LIBRARY E A / BIBLIOTHÈQUE A E
3 5036 01031703 3

CANADIAN DELEGATION TO THE UNITED NATIONS GENERAL ASSEMBLY
(SEVENTEENTH SESSION)

RELEASE ON DELIVERY

RELEASE ON DELIVERY

PRESS RELEASE NO. 20
DECEMBER 3, 1962.
Press Office
750 Third Avenue,
YUkon 6-5740

STATEMENT BY THE CANADIAN REPRESENTATIVE ON THE FIFTH COMMITTEE, BRIG. J. H. PRICE ON DECEMBER 3, 1962, INTRODUCING TWO DRAFT RESOLUTIONS (DOCUMENTS L.760 AND L.761) UNDER ITEM 64, CALLING FOR ACCEPTANCE BY THE GENERAL ASSEMBLY OF THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE ON THE FINANCIAL OBLIGATIONS OF MEMBERS UNDER THE CHARTER AND THE RE-ESTABLISHMENT OF THE WORKING GROUP OF FIFTEEN ON THE EXAMINATION OF THE ADMINISTRATIVE AND BUDGETARY PROCEDURES OF THE UNITED NATIONS.

Mr. President,

We are beginning our debate on item 64. I believe that most Delegations will agree that this item is one of the most important issues before the Assembly at its Seventeenth Session. Certainly we are here presented with this Committees most challenging opportunity to assist the United Nations to move toward a firmer foundation of orderly financial management. At a time when there is fresh encouragement in regard to effective international co-operation, I am sure we all share a common determination to seize this opportunity and to make our constructive contribution to strengthening the United Nations.

As you all know, my Delegation is one of the co-sponsors of two of the draft resolutions now to be considered, Documents L.760 and L.761. It is an additional privilege for me on behalf of the co-sponsors of these respective proposals, to introduce the two drafts to you. To save time -- and in so doing I hope I shall be meeting the wishes of everyone -- I propose to cover both draft resolutions in this one preliminary statement.

In any event, the two texts are related since both have ultimately to do with improving the financial arrangements of the organization. I need hardly remind this Committee of the extent to which the attempts to achieve an equitable and workable method of meeting the sometimes heavy costs of peace-keeping have been hampered by differences of view on the basic legal aspects of the matter. Those differences have in large measure been responsible for the unsatisfactory situation in which reliance on ad hoc arrangements has led the organization ..

further and further into serious financial difficulty.

When the working group of fifteen on the examination of administrative and budgetary procedures met in 1961, it soon found that it too could make little progress in the absence of common understanding of the legal relationship between the costs of peace-keeping and Article 17(2) of the Charter. Accordingly, the working group recommended that the guidance of the International Court of Justice was an essential preliminary to the United Nations finding a satisfactory way out of its financial dilemna.

Subsequently at the Sixteenth Session of the General Assembly, discussion in the Fifth Committee confirmed that little could be accomplished in regard to the financing of peace-keeping activities in the absence of authoritative legal guidance. Accordingly the Delegations of Brazil, Cameroon, Canada, Denmark, Japan, Liberia, Pakistan, Sweden, United Kingdom and United States tabled a draft resolution which was adopted as resolution 1731 (XVI). By this decision, the Secretary-General was asked to request an advisory opinion from the International Court of Justice as to whether the costs of the United Nations operations in the Middle-East and the Congo constituted expenses of the organization within the meaning of Article 17, Paragraph 2, of the Charter.

In response to the General Assembly's request, transmitted by the Secretary-General, the Court considered this question during the Spring and Summer of this year in the Light of the oral and written statements of a number of Governments and all the relevant documents. On July 20 the Court handed down its advisory opinion which, to quote it in summary, found that "the expenses authorized in the General Assembly resolutions ...relating to the United Nations operations in the Congo ...(and) the UNEF ... constituted all "expenses of the organization" within the meaning of article 17, paragraph 2 of the Charter of the United Nations."

Now that the United Nations has this legal guidance, how should the Assembly react? In the past, it has been the usual practice in matters of this kind for the Assembly to honour in

a suitable resolution the advisory opinion it has requested. In this instance, the co-sponsors of L.760 see no reason to break with this established practice and their simple proposal is that the General Assembly accept the opinion. Indeed, they feel strongly that any other course would be interpreted to be a slight on the high reputation of the International Court of Justice and a step back from the progress that is steadily being made towards promoting the Rule of Law in the conduct of International affairs. We have little doubt that most of our colleagues will wish to join with us in supporting L.760 to mark our respect for pronouncements of the International Court of Justice generally and for the measured views it has furnished on this occasion to guide this organization.

But there is a further important reason why this modest resolution in document L.760 should be widely endorsed. We earnestly hope that this step will lay the groundwork for a practical approach to the questions which have prevented the United Nations from bringing order and stability into its financial affairs. So far as present financial difficulties are concerned, member states who have hesitated to pay their assessed part of UNEF and ONUC expenses, due to their doubts about the legality of financing methods adopted, should now find it easier to fulfill their obligations. This would, of course, greatly ease the precarious financial position of the organization.

Even more importantly, acceptance of the Court*s opinion would enable the United Nations to turn its attention constructively to the task of evolving orderly financial procedures to meet future peace-keeping costs. That is, of course, the essential purpose of Document L.761, the second draft resolution which my Delegation and eight other Delegations are co-sponsoring and which provides for the re-establishment of the working group of fifteen. On the assumption that the Court's opinion will be widely respected, the working group would be in an excellent position to resume its important studies with emphasis on practical considerations; my

Delegation is confident that fair, practical and sensible criteria can be devised on which to base an acceptable formula for sharing among all members the cost of such peace-keeping responsibilities. Canada's consistent aim has been to establish a firm pattern for financing in this field so that the organization can effectively meet any new emergency without hesitation,

In the past, each important United Nations peace-keeping operation has been financed by more or less ad hoc methods. Such methods have been far from effective and have not been acceptable to all member states. In fact, some states have been unwilling or unable to contribute their assessed share of UNEF and ONUC expenses. As a result, the balance due for UNEF and ONUC totalled over $112.5 million, as of September 18. This situation has led to confusion in the planning and administration of peace-keeping operations. The evidence of the ineffectiveness of ad hoc arrangements is the present financial dilemna of the United Nations. If the situation which existed is permitted to continue, it is possible that all member states will be faced with undesirable implications. What are these implications? First, if the Assembly employs ad hoc arrangements to finance any future peace-keeping operations, the United Nations may be faced again with the regrettable situation which exists today as regards UNEF and ONUC arrears. I am certain that all Delegations would prefer to avoid such a repetition, if at all possible. Second, the organization's primary task, as outlined in Article 1 of the Charter, is to maintain international peace and security. Now, while there is a certain relationship between satisfactory economic, social and political conditions and the maintenance of peace, there can be little hope for major improvements in the economic and social spheres if world peace is not maintained. Therefore, it is desirable to endeavour to ensure the maintenance of international peace as a foundation upon which economic and social advancement may be achieved.

Delegations will recall that the working group of fifteen was originally established by resolution 1620 at the Fifteenth Session to study methods of covering the costs of peace-keeping operations and the relationship between such methods and existing administrative and budgetary procedures of the organization. Members of the working group of Fifteen were: Brazil, Bulgaria, Canada, China, France, India, Italy, Japan, Mexico, Nigeria, Sweden, Union of Soviet Socialist Republics, United Arab Republic United Kingdom and United States. Governments which served on the working group were appointed by the President of the General Assembly, in accordance with a formula for regional representation set out in resolution 1620 (XV). Resolution 1620 also requested member states to submit their observations on the principles to be applied in determining a special scale of assessments for peace and security and other matters. These observations and other matters before the working group were discussed during two series of meetings in the Spring and Fall of 1961. However, the working group was unable to come to an agreement on all the principles and elements involved in financing peace-keeping operations. This lack of agreement was clearly illustrated in its report to the Sixteenth Session (Document A/4971). As I have previously mentioned, one serious impediment to agreement was the difference of opinion over the legality of the financial obligations of member states in respect of the costs of UNEF and ONUC. In view of the Court's very clear advisory opinion, the co-sponsors of Document L.761 are convinced that it is as possible as it is desirable, to move ahead to find an orderly and acceptable solution to covering the future costs of peace-keeping operations. This then is the background against which the Delegations of Cameroon, Canada, Denmark, Japan, Liberia, Pakistan, Sweden, United Kingdom and United States have tabled draft resolution L.761.

That draft recognizes that peace-keeping operations such as UNEF and ONUC can impose a heavy financial burden on all member states and in particular on those having a limited capacity to contribute.

It also recalls resolution 1620 (XV) by which the Assembly established a working group of fifteen, and notes that one of matters discussed by the working group was the desirability of requesting an advisory opinion from the International Court. The co-sponsors of this text think that, in order to facilitate the work of the group, Governments might wish to consider the desirability of appointing the same individuals as served on the working group in 1961. Furthermore, the sponsors feel that the original working group of fifteen was of a desirable size to facilitate its work and that its composition was appropriate for its tasks.

In preambular paragraph 3 the co-sponsors have employed a procedure which has been utilized on a number of occasions in various committees. Since the co-sponsors of the draft resolution on the re-establishment of the working group view it and draft resolution no. L.760 (Acceptance of the Court's opinion) as two related resolutions, directed towards attainment of the same ultimate objective, they have proceeded on the assumption that draft resolution no. L.760 will be adopted by the Assembly.. If this is the Assembly's decision, the co-sponsors of the second draft, Document L.761, intend to submit a revision which would incorporate into the text the number of the resolution accepting the Court's opinion and its date.

Operative paragraph 1 would re-establish the working group of fifteen with the same membership as that established by resolution 1620. The working group is requested to consult, as appropriate, with the Advisory Committee on Administrative and Budgetary questions and the Committee on contributions and to consider the methods of financing, in the future, peacekeeping operations of the United Nations involving heavy expenditures. The drafters of this resolution consider UNEF and ONUC to be operations which could be said to involve "heavy" expenditures. Operative paragraph 3 merely requests the working group to convene as early as possible in 1963 and to complete its report to United Nations General Assembly as soon as possible or not later than April 1, 1963. This would give the working group approximately three months to discuss the financing of peacekeeping operations before submitting its report. ..7

Some Delegations might wonder how the co-sponsors expect the working group to reach agreement in three months when the previous working group had over five months to study virtually the same question. We believe that there are several relevant factors in suggesting a date of April 1 for completion of the Group's report. These factors are: (1) At its previous meetings the working group was able to outline various principles and issues which might provide the necessary elements for determining the methods of financing United Nations peace-keeping operations. Those principles and issues are listed in paragraph 6 of Document A/4971. Therefore, the re-established working group should be able to build on the work of its predecessor and thus concentrate its attention on reaching agreement on practical methods of covering peace-keeping costs, without re-opening the question of principles. (2) It is our hope that, in the light of the Advisory opinion of the International Court, the working group can proceed on the basis that expenses of peace-keeping operations, in future, are expenses of the Organization under Article 17 (2) of the Charter of the United Nations. This should enable the working group to concentrate on the question of how the costs of peace-keeping operations in the future should be apportioned among member states. (3) A final point which led the co-sponsors to request an early report from the Working group relates to the critical nature of the United Nations financial position. While the organization was in serious financial position difficulties in 1961, these difficulties have been compounded and the need for adoption of acceptable methods of financing peace-keeping operations has become even more urgent. It is obvious that the Assembly action to provide the means to continue United Nations peace-keeping activities will have to be taken in the not-distant future. Operative paragraph 4 of the draft resolution requests the Secretary-General to circulate the report of the working group of fifteen to member states as early as possible, so that they may have an opportunity to study it before its consideration by United Nations General Assembly at an appropriate time.

Canadian Delegation and the co-sponsors of Draft L.761 believe that the time has come -- in fact the time is overdue -- when an acceptable method of covering the costs of peacekeeping operations is absolutely essential. We can no longer rely on the ad hoc financial arrangements which have characterized previous peacekeeping operations. Furthermore, we believe that the two resolutions which are being introduced are complimentary and provide a logical and desirable sequence of events leading to the solution of a problem which has been before us for a number of years. All Delegations should be able to agree on the necessity of making available to the United Nations the funds it requires to fulfill its purposes under Charter. We believe that the path outlined in the two resolutions is the most appropriate one and deserves full support by United Nations General Assembly.