

United Nations GENERAL ASSEMBLY

SIXTEENTH SESSION



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PLENARY MEETING**

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President: Mr. Mongi SLIM (Tunisia).

AGENDA ITEM 55

United Nations operations in the Congo: cost estimates and financing

INTERIM REPORT OF THE FIFTH COMMITTEE (A/4943)

Pursuant to rule 68 of the Rules of Procedure, it was decided not to discuss the report of the Fifth Committee.

1. Mr. ARRAIZ (Venezuela) (Rapporteur of the Fifth Committee) (translated from Spanish): Tomorrow, 31 October, will mark the end of the period specified in resolution 1619 (XV) of 21 April 1961 on the financing of the United Nations operations in the Congo. If we fail to provide the funds necessary for its continuance, this United Nations undertaking, whose importance has been emphasized in resolutions of the General Assembly and the Security Council, will be brought to a standstill and will remain uncompleted.

2. The Fifth Committee considered a report by the Secretary-General on the matter [A/4931]. In order to prevent the occurrence of such a situation, eleven Member States—Canada, Ceylon, Ethiopia, the Federation of Malaya, Ghana, Ireland, Liberia, Nigeria, Pakistan, Sweden and Tunisia—submitted a draft resolution in the Committee; this draft resolution does not in any way prejudice the substance of the question—that is to say the manner in which the operations are to be financed, which will be an item for subsequent consideration by the Assembly—but merely authorizes the Secretariat to continue to incur commitments for these operations for two months, until 31 December 1961, at a level not to exceed \$10 million per month.

3. Although the draft resolution gave rise to certain objections and reservations in the Fifth Committee, which I have duly recorded in the Committee's interim report to the General Assembly [A/4943], it was ultimately approved in a roll-call vote by 55 votes to 9, with 15 abstentions.

4. Consequently, the Fifth Committee recommends to the General Assembly the adoption of the draft resolution appearing at the end of the interim report.

5. Mr. ROSCHIN (Union of Soviet Socialist Republics) (translated from Russian): When the question of the financing of the United Nations operations in the Congo and the relevant draft resolution [A/C.5/L.677 and Add.1] were under consideration in the Fifth Committee, the Soviet delegation stated its position on the matter in detail. As a vote is about to be taken on the draft resolution submitted by the Fifth Committee, which authorizes the Secretariat to continue until 31 December 1961 the financing of the United Nations operations in the Congo, the Soviet delegation considers it necessary to confirm its position on the question under consideration.

6. Under the Charter of the United Nations, decisions relating to action for the maintenance of international peace and security, including military action such as the "United Nations operations" in the Congo, may be taken only by the Security Council and by no other organ of the United Nations. Article 11 (2) states:

"The General Assembly may discuss any questions relating to the maintenance of international peace and security . . . Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion."

7. Thus, the Charter clearly provides that any question relating to action for the maintenance of international peace and security shall be referred to the Security Council by the General Assembly and that the General Assembly is not competent to take decisions on matters of that kind. The taking of decisions on such matters is the exclusive prerogative of the Security Council. The Charter of the United Nations states that, with respect to such matters, the General

Assembly may only make recommendations to the State or States concerned or to the Security Council, or to both the Security Council and the State or States concerned.

8. The draft resolution of the Fifth Committee which has been submitted for consideration to the plenary session aims at the adoption by the General Assembly of a decision on a matter relating to action for the maintenance of international peace and security. Such a draft resolution is obviously in direct conflict with the provisions of the Charter of the United Nations, inasmuch as it proposes the adoption of a decision relating to United Nations action for the maintenance of peace and security, which is, as I have already said, the exclusive prerogative of the Security Council.

9. Under Articles 43 and 48, it is for the Security Council and for no other organ to determine the contribution to be made by individual Members of the United Nations to the maintenance of international peace and security. Thus, Article 43 (1) states:

"All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security."

10. Thus, we see that, under Article 43, it is for the Security Council to conclude the appropriate agreements with Members of the United Nations regarding the provision of assistance, and that such agreements are to govern not only the numbers and types of armed forces and their degree of readiness, but also the nature of the facilities and assistance to be provided by the States for the purpose of undertaking action for the maintenance of international peace and security. The same Article provides that it is the Security Council and no other organ which is to conclude such agreements with Members or groups of Members of the United Nations.

11. It is clear from the text of Article 43 which I have just quoted that, according to the Charter of the United Nations, matters concerning the material support of United Nations action for the maintenance of international peace and security (and material support includes the financing of such action) are within the competence of the Security Council and not of the General Assembly. It follows plainly from the provisions of the Charter that the General Assembly is not empowered to take decisions on matters relating to the material support and financing of the United Nations action or "operations" in the Congo.

12. The Charter of the United Nations also specifies which organ of the United Nations shall take decisions concerning the participation of particular Members of the United Nations in action for the maintenance of international peace and security and on what scale. Thus Article 48 of the Charter states:

"The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine."

13. That provision of the Charter stipulates that only the Security Council can decide which Members of the United Nations shall take part, and to what extent, in

action for the maintenance of international peace and security. No other organ of the United Nations has been given such rights.

14. The Report of the Secretary-General entitled United Nations Operations in the Congo: Cost Estimates and Financing [A/4931], in which funds are requested to finance the United Nations action in the Congo, sets out considerations and calculations of a military nature, on which decisions can quite clearly be taken only by the Security Council. The Report of the Secretary-General indicates, for example, that the numerical strength of the armed forces in the Congo will be reduced in October 1960 from 18,000 officers and men to 16,800. The report indicates that the estimates for the financing of the "United Nations operations" in the Congo cover the costs of transporting approximately 8,000 officers and men to the Congo who were members of enlarged contingents in ONUC and approximately 12,000 from the Congo who were members of national contingents that were withdrawn or reduced in strength as well as the rotation costs of approximately 10,700 other officers and men. The report of the Secretary-General also requests funds for the maintenance of 3,098 vehicles and 102 military and transport aircraft, etc.

15. The whole subject matter of the Secretary-General's report on the United Nations operations in the Congo, dealing as it does with the scale of the military operations and questions of supplying the United Nations armed forces, and requesting an appropriation of \$20 million for November-December 1961 for the conduct of those operations, makes it clear that the General Assembly is not entitled or empowered to settle the questions raised in that report. Can the General Assembly in fact determine and decide such matters as the numbers of troops to be maintained in the Congo, the manner in which they are to be relieved, the facilities to be provided, the number of aircraft and vehicles required for the military operations?

16. The purpose of referring all these questions to the General Assembly is simply to bypass the Security Council in the settlement of questions relating to action for the maintenance of international peace and security. This is done in order to avoid reaching an agreed decision in the Security Council on such important matters as the United Nations action or "operations" in the Congo.

17. Since the resolution regarding the "United Nations operations" in the Congo and their financing, which has been submitted by the Fifth Committee for the consideration of the General Assembly, is in direct conflict with most important provisions of the Charter of the United Nations, the Soviet delegation wishes to state that it will vote against the adoption of a decision of that kind by the General Assembly, that it will regard such a decision as illegal and that it will not consider itself in any way bound by such an illegal decision adopted in contravention of most important provisions of the Charter of the United Nations.

18. Mr. CARDOSO (Congo, Leopoldville) (translated from French): The question of the financing of United Nations operations in the Congo is of cardinal importance to my country. At the fifteenth session of the General Assembly we exerted all our efforts to ensure the adoption of the resolution [1590 (XV)] authorizing the Secretary-General to incur commitments for the United Nations operations in the Congo. The reason we are so anxious for the United Nations operations to

be able to continue in our country is that we are well aware of the difficulties facing us in our efforts to unify the territory. Furthermore, we wish to demonstrate our faith in the United Nations despite the disappointments of recent weeks. The United Nations today represents the means of unifying our country with the least possible damage and the greatest economy of human lives. It is because we wish to avoid unnecessary damage and to spare human lives that we put our trust in the United Nations, which should place itself entirely at the disposal of the Central Government and carry out the resolutions of the Security Council and the General Assembly.

19. My Government wishes to express its deep gratitude to the countries which agreed to send troops to the Congo even though in many cases they needed them in their own territory. My Government honours the memory of all the soldiers who have died for the Congolese cause and for the defence of peace. The death of all those fighters for peace, the tragic disappearance of the Secretary-General—all that cannot be just an unnecessary or absurd sacrifice. All those deaths should mean for us an imperative demand to bring the United Nations operations in the Congo to a successful conclusion. My Government wishes also to express its deep gratitude to all the Governments which have financed these operations.

20. In this Assembly we have heard many countries proclaim their good intentions and declare that they are in favour of the unity of the Congo and of Africa. It is sad to note that it is these very same countries which refuse to finance the United Nations operations. All they are doing, in fact, is to build a set of catchwords. These countries are seeking by all possible means to weaken the United Nations, first of all in the Congo and then at the Headquarters of the Organization. In the present circumstances, anyone who weakens the United Nations by refusing to finance it is thereby openly supporting the secession of Katanga in order to prevent the Republic from rapidly raising itself up and playing its proper role in the world.

21. That is the case with certain Western countries which are refusing to share in the financing for purely political motives. Hence there is every temptation to accuse them of being pro-secessionists. It is above all the case with certain Eastern countries, which from the very beginning of the operation have refused, for various reasons which are no more than pretexts, to finance the United Nations operations in the Congo. Paradoxically, they too are in fact supporting the secession of Katanga.

22. These established facts eloquently contradict the fine words we hear spoken here. Our policy of non-alignment compels us to address these remarks to all those concerned, to the countries of the West and to those of the East. We shall no longer be satisfied with catchwords or pretexts, for we have had too much experience of reality to allow of any further equivocation.

23. My country will vote in favour of the eleven-Power draft resolution in the interim report of the Fifth Committee [A/4943], in the firm hope that the United Nations operations may continue and bring about a real success for the unity of the Congo and peace in the world.

24. The PRESIDENT (translated from French): There are no further speakers on the list. I therefore invite the Assembly to vote on the draft resolution submitted

by the Fifth Committee, which appears in paragraph 11 of its interim report [A/4943].

The draft resolution was adopted by 69 votes to 10, with 18 abstentions.

AGENDA ITEM 15

Election of non-permanent members of the Security Council ELECTION OF A NON-PERMANENT MEMBER FOR 1962

25. The PRESIDENT (translated from French): I should like to read a letter dated 27 October 1961, addressed to the President of the General Assembly by the Chairman of the Liberian delegation, in the following terms:

"I have the honour to confirm that following the informal agreement reached during the fifteenth session of the General Assembly Liberia will withdraw as a member of the Security Council from 1 January 1962."

26. In view of this agreement, the General Assembly will accordingly proceed to elect a non-permanent member of the Security Council for the one year 1961.

27. Rule 94 of the Rules of Procedure reads as follows: "All elections shall be held by secret ballot. There shall be no nominations".

28. Ballot papers will now be distributed. I shall ask members of the Assembly to enter on their ballot papers the name of the country for which they wish to vote. Ballot papers containing more than one name will be declared invalid.

At the invitation of the President, Mr. Penteado (Brazil) and Mr. Caimerom Measketh (Cambodia) acted as tellers.

A vote was taken by secret ballot.

Number of ballot papers:	103
Invalid ballots:	3
Number of valid ballots:	100
Abstentions:	2
Number of members voting:	98
Required majority:	66

Number of votes obtained:	
Ireland	83
Romania	10
Ghana	3
Dahomey	1
Philippines	1

Having obtained the required two-thirds majority, Ireland was elected a non-permanent member of the Security Council for the year 1962.

ELECTION OF THREE NON-PERMANENT MEMBERS

29. The PRESIDENT (translated from French): We will now proceed to elect three non-permanent members of the Security Council to fill the seats that are about to become vacant. The three non-permanent members whose terms expire on 31 December 1961 are Ceylon, Ecuador and Turkey. As retiring members they are not eligible for immediate re-election. I would also point out that in addition to the five permanent members and Ireland, which has just been elected for the year 1962, the following States will continue to be members of the Security Council after 1 January 1962: Chile and the United Arab Republic.

30. The election will be held by secret ballot and, in accordance with the Rules of Procedure, there will be no nominations. Representatives must write on their ballot papers the names of the three countries for which they wish to vote. Ballot papers containing more than three names will be declared invalid. I call on the Assembly to proceed to the vote immediately.

At the invitation of the President, Mr. Penteado (Brazil) and Mr. Caimerom Measketh (Cambodia) acted as tellers.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	103
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	103
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	103
<i>Required majority:</i>	69

<i>Number of votes obtained:</i>	
Venezuela	96
Ghana	88
Romania	58
Philippines	47
Nigeria	3
Australia	1
India	1
Guinea	1
New Zealand	1
Netherlands	1

Having obtained the required two-thirds majority, Venezuela and Ghana were elected non-permanent members of the Security Council.

31. The PRESIDENT (translated from French): We will not proceed to elect the third non-permanent member of the Security Council. In accordance with rule 96 of the Rules of Procedure, the voting will be restricted to the two candidates which obtained the greatest number of votes in the previous ballot: Romania and the Philippines.

At the invitation of the President, Mr. Penteado (Brazil) and Mr. Caimerom Measketh (Cambodia) acted as tellers.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	102
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	102
<i>Abstentions:</i>	1
<i>Number of members voting:</i>	101
<i>Required majority:</i>	68

<i>Number of votes obtained:</i>	
Philippines	52
Romania	49

32. The PRESIDENT (translated from French): As neither candidate obtained the required two-thirds majority, we will proceed to hold another restricted ballot.

At the invitation of the President, Mr. Penteado (Brazil) and Mr. Caimerom Measketh (Cambodia) acted as tellers.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	102
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	102
<i>Abstentions:</i>	0

<i>Number of members voting:</i>	102
<i>Required majority:</i>	68

Number of votes obtained:

Philippines	54
Romania	48

33. The PRESIDENT (translated from French): As the results of this restricted ballot have been inconclusive, we should, in accordance with the Rules of Procedure, now proceed to hold a series of three unrestricted ballots. However, I propose that we postpone the voting to a future meeting to be announced in due course.

AGENDA ITEM 16

Election of six members of the Economic and Social Council

34. The PRESIDENT (translated from French): The General Assembly will now proceed to hold an election to fill, for a term of three years, the seats that will fall vacant in the Economic and Social Council on 31 December 1961, on the expiry of the terms of the following members: Afghanistan, Bulgaria, New Zealand, Spain, the United States of America and Venezuela.

35. In accordance with Article 61, paragraph 2, of the Charter, retiring members are eligible for immediate re-election. Consequently, all Members of the General Assembly are eligible for election, with the exception of the following twelve Council members whose terms have not yet expired: Brazil, Denmark, El Salvador, Ethiopia, France, Italy, Japan, Jordan, Poland, Union of Soviet Socialist Republics, United Kingdom and Uruguay.

36. I invite representatives to enter on the ballot papers the names of the six countries for which they wish to vote. Ballot papers containing more than six names will be declared invalid.

At the invitation of the President, Mr. Penteado (Brazil) and Mr. Caimerom Measketh (Cambodia) acted as tellers.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	103
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	103
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	103
<i>Required majority:</i>	69

<i>Number of votes obtained:</i>	
United States of America	82
Colombia	79
Senegal	75
Australia	73
India	59
Yugoslavia	57
Iraq	43
Thailand	38
Iran	11
Haiti	10
Tunisia	4
Bulgaria	2
Afghanistan	1
Austria	1
Cyprus	1
Ecuador	1

Mali.	1
Pakistan.	1
Togo.	1

Having obtained the required two-thirds majority, the United States of America, Colombia, Senegal and Australia were elected members of the Economic and Social Council.

37. The PRESIDENT (translated from French): There remain two seats to fill in the Economic and Social Council. In accordance with rule 96 of the Rules of Procedure, voting will be restricted to the four candidates which obtained the greatest number of votes in the previous ballot, namely, India, Yugoslavia, Iraq and Thailand.

Mr. Nosek (Czechoslovakia), Vice-President, took the Chair.

At the invitation of the President, Mr. Penteado (Brazil) and Mr. Caimeron Measketh (Cambodia) acted as tellers.

A vote was taken by secret ballot.

Number of ballot papers:	103
Invalid ballots:	0
Number of valid ballots:	103
Abstentions:	0
Number of members voting:	103
Required majority:	69

Number of votes obtained:

India.	59
Yugoslavia.	58
Thailand.	39
Iraq.	27

38. The PRESIDENT: The next ballot will be limited again to these four countries, that is, India, Yugoslavia, Thailand and Iraq. The names of only two countries can be written on the ballot paper.

Mr. Slim (Tunisia) resumed the Chair.

At the invitation of the President, Mr. Penteado (Brazil) and Mr. Caimeron Measketh (Cambodia) acted as tellers.

A vote was taken by secret ballot.

Number of ballot papers:	103
Invalid ballots:	0
Number of valid ballots:	103
Abstentions:	0
Number of members voting:	103
Required majority:	69

Number of votes obtained:

Yugoslavia.	63
India.	61
Thailand.	40
Iraq.	21

39. The PRESIDENT (translated from French): This second restricted ballot, too, has failed to give a positive result. In accordance with the Rules of Procedure, we should now begin a series of three unrestricted ballots. However, I propose that we postpone these

three ballots to a later meeting to be announced in due course and suspend the elections for the time being.

It was so decided.

Decision concerning the procedure of the meeting

Pursuant to rule 68 of the Rules of Procedure, it was decided not to discuss the reports of the Fifth Committee.

AGENDA ITEM 52

Financial reports and accounts for the financial year ended 31 December 1960, and reports of the Board of Auditors

REPORT OF THE FIFTH COMMITTEE (A/4936)

40. The PRESIDENT (translated from French): If no delegation wishes to explain its vote, I shall put to the vote in turn the four draft resolutions appearing in paragraph 5 of the report of the Fifth Committee [A/4936].

Draft resolution I was adopted unanimously.

Draft resolution II was adopted unanimously.

Draft resolution III was adopted unanimously.

Draft resolution IV was adopted unanimously.

AGENDA ITEM 56

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

(e) United Nations Administrative Tribunal

REPORT OF THE FIFTH COMMITTEE (A/4935)

41. The PRESIDENT (translated from French): The Assembly has before it the report of the Fifth Committee [A/4935]. If there are no objections, I shall consider the draft resolution appearing in paragraph 5 of that document adopted unanimously.

It was so decided.

AGENDA ITEM 66

Annual report of the United Nations Joint Staff Pension Board

REPORT OF THE FIFTH COMMITTEE (A/4934)

42. The PRESIDENT (translated from French): Under the terms of the draft resolution submitted by the Fifth Committee in paragraph 2 of its report [A/4934], the General Assembly is merely invited to note the annual report of the United Nations Joint Staff Pension Board. If there is no objection, I shall consider that this is the Assembly's decision.

It was so decided.

The meeting rose at 6 p.m.

*Resumption of the discussion at the 1032nd meeting.