Assembly decides to contribute \$50,000 to the International School Fund towards liquidating the operational deficit anticipated for the current school year, and a further \$20,000 for the purpose of forwarding plans for the permanent accommodation of the School. In the course of the discussion of this item several delegations expressed satisfaction at the progress so far made by the School. The Committee was unanimous in its hope that the School would soon be self-supporting, so that further grants from the United Nations would no longer be necessary.

6. Lastly, I would like to report on item 64. The report of the Fifth Committee [A/5380] is a purely procedural one, for a long series of meetings was held on this subject in which more than seventy delegations took part. The report indicates pertinent references in the official records while the various draft resolutions and amendments that were presented to the Committee are set out in extenso.

7. I am confident that these reports, and their related draft resolutions, will receive the approval of the General Assembly.

8. The PRESIDENT: We shall first take up agenda item 65. Does any Member wish to explain his vote on the resolution recommended by the Fifth Committee which appears in its report [A/5376]? If I hear no objection I will consider that the Assembly adopts the draft resolution.

The draft resolution was adopted.

9. The PRESIDENT: The next report of the Committee refers to agenda item 66 (b). The recommendation of the Fifth Committee appears in its report [A/5382]. If I hear no objection I will take it that the Assembly confirms the election that took place in the Committee.

It was so decided.

10. The PRESIDENT: The next report of the Fifth Committee [A/5377] concerns agenda item 70.

11. Mr. SOKIRKIN (Union of Soviet Socialist Republics) (translated from Russian): My delegation's position regarding the geographical distribution of the United Nations staff is well known. It was clearly stated in the Fifth Committee, where we justly criticized the completely unsatisfactory and abnormal situation with regard to a solution of the problem of equitable geographical representation in the United Nations Secretariat.

12. In its statements, my delegation showed that the Secretariat's composition and the recruitment and placement of staff essentially reflect the interests of the Western countries. We pointed out that nationals of the United States and other Western countries currently hold three quarters of the senior posts and over 70 per cent of all other posts entailing permanent contracts.

13. My delegation strongly supports the strict observance of the United Nations Charter on questions of Secretariat staffing and, in particular, the observance of Article 101, which provides that "Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible".

14. My delegation holds firmly to the view that all States Members of the United Nations, whether large or small, economically advanced or not, should be equitably represented in the United Nations Secretariat.

15. My delegation cannot support the draft resolution on the geographical distribution of the staff [A/5377] and will vote against it. Our position rests on the belief that the proposals contained in the draft resolution not only would not solve the problem of equitable geographical distribution but would actually make its solution more difficult.

16. How can this problem be solved? Either through a progressive reduction in the number of permanent contracts, which are held mainly by nationals of Western countries, or through an increase in fixed-term contracts.

17. The draft resolution presented to the Assembly relates mainly to the quotas of various countries, but the problem of improving the representation of these countries cannot be solved in this way. An increase or change in quotas cannot solve the problem because it necessarily means a redistribution of posts held under fixed-term contracts and has no effect on permanent contracts. The latter, however, account for some 80 per cent of all posts and are held mainly by nationals of Western countries. The revision of quotas would thus be at the expense not of over-represented countries but of the under-represented ones, among them the Soviet Union. It goes without saying that we cannot accept that approach.

18. The problem is also rendered far more difficult by the fact that posts in the General Service category—G-5 posts—are excluded from the scope of the geographical distribution formula. In importance and salary, however, these posts are often superior to some of the posts in the Professional category; furthermore, they are held mainly by nationals of Western countries. Thus, the exclusion of G-5 posts from geographical distribution in effect inflates the quotas of the Western countries, which are over-represented as it is, and reduces those of the socialist countries.

19. The resolution recommended to us for adoption benefits mainly the United States and other Western countries, whose nationals already occupy the great majority of important posts in the Secretariat.

20. Accordingly, the Soviet Union cannot support this resolution, which proposes a way of solving the problem that is, essentially, at the expense of the socialist countries rather than of those countries which are over-represented in the Secretariat.

21. In conclusion, my delegation expresses the hope that the Secretary-General, in his practical efforts to remedy the situation in the matter of geographical distribution, will be guided by the United Nations Charter and will take the effective action needed to reduce the Western countries' excessive representation in the Secretariat and to rectify the injustice done to the socialist countries, including the Soviet Union.

22. The PRESIDENT: There being no further speakers, we shall now proceed to vote on the draft resolution in the report of the Fifth Committee [A/5377].

The draft resolution was adopted by 76 votes to 11, with 2 abstentions.

23. The PRESIDENT: Representatives will note that in paragraph 40 of its report [A/5377], the Fifth Committee agreed, on a recommendation of the Secretary-General in which the Advisory Committee had concurred, to defer consideration of the proposed amendments to the Staff Regulations until the eighteenth session of the General Assembly. May I assume that the General Assembly agrees to this decision?

It was so decided.

24. The PRESIDENT: The next item concerns agenda item 72, in connexion with which the Fifth Committee has unanimously recommended the draft resolution in its report [A/5378]. May I take it that the Assembly also adopts it?

The draft resolution was adopted unanimously.

25. The PRESIDENT: The next item relates to a report of the Economic and Social Council (chapter XIV), which is considered in the Fifth Committee's report [A/5381]. May I take it that the Assembly notes this part of the report?

It was so decided.

26. The PRESIDENT: The last report of the Fifth Committee [A/5380] relates to agenda item 64, on which the Committee has submitted two draft resolutions.

27. Mr. IDZUMBUIR (Congo, Leopoldville) (translated from French): My delegation has until now refrained from speaking in Committee on this question, considering itself too closely involved to be able to act as judge. I have decided, however, to speak in the General Assembly because I feel that at this final stage in our deliberations it would be well to enlighten representatives concerning the circumstances which brought about the United Nations intervention in the Congo and the development of the Katanga problem up to the present; I hope thus to impress upon you the intrinsic importance of the problem on which the Assembly is to vote today.

28. Do not be afraid, gentlemen, that I shall burden you with unimportant details which you have been able to read about in the newspapers. I shall dwell only upon certain salient facts which can give you a general idea of the various stages in the development of the

Katanga problem and of the importance—both to the United Nations, to which our countries belong, and, of course, to ourselves—of finding an early solution.

29. You all know about the secession of Katanga. Since the events of 1960, certain groups of Whites in Katanga have managed to keep this fief separate from the Congo, using as a pretext a series of disorders which they themselves took care to instigate. They have armed the so-called "Katangese youth" and have spent millions bolstering up the man who has served as their puppet.

30. At the time of the clash between the Belgian troops and soldiers of the Congolese National Army, who were angered by the manner in which they had been addressed by the fascist ex-general of the "Force publique", there were two possible solutions: to appeal to a great Power to maintain order and arrange for the withdrawal of the Belgian troops, or to appeal to the United Nations. We unreservedly preferred the second solution. We did not want our country to become another battlefield in the cold war between the great Powers.

31. Thus, we appealed to the United Nations, which is a force for peace and a guarantor of equality and of the sovereignty and integrity of States. The United Nations established itself in the Congo and from the time of its arrival has constantly redoubled its efforts to bring about peace and to restore the country's territorial integrity and safeguard its sovereignty, in particular by securing the withdrawal of the Belgian troops.

32. The fact that the question of withdrawing Belgian troops from our territory has been settled is due to the unwearied efforts of the Organization and the support given to its officials by the representatives of various Member States, including Belgium. The organs of the United Nations, including both the General Assembly and the Security Council, have done everything in their power to help the Secretary-General achieve that objective.

33. There remains the question of restoring the country's unity. The General Assembly has recognized the principle of Congolese unity and the need to restore it by ending all secession. Orientale Province has rejoined the Republic and the region of South Kasai has recently returned to the family circle, but Katanga has seceded and defies the efforts of the United Nations.

34. Why is it that this secession continues? If we examine the reasons given by the secessionists and their protectors, it is apparent that they are merely excuses. The reason first advanced was anti-communism. Tshombé claimed that his secessionist movement was justified by the desire to keep his area outside the communist bloc. Communism was the scapegoat for all the ills of the Congo. It is a glib slogan which covers all the ambitions of the fascists and racists who are so familiar to us. The people of another part of Africa were decimated and their patrimony plundered by professional killers hiding behind the same screen. This slogan has been familiar to us for a long time, and we know that it is nothing but a subterfuge.

35. From the outset, our policy has been to live in peace with all States; it is in that spirit that we have established relations with a good many sovereign States, irrespective of the ideological bloc to which they belonged. We continue to apply that principle.

36. When it became apparent that the scapegoat, i.e., communism, could no longer deceive world opinion, the idea of "order" was brought up. "Look at the disorder

that reigns at Leopoldville!" exclaimed Tshombé. "How can we be expected to co-operate?"

37. We hear the same theme song from the president of a well-known fascist organization, namely General Janssens, the former Commander-in-Chief of the Congolese "Force publique". In a letter of protest to Mr. Spaak, he stated:

"This organization also believes that it would not be in the interests of the Congolese for Katanga to be engulfed in the chaos prevailing elsewhere in the Congo but that the one part of the former Belgian Congo in which order reigns should be permitted to live, so as to set an example for the other regions and possibly act as a nucleus around which a re-generated Congo could crystallize."

38. There can be no better reply than that given by Mr. Spaak to the Senate Commission for Foreign Affairs, as reported by the newspaper Le Soir of 12 December 1962. I quote:

"Speaking of the secession of Katanga, the Minister noted that there was constant talk about the maintenance of order in Katanga but that no one thought of the thousands of Baluba victims. As long as there were no Whites among the victims, no one seemed much concerned about the situation ..."

39. This reply is significant. It is significant because it comes from a Belgian of international stature whose personal efforts to induce his Government and his country to co-operate with the United Nations are well known. We cannot refrain from paying him a tribute. The words I have just quoted show that what Mr. Tshombé means by "order" is that the Whites should not be disturbed. We can understand, therefore, the support given him by the racists of Northern Rhodesia and South Africa and by reactionary and fascist circles in certain States. This is the person, this is the régime which is supported by certain Member States and by certain Christian people.

40. Thus, I was not surprised when, on looking through a pamphlet published in Belgium under pro-Katangese auspices, I found, preceded by a preface from the pen of a distinguished man who considers himself to be very Christian and very Western, a manifesto by a large group of doctors protesting against the "atrocities" committed by United Nations troops, accompanied by photographs which had been selected, cut up, juxtaposed—in short, faked. Finally, to crown it all, there was a photograph of the Baluba camp with the caption "Onuville", together with comments which actually spoke jestingly of the misery of the people living in this camp.

41. A reflection immediately came to my mind. These are people whose religious beliefs and professional ethics should prompt them to sympathize with all human suffering and all human misery wherever they may be found, but who instead sympathize with the suffering of some people and sneer at that of others. What can we expect of these quick-change artists who but recently, on the eve of independence, said that the Blacks were good for nothing and today heap praises on Mr. Tshombé?

42. What can we expect of these bloodthirsty people who are trying to prolong the tension in the hope that one day they will be rewarded in proportion to the number of their victims? Can we call people Christians who on the one hand faithfully support these murderers and provide them with arms and on the other hand, when

those arms are used, fling charges of "provocation" at those who have come to bring peace?

43. The religious and civil authorities of Katanga were not heard to issue moving appeals when the Tshombé régime was hunting the Balubas like wild beasts. Nor were their voices raised when Tshombé's aircraft bombed Kongolo and the neighbouring villages, killing women and children indiscriminately. They were paid well to keep silent. I see through these ministers of religion; they remind me of a caricature I once saw, depicting a priest who with one hand was taking a bag of money which a penitent thief was discreetly offering him and with the other was granting absolution. We have had enough of hypocrisy.

44. Who are the victims? We, who are legally in the right—the United Nations, which is prevented by a handful of murderers from achieving the objectives it has set itself.

45. Gentlemen, will you continue to allow your institution, our institution, to be an object of mockery and contempt, or will you support its efforts to achieve its objectives: the restoration of unity and the end of the Katangese secession, which are the prerequisites of lasting peace in the Congo?

46. I have no doubt that you will choose the second alternative, but in order to do so the United Nations must be given effective means; that is the gist of the second part of my statement, which concerns the question of the acceptance by the General Assembly of the opinion of the International Court of Justice regarding United Nations expenses in the Congo^{1/} [A/5161].

47. The legal arguments in favour of General Assembly acceptance of the advisory opinion of the Court have been presented by eminent jurists. I shall not go over them again, and those who argue that the Court's opinion is not binding on Member States are in my opinion missing the point. Obviously, this advisory opinion imposes no direct obligation on States Members of the United Nations, but if it is embodied in a General Assembly resolution it becomes binding upon them. We know—and we regret—that the United Nations does not have the means possessed by firmly established societies for enforcing compliance with its resolutions. That arises from the fact that the world community is still in its infancy. But is the development of that world community likely to be advanced by a refusal to implement United Nations resolutions?

48. What surprises us is that great Powers, guarantors of the existence and effectiveness of our Organization, to whose establishment they directly contributed, should make such statements. How often we have heard condemned here—and rightly so—the attitude of a certain small country which, disregarding all United Nations resolutions concerning the African territories under its administration, persists in regarding them as an integral part of its own territory! What weight would such condemnation carry if uttered by a great country which is itself giving an example of failure to implement United Nations resolutions?

49. I can readily understand the attitude of those who consider that in the assessment of contributions account should be taken of the fact that certain States bear special responsibility for the emergence and existence of circumstances which give rise to ex-

^{1/} Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962; International Court of Justice, Reports, 1962, p. 151.

penditure. That is an arguable theory, although not easily put into practice.

50. I think, however, that there also remains the Organization's collective responsibility with regard to peace, and that is an important consideration which should be borne in mind.

51. As far as we are concerned, my Government will endorse whatever solution is adopted by the General Assembly. It regards General Assembly resolutions as expressing the will of the majority of Member States and, as a State Member of the United Nations, will comply with them.

52. Furthermore, we regard financial support of the United Nations operation in the Congo as a demonstration of approval of the Organization's objectives in the Congo, i.e., restoration of the country's territorial integrity, recognition of the sovereignty of its national institutions over Katanga, and, more generally, the safeguarding of our independence against political, financial and other types of imperialism.

53. The response to the draft resolution now before the Assembly [A/5380] will enable us to discover those who are really our friends, those who are not our friends and do not conceal the fact, and, lastly, those who are not our friends but do not have the courage to show their feelings.

54. Mr. ARKADYEV (Union of Soviet Socialist Republics) (translated from Russian): My delegation wishes to explain why it will vote against the draft resolution [A/5380] relating to the Advisory Opinion of the International Court of Justice^{2/} on the financing of the United Nations Emergency Force and the Organization's operations in the Congo.

55. The Soviet Union's basic position on the issue has been repeatedly stated by Soviet representatives and is therefore well known. It is clearly set out in the Soviet Government's memorandum concerning the procedure for financing the operations of the United Nations Emergency Force in the Middle East and United Nations operations in the Congo [A/C.5/957].

56. The Soviet Government considers that the operations of the United Nations Emergency Force in the Middle East and the United Nations operations in the Congo do not impose any financial obligations on Members of the United Nations because these operations are not being conducted in conformity with the requirements of the United Nations Charter and because the expenses of these operations are not expenses as referred to in Article 17, paragraph 2, of the Charter.

57. It has often been said in the United Nations and in the world Press that the situation that has developed with regard to the financing of the military forces in the Middle East and the United Nations operations in the Congo is fraught with great danger for the United Nations and is threatening the very existence of the Organization. We think that the following question may legitimately be asked in this connexion: why is it that the representatives of the Western countries, which claim to be the champions of a strengthened United Nations, keep silent about the true reasons for the existing situation and about those who by their actions have flagrantly violated the most important principles of the United Nations Charter? It might be useful here to recall some facts concerning the action of the colonialists. It is well known that the United Kingdom,

France and Israel, bolstered by the policy of aid and support for aggressors pursued by their military bloc allies, launched an attack on Egypt in 1956 in utter defiance of the United Nations Charter.

58. If the Western Powers represented here feel such concern for the interests of the United Nations, why we ask, did they not think about the Organization's interests at that time? If they had taken another position then, there would have been no aggression against Egypt and, consequently, no United Nations Emergency Force in the Middle East.

59. Now let us take the operations in the Congo. The offenders in this case are the Belgian and other colonialists. It is they who bear full responsibility for the situation that has developed in the Congo. Had there been no Belgian aggression and subversion against the young Republic of the Congo, with the support of Belgium's NATO allies, there would have been no operations by United Nations military forces in the Congo. This aggression and subversion would have been halted at once if the proposals repeatedly put forward by the Soviet Union had been implemented and the Western Powers had not sabotaged the measures directed against the aggression.

60. The various plans for the solution of the Katanga problem now being advanced by the colonial Powers, which are now fighting among themselves over the Congo's wealth, are in glaring contradiction to the decisions of the Security Council and the vital interests of the Congolese people. It is for this very reason that the Congo crisis has dragged on for so long.

61. That is why we say that Belgium and all those who are supporting it should pay for the United Nations operations in the Congo. It is the aggressors and colonialists who bear full responsibility, both political and material, for the operations of the United Nations Emergency Force in the Middle East and the United Nations operations in the Congo.

62. If we follow a different course and apportion the costs of these operations among all Members of the United Nations, as the Western Powers propose, we will be encouraging aggression and aggressive acts by the imperialist Powers. The aggressor will then know that his actions are to be paid for by all the nations of the world and that he will go unpunished. The effective functioning of the United Nations requires strict observance of the Organization's principles and of the decisions of the Security Council.

63. Only under these circumstances, as the experience of the United Nations has shown, can the Organization become an effective instrument for the maintenance of peace and security and for the development of friendly relations among States. The very existence of the United Nations as an international organization depends upon the observance by States of the basic principles of the Charter.

64. As far as the Soviet Union is concerned, our position on the financing of the United Nations Emergency Force in the Middle East and the Organization's operations in the Congo remains unchanged. The Soviet Union will not participate in their financing.

65. The Soviet Government considers the decision of the International Court on this matter to be without basis. The decision—which was, incidentally, far from unanimous—is contrary to the United Nations Charter, and we cannot regard it as having any force whatsoever.

66. My delegation has firmly opposed and continued to oppose endorsement by the General Assembly, in any form, of the advisory opinion of the Court. We do so because that opinion is contrary to the United Nations Charter and has no binding force on Member States.

67. For these reasons, the Soviet delegation in the Fifth Committee opposed and voted against the Committee's draft resolution [A/5380], and we shall do likewise in the plenary Assembly.

68. Mr. HASRAT (Afghanistan): My delegation has already expressed its views on the items under consideration in the Fifth Committee. I wish to put on the record of the Assembly, the explanation of our vote concerning the draft resolution related to the advisory opinion of the International Court of Justice.

69. Nevertheless, we think that the UNEF and ONUC operations have many political and other aspects which should be fully considered, and the decision of the General Assembly should not be based alone on juridical considerations.

70. My delegation would have preferred to take note of the advisory opinion of the International Court of Justice at this time. Thus the Working Group of Twenty-One, as established in the draft resolution [A/5380, para. 11] could, in this way, properly use the guidance of the Court, while at the same time taking cognizance of all other elements involved in this question.

71. The reluctance to pay the expenses, in these circumstances, does not mean a disregard of the advisory opinion of the International Court of Justice or of the useful operations of the United Nations. The political elements and, particularly, the economic difficulties of the developing countries should be given full thought in the discussion of the question of the apportionment of these expenses. Therefore, our vote in no way signifies our acceptance of financial assessments, on which we wish to reserve our right to express our views when the report of the working group comes before the Assembly.

72. Mr. PRICE (Canada): As one of the co-sponsors, in the Fifth Committee, of both the draft resolutions recommended by the Committee and contained in its report [A/5380], my delegation would like to endeavour to clarify some of the issues before us in explanation of our vote.

73. I am certain that all delegations are aware of the difficulties which have plagued the United Nations in financing one of its primary tasks, the maintenance of international peace and security. One of the major areas of difficulty centres on the differences of opinion which have existed over the definition of the legal nature of the peace-keeping expenses of UNEF and ONUC. These differences of opinion and the uncertain nature and duration of the United Nations operations in the Congo and the Middle East forced the Assembly to adopt a series of *ad hoc* financing methods. Such methods, while they permitted the continuance of the operations, were far from satisfactory, and due to their lack of acceptance by all Member States, have led this Organization to the brink of financial bankruptcy.

74. The Canadian delegation and a number of others were deeply concerned over this Organization's failure to secure the support of Members for the financing of peace-keeping operations and endeavoured by the proposal, at the fifteenth session of the General Assembly, of the establishment of the Working Group of

Fifteen [resolution 1620 (XV)], to study methods of financing future peace-keeping operations of the United Nations. The Working Group met during 1961 and discussed a number of principles and factors related to the financing of peace-keeping. That it was unable to agree was due primarily to the differences of opinion on the legality of the obligations of Members to pay their share of the Organization's expenses. Therefore, at the sixteenth session, Canada and a number of other Members co-sponsored a resolution [1737 (XVII)] requesting the International Court of Justice to give an advisory opinion of whether the expenses of UNEF and ONUC constituted expenses of the Organization within the meaning of Article 17, paragraph 2, of the Charter of the United Nations.

75. After lengthy and detailed study of the question, the Court found, on 20 July 1962,^{3/} that the costs of UNEF and ONUC were expenses of the Organization. Having cleared away the legal doubts of a number of Members on this question, the co-sponsors of the draft resolution [see A/5380, para. 4] believed that the Assembly would, in conformity with past practices, appropriately act on the Court's advisory opinion and therefore proposed that the Assembly should accept the advisory opinion of the Court. The co-sponsors believe that to do otherwise would undermine not only the prestige and dignity of the Court, the only judicial organ of the Organization competent to deal with this matter, but would also threaten the effectiveness, in fact the very existence, of the United Nations to perform its primary task, the maintenance of international peace.

76. Without a firm financial foundation, based on the legal obligation of Members to pay their share of the Organization's expenses, as apportioned by the General Assembly, there is little hope for a dynamic and useful world Organization. However, adoption by the Assembly of a resolution accepting the Court's advisory opinion would only be a first step towards ensuring that the United Nations has the funds it requires to meet its responsibilities. Therefore, the co-sponsors of the draft resolution [*ibid.*, para. 7] have proposed a collateral draft resolution. This draft resolution has as its ultimate objective the adoption by the Assembly of generally accepted methods of financing in the future peace-keeping operations of the United Nations involving heavy expenditures, such as UNEF and ONUC.

77. To achieve this objective, it would seem desirable to re-establish and enlarge the Working Group of Fifteen and to give it some guidance in its task of studying and finding methods of financing major peace-keeping operations. The Working Group of Twenty-One is requested to prepare a report which will be circulated to Members and considered by the Assembly at an appropriate time.

78. The Canadian delegation hopes that the Working Group will be able to build on the basis of its earlier discussions and on any comment submitted to it by Members, so that it will be possible to do away with *ad hoc* financial arrangements and place the Organization in a financially sound position. Without the assurance of financial support, the United Nations can do little to meet the hopes, desires, and needs of mankind for a better and a safer world. For these reasons, the Canadian delegation hopes that all Members will support the two draft resolutions and that the members of the Working Group of Twenty-One will be able to

^{3/} *Ibid.*

participate in an atmosphere of conciliation and compromise. Only by such action can the United Nations remain worthy of continued support by the peoples of the world.

79. Mr. KRAFT (Denmark): The Danish delegation feels that the acceptance of the advisory opinion of the International Court of Justice will be essential to the future life of our Organization. We think that the rejection of this opinion of the International Court will strike a dangerous blow to the whole structure and the stability of our Organization. We firmly believe that the voting today can be very decisive for the future of the United Nations in fulfilling its duties as a guardian of peace and in the development of stability and well-being all over the world.

80. We can, of course, give opinions about what has been done in the Congo and about what must be done in the future in that unhappy and divided country. But all of us, in the opinion of my delegation, must accept the verdict of the International Court and the decisions of the United Nations General Assembly if we wish our Organization to survive the dangers of our time. If we want the United Nations not to be a lame duck but full of life, vigorous and aware of its destiny, we must today vote to confirm the decision of the International Court and take the consequences of it.

81. The Danish delegation associates itself wholeheartedly with what has just been said by the representative of Canada and asks the Assembly to accept the proposal before us.

82. The PRESIDENT: The recommendations of the Fifth Committee are contained in its report [A/5380]. The Assembly will now vote on draft resolution A. A roll-call vote has been requested.

A vote was taken by roll-call.

Sierra Leone, having been drawn by lot by the President, was called upon to vote first.

In favour: Sierra Leone, Somalia, Sweden, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Afghanistan, Argentina, Australia, Austria, Bolivia, Brazil, Burma, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Senegal.

Against: South Africa, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, France, Hungary, Jordan, Mongolia, Poland, Portugal, Romania, Saudi Arabia.

Abstaining: Spain, Sudan, United Arab Republic, Yugoslavia, Algeria, Belgium, Chad, Iraq.

Draft resolution A was adopted by 76 votes to 17, with 8 abstentions.

^{4/} The representative of Madagascar indicated after the vote that he wished his vote to be recorded as negative.

83. The PRESIDENT: I now put to the vote draft resolution B in the report of the Fifth Committee [A/5380].

Draft resolution B was adopted by 78 votes to 14, with 4 abstentions.

84. The PRESIDENT: I will now call on representatives for an explanation of vote after the voting, and I first recognize the representative of Portugal.

85. Mr. LOURENCO (Portugal): The position of Portugal on this important question was made clear in the written statement which was filed before the International Court of Justice and which is now part of the proceedings. There are, however, one or two other points which should be stressed here as they have confirmed that position and induced my delegation to vote against the acceptance of the advisory opinion.

86. All our troubles here stem from the fact that, as stated in this Assembly on 18 October 1962 by my Foreign Minister, Mr. Franco Nogueira:

"... the Charter is not being respected and implemented. Some say that the Charter should be a living document, always adapting itself to changing times. My delegation does not dispute this view, and it may well be that a revision of the Charter is called for. If that should prove to be the case, then we should avail ourselves of the provisions set out in the Charter for its revision and amendment. What we cannot agree with is that amendments should be made by a simple majority vote, the result being that our basic law changes from day to day in accordance with some particular whims or interests." [1155th meeting, para. 49.]

87. At the risk of appearing commonplace, my delegation would like to remind the General Assembly that the Charter of the United Nations is not like the Constitution of a national State which can be added to at will, or a statute that can be interpreted liberally. The Charter is a multilateral treaty, in the signing of which the signatory States have agreed to set certain limitations on their individual sovereignties, to the extent only of the accord signed by each of them. All authorities on jurisprudence and international law are agreed that the sovereignty of a State is, by its very nature, absolute and unlimited, except in so far as it is restricted by limitations inherent in the organization of the State concerned or by self-imposed limitations contained in treaties like the one at present under reference. The Charter must, therefore, be construed and interpreted very strictly, and nothing may be read into it which is not expressly provided for by its provisions. To do so, whether by majority vote or otherwise, is tantamount to coercing those of the signatory States that did not accept the interpretation favoured by the majority into surrendering a little more of their jealously guarded individual sovereignty. This cannot, in the opinion of my delegation, be lightly countenanced. What is more, if allowed, the process is likely to end in a gradual and complete erosion of the sovereignty of individual States, which, if we understand the matter rightly, is certainly not the intention or the objective with which these States signed the Charter. At least such was not the intention or the objective of my Government when it signed the Charter.

88. Nevertheless, this Assembly, on the plea that it needed authoritative legal guidance as to the obligations of Member States under the Charter in the matter of financing UNEF and ONUC, asked the International Court of Justice for an advisory opinion. This

advisory opinion, while upholding a point of view opposed to that of Portugal, cannot be said to have carried the matter much further than where it was last year. Apart from the fact that it was not unanimous, at least three of the Judges voting in its favour have appended individual statements qualifying their vote. One of them, Judge Sir Gerald Fitzmaurice, actually went so far as to say that the guidance provided by the opinion "must fall short of full utility if it fails to deal with certain more general matters, and also with one or two others that the Court has not gone into".^{5/} It would indeed be unrealistic to ignore this, and my delegation believes that to accept this opinion and to act on it is tantamount to amending the Charter without having recourse to the machinery specially provided for the purpose in the Charter. This alone would be enough to justify my delegation's doubts as to the wisdom of giving unqualified approval to the advisory opinion.

89. But in April 1960, the International Court of Justice delivered a judgement in a case that has now become famous and in which Portugal was the plaintiff.^{6/} Everyone also knows how that judgement of the International Court, whose authority this Assembly has been greatly concerned to uphold, was ignored and violated last year in utter disregard of all international law. Simultaneously, a novel doctrine was sought to be enunciated on the floor of the Security Council in order to justify that violation, when a certain representative contended that the tenets of international law presently in vogue, having been written by European writers, were outmoded and should be discarded in the twentieth century.

90. To the essentially traditionalist Portuguese mind, this double standard of approach towards international law, of which the International Court of Justice is a symbol, is difficult to understand. I shall conclude by recalling certain other words spoken by my Foreign Minister from this very rostrum on 18 October:

"In this context, and referring to some procedures which have recently been adopted, I am bound to say that my Government does not understand the deep concern shown by some in respect of the advisory opinion of the International Court of Justice stating that Members should contribute to the United Nations forces in the Congo, when this Assembly, this very Assembly, did not show the least concern for the implementation of a decision of the Court—not a mere advisory opinion, but a clear-cut judgement—which was favourable to my country in respect of Goa." [1155th meeting, para. 60.]

91. Mr. MILLET (France) (translated from French): My delegation feels that it should briefly record the reasons why it voted against draft resolution B, relating to the Working Group. That vote was the logical consequence of the position we adopted regarding draft resolution A, under which the General Assembly "accepts the opinion of the Court".

92. The French representative in the Fifth Committee explained [962nd meeting] the reasons why the French Government was unable to accept a formula under which the General Assembly was, through its financial prerogatives, accorded political powers which it does not

^{5/} 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. 198.

^{6/} Case concerning Right of Passage over Indian Territory (Merits), Judgement of 12 April 1960; I.C.J. Reports 1960, p. 6.

possess under the Charter. We, for our part, intend to comply with the obligations which the French Government assumed when it signed the Charter.

93. My delegation voted against draft resolution B, under which the Working Group of Fifteen is re-established and enlarged by the addition of six new members, because the criteria it imposes on the Group prejudice the solutions to be adopted and so limit the scope of the Group's work as to deprive it of all freedom of judgement.

94. The General Assembly has obviously failed to foster an atmosphere conducive to the patient and impartial examination of all equitable methods of financing peace-keeping operations, although that should have been its primary objective. Before even obtaining from the newly re-established Group the data which might provide the basis for a solution of this serious problem, the Assembly has imposed upon it certain ideas which are set forth in paragraph 2 of draft resolution B. This is not how the French Government envisages the role of the Working Group, and it cannot approve the course on which the General Assembly has embarked—a course of action in which it is exceeding its powers under the Charter.

95. Consequently, France will not take part in the proceedings of the Working Group which the General Assembly has just decided to re-establish.

AGENDA ITEM 28

The Korean question:

- (a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea;
- (b) The withdrawal of foreign troops from South Korea

REPORT OF THE FIRST COMMITTEE (A/5383)

96. Mr. CSATORDAY (Hungary), Rapporteur of the First Committee: I have the honour to present to the General Assembly the report of the First Committee on the Korean question [A/5383]. Members of the Committee tried to find a solution to the Korean problem. However, the different documents presented to the Committee and the statements by the delegations in the discussion could not create a common understanding, and thus, as in previous years, no settlement has been found to the problem.

97. The First Committee recommends to the General Assembly the adoption of the draft resolution contained in the report [A/5383].

98. The PRESIDENT: I recognize the representative of the Soviet Union for explanation of vote.

99. Mr. ZORIN (Union of Soviet Socialist Republics) (translated from Russian): Speaking in explanation of its vote on the draft resolution contained in document A/5383, my delegation wishes first of all to point out that the discussion of the Korean question in the First Committee once again took place under abnormal conditions which were essentially created by one delegation—the delegation of the United States.

100. As in past years, the United States delegation, acting in the spirit of the cold war, contrived to prevent representatives of the Democratic People's Republic of Korea from taking part in the discussion of the Korean question. With the adoption of that decision, the Committee's deliberations were doomed to failure from the outset, for it is impossible to resolve any aspect of the

Korean question without the participation and consent of the legitimate representatives of the people of the Democratic People's Republic of Korea.

101. This fact has been understood by many delegates, including those of the principal non-aligned countries, who have rightly pointed out that without viewing the situation as it exists, without taking into account the existence of two States on the Korean peninsula and without considering the positions of those two States, no positive solution can be achieved.

102. The stereotyped draft resolution [A/5383, para. 15] produced year after year and no longer submitted to the General Assembly is not only useless but actually harmful.

103. My delegation, together with those of a number of other countries, convincingly demonstrated in the Committee that the presence of foreign troops in South Korea has created a disturbed and tense situation in the region, has caused peace-loving countries to have legitimate fears for their security, has left a grievous imprint on the internal life of South Korea, has violated the national dignity of the Korean people, and constitutes the main obstacle to the country's reunification on a peaceful and democratic basis.

104. None of the arguments or facts we presented have been or can be refuted; yet the United States, applying its automatic voting majority, is again forcing the United Nations to offer its emblem, its flag and its honour as a cover for the United States occupation of South Korea.

105. Providing as it does that the foreign troops may some day be withdrawn from South Korea, but only after Korea's unification, the draft resolution is clearly calculated to perpetuate both the occupation of South Korea and the country's partition, since obviously there can be no question of guaranteeing free and democratic elections, genuine freedom of popular expression, so long as foreign troops remain in the country.

106. The draft resolution again compels the United Nations to interfere in the domestic affairs of the Korean people and to prevent the Koreans from unifying their country through their own efforts.

107. The resolution further provides for the continuance of the so-called United Nations Commission for the Unification and Rehabilitation of Korea, a body whose entire activity has been nothing more than a cover and excuse for the foreign occupation of South Korea and for the ultra-reactionary régimes that have been established there. The Commission has completely discredited itself in the eyes of the whole world, and we think it is high time for it to be abolished.

108. The draft resolution before us is an outgrowth of the cold war, as the representatives of several non-aligned countries have rightly pointed out. It is no accident, therefore, that it was adopted in the First Committee mainly with the votes of the members of the aggressive military alliances and those who follow blindly in their footsteps.

109. We were pleased to note that the principal neutralist countries did not support the draft resolution in the First Committee. In the light of the foregoing considerations, my delegation will vote against the Committee's resolution [A/5383].

110. The PRESIDENT: I now put to the vote the draft resolution in the report of the Fifth Committee [A/5383].

The draft resolution was adopted by 63 votes to 11, with 26 abstentions.

AGENDA ITEM 90

Question of general and complete disarmament: report of the Conference of the Eighteen-Nation Committee on Disarmament (concluded)*

REPORT OF THE FIRST COMMITTEE (A/5303/ADD.1)

111. Mr. CSATORDAY (Hungary), Rapporteur of the First Committee: In the first part of the report of the Committee on the subject of agenda item 90 [A/5303] it was stated that at the request of the representative of Brazil the discussions and voting on the four-Power revised draft resolution [see A/5303/Add.1, para. 2], relating to the establishment of a denuclearized zone in Latin America, was deferred to a later date of our session. The Committee resumed its debate on this item at its 1306th meeting on 18 December 1962 where the representative of Uruguay stated that consultations among the Latin American countries were being continued in order to achieve unanimity. He appealed to members to postpone the consideration and vote on the four-Power revised draft resolution to the eighteenth session of the General Assembly. The Committee accepted this proposal and recommends to the General Assembly that consideration of the four-Power revised draft resolution be postponed to the eighteenth session of the General Assembly.

112. The PRESIDENT: I assume the Assembly accepts the recommendation of the Committee that the consideration of the draft resolution in the report of the First Committee [A/5303/Add.1] be postponed to the eighteenth session.

It was so decided.

113. The PRESIDENT: This concludes the consideration of all the items listed for today except the item on the situation in Angola, which was postponed until later today. However, I understand that certain consultations are still proceeding and that, if the item is taken up tomorrow morning, that would be both convenient and a saving of time. The meeting scheduled for this evening is therefore cancelled.

The meeting rose at 4.50 p.m.

*Resumed from the 1173rd meeting.