

CORRESPONDENCE

TO THE EDITORS-IN-CHIEF

Great Powers and UN Assessments
May 17, 1978

In his article entitled "The People's Republic of China and the Charter-Based International Legal Order" Samuel S. Kim states: "There is an almost universally shared assumption among the participants that such great powers as the United States (UNESCO, ILO), the Soviet Union (UNEF I and ONUC), and the PRC (UNEF II and UNDOF) cannot be expected to pay for the programs or items that are perceived as being contrary to their national interests. This is a matter of perception, not of law, which does not need to be debated here. However, the legal hazards and ambiguities in Chinese budgetary practices are self-consciously left unclarified by both China and other member states. The desire not to reopen the Pandora's box of Article 19 seems to be universal."¹

The cases cited are not the same. In the Article 19 situation, the Soviet Union and a few other states refused to pay assessments for UNEF I and the Congo operations. The Soviet Union did not claim that UNEF was contrary to its national interest. In the Congo operation, it voted for Security Council resolutions establishing and continuing the operation at least four times. The International Court of Justice rendered an advisory opinion that assessments for these operations were "expenses of the organization" in the sense of Article 17 of the UN Charter. The International Court of Justice opinion was accepted by a General Assembly vote of 76-19. Thus, the Soviet Union was considered in contravention of Article 17 by a majority of the General Assembly, but many countries who voted with the majority did not want to bring the issue to a head for fear that the U.S.S.R. would leave the United Nations. Ambassador Arthur Goldberg, in his statement of August 16, 1965, indicated that if the Soviet Union could refuse to pay, the United States and other members would also be within their rights in refusing to pay assessments for actions of which they disapproved; however, the United States has not thus far exercised that option.

The case of the United States and the ILO is very different. Here the United States paid all assessments due. It gave two years notice of its intention to withdraw as stipulated in the ILO Charter. One may argue whether or not a withdrawal was wise but there is no question that it was done in a completely legal manner. The Soviet action with respect to UNEF and the Congo, on the other hand, stands on a dubious legal ground, to say the least.

SEYMOUR MAXWELL FINGER
*Director, Ralph Bunche Institute on the
United Nations*

¹ 72 AJIL 335 (1978).