

Chapter I

International peace and security

The United Nations continued in 1992 to safeguard international peace and security. During the year, a record number of 12 peace-keeping operations were deployed in various regions of the world, with nearly 40,000 authorized military personnel serving under United Nations command.

For the first time ever, the Security Council held a summit at the level of heads of State and Government to consider its responsibility in the maintenance of international peace and security. It adopted conclusions concerning the commitment to collective security, peacemaking and peace-keeping, and disarmament, arms control and weapons of mass destruction. The Secretary-General responded to the summit with "An Agenda for Peace", outlining concepts and measures of preventive diplomacy, peacemaking and peace-keeping, to which he added the concept of post-conflict peace-building. The Council examined "An Agenda for Peace" in detail throughout the year, as did the General Assembly at its 1992 regular session.

The Assembly's consideration of that item resulted in the adoption of resolution 47/120, which dealt with the peaceful settlement of disputes, preventive diplomacy and confidence-building measures, including fact-finding, an early-warning mechanism and humanitarian assistance.

On the basis of the report of the Special Committee on Peace-keeping Operations, the Assembly, by resolution 47/71, adopted a series of recommendations and conclusions on peace-keeping matters, such as personnel, material and technical resources and financing.

Both the Council and the Assembly condemned the rising number of attacks against United Nations staff serving in various peace-keeping operations. The Assembly put forward a number of recommendations to help protect peace-keeping personnel better.

The Security Council, in January, urged the Libyan Arab Jamahiriya to respond to requests in connection with two aerial incidents—the bombing in December 1988 of Pan Am flight 103 over Lockerbie in southern Scotland and the crash in September 1989 of Union de transports aériens flight 772 over the Ténéré desert in the Niger—in which Libyan nationals were alleged to have been involved. In March 1992, the Council imposed an air and arms embargo against the Jamahiriya.

Maintenance of international security and strengthening of the international security system

Heads of State and Government Security Council summit

For the first time in its history, the Security Council on 31 January met at the level of heads of State and Government. The meeting, convened at the initiative of the United Kingdom in its capacity as Council President for January, was attended by 13 heads of State or Government (Austria, Belgium, Cape Verde, China, Ecuador, France, India, Japan, Morocco, Russian Federation, United Kingdom, United States, Venezuela) and 2 Foreign Ministers (Hungary and Zimbabwe) of the Council's 15 members. In a statement by the President at the conclusion of the day-long meeting, the Council asked the Secretary-General to recommend ways to strengthen and make more efficient the United Nations capacity for preventive diplomacy, peacemaking and peace-keeping, within the framework and provisions of the United Nations Charter. The Council also reaffirmed its commitment to the Charter's collective security system to deal with threats to peace and reverse acts of aggression.

SECURITY COUNCIL ACTION

Following statements by the Secretary-General and all the Council members, the Council's action came in the form of a statement by the Council President on behalf of the members:(1)

Meeting number. SC 3046.

"The Security Council met at the Headquarters of the United Nations in New York on 31 January 1992, for the first time at the level of heads of State and Government. The members of the Council considered, within the framework of their commitment to the United Nations Charter, 'The responsibility of the Security Council in the maintenance of international peace and security'.

"The members of the Security Council consider that their meeting is a timely recognition of the fact that there are new favourable international circumstances under which the Security Council has begun to fulfil more effectively its primary responsibility for the maintenance of international peace and security.

"A time of change"

"This meeting takes place at a time of momentous change. The ending of the cold war has raised hopes for a safer, more equitable and more humane world. Rapid progress has been made, in many regions of the world, towards democracy and responsive forms of government, as well as towards achieving the purposes set out in the Charter. The completion of the dismantling of apartheid in South Africa would constitute a major contribution to these purposes and positive trends, including to the encouragement of respect for human rights and fundamental freedoms.

"Last year, under the authority of the United Nations, the international community succeeded in enabling Kuwait to regain its sovereignty and territorial integrity, which it had lost as a result of Iraqi aggression. The resolutions adopted by the Security Council remain essential to the restoration of peace and stability in the region and must be fully implemented. At the same time the members of the Council are concerned by the humanitarian situation of the innocent civilian population of Iraq.

"The members of the Council support the Middle East peace process, facilitated by the Russian Federation and the United States, and hope that it will be brought to a successful conclusion on the basis of Council resolutions 242(1967) and 338(1973).

"They welcome the role the United Nations has been able to play under the Charter in progress towards settling long-standing regional disputes, and will work for further progress towards their resolution. They applaud the valuable contribution being made by United Nations peace-keeping forces now operating in Asia, Africa, Latin America and Europe.

"The members of the Council note that United Nations peace-keeping tasks have increased and broadened considerably in recent years. Election monitoring, human rights verification and the repatriation of refugees have, in the settlement of some regional conflicts, at the request or with the agreement of the parties concerned, been integral parts of the Security Council's effort to maintain international peace and security. They welcome these developments.

"The members of the Council also recognize that change, however welcome, has brought new risks for stability and security. Some of the most acute problems result from changes to State structures. The members of the Council will encourage all efforts to help achieve peace, stability and cooperation during these changes.

"The international community therefore faces new challenges in the search for peace. All Member States expect the United Nations to play a central role at this crucial stage. The members of the Council stress the importance of strengthening and improving the United Nations to increase its effectiveness. They are determined to assume fully their responsibilities within the United Nations Organization in the framework of the Charter.

"The absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security. The United Nations membership as a whole, working through the

appropriate bodies, needs to give the highest priority to the solution of these matters.

"Commitment to collective security"

"The members of the Council pledge their commitment to international law and to the United Nations Charter. All disputes between States should be peacefully resolved in accordance with the provisions of the Charter.

"The members of the Council reaffirm their commitment to the collective security system of the Charter to deal with threats to peace and to reverse acts of aggression.

"The members of the Council express their deep concern over acts of international terrorism and emphasize the need for the international community to deal effectively with all such acts.

"Peacemaking and peace-keeping"

"To strengthen the effectiveness of these commitments, and in order that the Security Council should have the means to discharge its primary responsibility under the Charter for the maintenance of international peace and security, the members of the Council have decided on the following approach.

"They invite the Secretary-General to prepare, for circulation to the Members of the United Nations by 1 July 1992, his analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping.

"The Secretary-General's analysis and recommendations could cover the role of the United Nations in identifying potential crises and areas of instability as well as the contribution to be made by regional organizations in accordance with Chapter VIII of the United Nations Charter in helping the work of the Council. They could also cover the need for adequate resources, both material and financial. The Secretary-General might draw on lessons learned in recent United Nations peace-keeping missions to recommend ways of making more effective Secretariat planning and operations. He could also consider how greater use might be made of his good offices, and of his other functions under the United Nations Charter.

"Disarmament, arms control and weapons of mass destruction"

"The members of the Council, while fully conscious of the responsibilities of other organs of the United Nations in the fields of disarmament, arms control and non-proliferation, reaffirm the crucial contribution which progress in these areas can make to the maintenance of international peace and security. They express their commitment to take concrete steps to enhance the effectiveness of the United Nations in these areas.

"The members of the Council underline the need for all Member States to fulfil their obligations in relation to arms control and disarmament; to prevent the proliferation in all its aspects of all weapons of mass destruction; to avoid excessive and destabilizing accumulations and transfers of arms; and to resolve peacefully in accordance with the Charter any problems concerning these matters threatening or disrupting the maintenance of regional and global stability. They emphasize the importance of the early ratification and implementation by the States concerned of

all international and regional arms control arrangements, especially the START and CFE Treaties.

"The proliferation of all weapons of mass destruction constitutes a threat to international peace and security. The members of the Council commit themselves to working to prevent the spread of technology related to the research for or production of such weapons and to take appropriate action to that end.

"On nuclear proliferation, they note the importance of the decision of many countries to adhere to the Non-Proliferation Treaty and emphasize the integral role in the implementation of that Treaty of fully effective IAEA safeguards, as well as the importance of effective export controls. The members of the Council will take appropriate measures in the case of any violations notified to them by IAEA.

"On chemical weapons, they support the efforts of the Geneva Conference with a view to reaching agreement on the conclusion, by the end of 1992, of a universal convention, including a verification regime, to prohibit chemical weapons.

"On conventional armaments, they note the General Assembly's vote in favour of a United Nations register of arms transfers as a first step, and in this connection recognize the importance of all States providing all the information called for in the General Assembly's resolution.

"In conclusion, the members of the Security Council affirm their determination to build on the initiative of their meeting in order to secure positive advances in promoting international peace and security. They agree that the United Nations Secretary-General has a crucial role to play. The members of the Council express their deep appreciation to the outgoing Secretary-General, His Excellency Mr. Javier Pérez de Cuéllar, for his outstanding contribution to the work of the United Nations, culminating in the signature of the El Salvador peace agreement. They welcome the new Secretary-General, His Excellency Dr. Boutros Boutros-Ghali, and note with satisfaction his intention to strengthen and improve the functioning of the United Nations. They pledge their full support to him, and undertake to work closely with him and his staff in fulfilment of their shared objectives, including a more efficient and effective United Nations system.

"The members of the Council agree that the world now has the best chance of achieving international peace and security since the foundation of the United Nations. They undertake to work in close cooperation with other United Nations Member States in their own efforts to achieve this, as well as to address urgently all the other problems, in particular those of economic and social development, requiring the collective response of the international community. They recognize that peace and prosperity are indivisible and that lasting peace and stability require effective international cooperation for the eradication of poverty and the promotion of a better life for all in larger freedom."

"An Agenda for Peace": preventive diplomacy, peacemaking and peace-keeping

Report of the Secretary-General. In June 1992,(2) the Secretary-General responded to the request of the Security Council summit in January,

outlining an agenda for peace: preventive diplomacy, peacemaking and peace-keeping, to which he added the concept of post-conflict peace-building.

In the previous few years, the Secretary-General said, the immense ideological barrier that for decades had given rise to distrust and hostility collapsed. Even as issues between States north and south grew more acute, the improvement between States east and west afforded new possibilities to meet successfully threats to common security.

The global transition was marked by uniquely contradictory trends. Regional and continental associations of States were evolving ways to deepen cooperation and ease some of the contentious characteristics of sovereign and nationalistic rivalries. At the same time, new assertions of nationalism and sovereignty sprang up, and the cohesion of States was threatened by ethnic, religious, social, cultural or linguistic strife.

While the concept of peace was easy to grasp, that of international security was more complex, with a pattern of contradictions that had arisen. As major nuclear Powers had begun to negotiate arms reductions agreements, the proliferation of weapons of mass destruction threatened to increase and conventional arms continued to be amassed in many parts of the world.

The Secretary-General emphasized that since 31 May 1990, and with the end of the cold war, there had been no vetoes in the Security Council and demands on the United Nations had surged. Its security arm had emerged as a central instrument for the prevention and resolution of conflicts and for the preservation of peace. The aims of the United Nations must be to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence resulted. Where conflict erupted, the United Nations should engage in peacemaking aimed at resolving the issues that had led to conflict, and preserve peace through peace-keeping. The Organization must stand ready to assist in peace-building in its differing contexts and, in the largest sense, to address the deepest causes of conflict: economic despair, social injustice and political oppression.

The Secretary-General defined preventive diplomacy as action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts, and to limit the spread of the latter when they occurred. Peacemaking was action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter. Peace-keeping was the deployment of a United Nations presence in the field, with the consent of the parties concerned, normally involving United Nations military and/or police personnel and frequently

civilians as well. Post-conflict peace-building was defined as action to identify and support structures which strengthened and solidified peace to avoid a relapse into conflict. Preventive diplomacy sought to resolve disputes before violence broke out; peacemaking and peace-keeping were required to halt conflicts and preserve peace once it was attained. If successful, they strengthened the opportunity for post-conflict peace-building, which could prevent the recurrence of violence among nations and peoples.

Preventive diplomacy. Preventive diplomacy could be performed by the Secretary-General personally or through senior staff or specialized agencies and programmes, by the Security Council or the General Assembly, and by regional organizations in cooperation with the United Nations. It required measures to create confidence; it needed early warning based on information gathering and fact-finding; it might also involve preventive deployment and, in some situations, demilitarized zones.

Peacemaking. Under peacemaking, the report discussed greater reliance on the International Court of Justice; amelioration through assistance; sanctions and special economic problems; use of military force; and the utilization of peace-enforcement units.

When peacemaking required the imposition of sanctions under Article 41 of the Charter, it was important that States confronted with special economic problems not only had the right to consult the Security Council under Article 50, but also had the realistic possibility of having their difficulties addressed. The Secretary-General recommended that the Council devise a set of measures involving financial institutions and other components of the United Nations system that could be put in place to insulate States from such difficulties, as a matter of equity and a means of encouraging States to cooperate with Council decisions.

Peace-keeping. Peace-keeping could rightly be called the invention of the United Nations, having brought stability to numerous areas of conflict around the world. In view of the volume and unpredictability of peace-keeping contributions, the Secretary-General strongly supported proposals in some States that their peace-keeping contributions be financed from defence, rather than foreign affairs, budgets. He recommended such action to others and urged the General Assembly to encourage that approach. He again requested all States to indicate what military personnel they were in principle prepared to make available. He recommended that arrangements be reviewed and improved for training civilian, police or military peace-keeping personnel and that the strength and capability of military staff serving in the Secretariat be augmented to meet new and heavier requirements.

Post-conflict peace-building. In the aftermath of international war, post-conflict peace-building might take the form of concrete cooperative projects linking two or more countries in a mutually beneficial undertaking. That could not only contribute to economic and social development but also enhance the confidence fundamental to peace. The concept of peace-building as the construction of a new environment should be viewed as the counterpart of preventive diplomacy, which sought to avoid the breakdown of peaceful conditions. Preventive diplomacy was to avoid a crisis; post-conflict peace-building was to prevent a recurrence.

Cooperation with regional arrangements and organizations. Regional arrangements or organizations in many cases possessed a potential that should be utilized in preventive diplomacy, peace-keeping, peacemaking and post-conflict confidence-building. Under the Charter, the Security Council had and would continue to have primary responsibility for maintaining international security, but regional action as a matter of decentralization, delegation and cooperation with United Nations efforts could contribute to a deeper sense of participation, consensus and democratization in international affairs.

Agenda for peace. Concluding with "An Agenda for Peace", the Secretary-General stressed that the Security Council must never again lose the collegiality that was essential to its proper functioning. A genuine sense of consensus deriving from shared interests must govern its work, not the threat of the veto or the power of any group of nations. The Secretary-General recommended that the heads of State and Government of members of the Council meet in alternate years, just before the start of the general debate in the General Assembly, and that the Council meet at the Foreign Minister level whenever the situation warranted such meetings.

The Secretary-General cautioned against unilateralism and isolationism and stressed that democracy required respect for human rights and fundamental freedoms as set forth in the Charter. He stated that democracy within the family of nations required fullest consultation, participation and engagement of all States in the work of the Organization and that the principles of the Charter must be applied consistently, not selectively. Swift and impartial reaction of the Organization presupposed an efficient and independent international civil service and an assured financial basis.

In addition, involvement of non-governmental organizations, academic institutions, parliamentarians, business and professional communities, the media and the public at large would help strengthen the Organization's ability to reflect the concerns of its widest constituency.

SECURITY COUNCIL ACTION (June-December)

The Security Council took note of the Secretary-General's agenda for peace on 30 June. Following consultations, the President made a statement on behalf of the Council members:(3)

Meeting number. SC 3089.

"The Security Council has noted with interest and appreciation the report of the Secretary-General on ways of strengthening and making more efficient within the framework and provisions of the Charter of the United Nations the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping, prepared pursuant to the statement adopted on 31 January 1992 at the conclusion of the meeting held for the first time by the Security Council at the level of heads of State and Government. It is grateful to the Secretary-General for his report, which is a comprehensive reflection on the ongoing process of strengthening the Organization. In this connection, the Council welcomes the efforts made by the Secretary-General.

"In reading the report, the Security Council has noted a set of interesting proposals addressed to the various organs of the United Nations and to Member States and regional organizations. The Council therefore trusts that all organs and entities, in particular the General Assembly, will devote particular attention to the report and will study and evaluate the elements of the report that concern them.

"Within the scope of its competence, the Security Council will, for its part, examine in depth and with due priority the recommendations of the Secretary-General.

"The Security Council also takes this opportunity to reiterate its readiness to cooperate fully with the Secretary-General in the strengthening of the Organization in accordance with the provisions of the Charter."

In a statement issued on 25 September following a meeting with the Secretary-General,(4) the live permanent members of the Council addressed a number of regional conflicts and noted with appreciation the Secretary-General's agenda for peace.

The Council began its in-depth examination of "An Agenda for Peace" on 29 October. Following consultations, the President made a statement on behalf of the Council members:(5)

Meeting number. SC 3128.

"Pursuant to the President's statement of 30 June 1992, the Security Council has begun to examine the Secretary-General's report entitled 'An Agenda for Peace'.

"This examination of 'An Agenda for Peace' by the Security Council will be coordinated with the discussions carried out in the General Assembly. The Council welcomes in this regard the contact already established between the Presidents of the two organs and invites its President to continue and intensify such contacts.

"The Security Council intends to examine the proposals of the Secretary-General which concern it

or are addressed to it. For this purpose, the members of the Council have decided to hold a meeting at least once a month on the report, such meetings being prepared for, as necessary, by a working group.

"One objective of this examination is to arrive at conclusions which would be considered during a special meeting of the Security Council. The Council will determine the date of this meeting, bearing in mind the progress of the work at the present session of the General Assembly, but it hopes to hold the meeting by next spring at the latest.

"The Security Council has followed with close interest the views expressed by Member States in the General Assembly during the general debate as well as during the discussion on item 10 of the agenda of the General Assembly. It has also noted the report of the special session of the Special Committee on Peace-keeping Operations. It has now identified the Secretary-General's proposals which concern it or are addressed to it.

"Without prejudice to the further examination of other proposals of the Secretary-General, and taking into account the greatly increased number and complexity of peace-keeping operations authorized by the Council during recent months, the Council believes that two suggestions contained in 'An Agenda for Peace' should be considered at this moment:

"The Security Council, in accordance with the recommendations contained in paragraph 51 of the Secretary-General's report, encourages Member States to inform the Secretary-General of their willingness to provide forces or capabilities to the United Nations for peace-keeping operations and the type of units or capabilities that might be available at short notice, subject to overriding national defence requirements and the approval of the Governments providing them. It further encourages the Secretariat and those Member States which have indicated such willingness to enter into direct dialogue so as to enable the Secretary-General to know with greater precision what forces or capabilities might be made available to the United Nations for particular peace-keeping operations, and on what time-scale;

"The Security Council shares the view of the Secretary-General in paragraph 52 of his report concerning the need for an augmentation of the strength and capability of military staff serving in the Secretariat and of civilian staff dealing more generally with peace-keeping matters in the Secretariat. The Council suggests to the Secretary-General that he report to it, as well as to the General Assembly, on this subject as soon as possible. The Secretary-General might consider in his report the establishment in the Secretariat of an enhanced peace-keeping planning staff and an operations centre in order to deal with the growing complexity of initial planning and control of peace-keeping operations in the field. The Council further suggests to Member States that they consider making available to the Secretariat appropriately experienced military or civilian staff, for a fixed period of time, to help with work on peace-keeping operations.

"Moreover, the Security Council intends to study those paragraphs which are addressed to it, including paragraph 41 concerning the special economic problems which may concern other States when

sanctions are imposed on a State, paragraphs 64 and 65 concerning the role of regional organizations, and paragraph 25 concerning resort by the United Nations to fact-finding.”

Following consultations, the President made a statement on 30 November on behalf of the Council members:(6)

“The members of the Security Council had continued the examination of the Secretary-General’s report entitled ‘An Agenda for Peace’.

“The members of the Security Council welcome and support the proposals in paragraph 25 of ‘An Agenda for Peace’ on fact-finding. They are of the view that an increased resort to fact-finding as a tool of preventive diplomacy, in accordance with the Charter and General Assembly Declaration on Fact-finding (resolution 46/59), particularly its guidelines, can result in the best possible understanding of the objective facts of a situation which will enable the Secretary-General to meet his responsibilities under Article 99 of the Charter and facilitate Security Council deliberations. They agree that various forms of fact-finding can be employed according to the requirements of a situation, and that a request by a State for the dispatch of a fact-finding mission to its territory should be considered without undue delay. They encourage all Member States in a position to do so to provide the Secretary-General with the detailed information needed on issues of concern, so as to facilitate effective preventive diplomacy.

“The members of the Security Council, being aware of the increased responsibilities of the United Nations in the area of preventive diplomacy, invite the Secretary-General to consider the appropriate measures necessary to strengthen the capacity of the Secretariat for information gathering and in-depth analysis. They also invite the Member States and the Secretary-General to consider the secondment of experts to help in this regard. They urge the Secretary-General to take appropriate measures to ensure the availability at short notice of eminent persons who might share, with senior officials of the Secretariat, the burden of fact-finding missions. They note the positive role of regional organizations and arrangements in fact-finding within their areas of competence and welcome its intensification and close coordination with fact-finding efforts by the United Nations.

“Bearing in mind the Declaration on Fact-finding and the Secretary-General’s recommendations in ‘An Agenda for Peace’, the members of the Security Council for their part will facilitate and encourage every appropriate use of fact-finding missions on a case-by-case basis in accordance with the purposes and principles of the Charter of the United Nations.

“In this context, the members of the Security Council note and endorse the Secretary-General’s view that in some cases a fact-finding mission can help defuse a dispute or situation, indicating to those concerned that the United Nations and in particular the Security Council is actively seized of the matter as a present or potential threat to international peace and security. Such action in the early stages of a potential dispute can be particularly effective. They welcome the Secretary-General’s readiness to make full use of

his powers under Article 99 of the Charter to draw the attention of the Security Council to any matter which in his opinion may threaten international peace and security. They note with satisfaction the recent greater use of fact-finding missions, as exemplified by the missions to Moldova, Nagorno-Karabakh, Georgia, Uzbekistan and Tajikistan.

“The members of the Security Council intend to continue their work on the Secretary-General’s report as indicated in the President’s statement of 29 October 1992.”

The Security Council again considered “An Agenda for Peace” on 30 December. Following consultations, the President made a statement on behalf of the Council members:(7)

Meeting number. SC 3154.

“In pursuance of the President’s statement of 29 October 1992 in connection with the Secretary-General’s report entitled ‘An Agenda for Peace’, according to which ‘the Security Council intends to study those paragraphs which are addressed to it, including paragraph 41 concerning the special economic problems which may concern other States when sanctions are imposed on a State’, the Security Council examined the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter.

“The Security Council shares the observation made by the Secretary-General in paragraph 41 of his report that when such sanctions are imposed under Chapter VII of the Charter, it is important that States confronted with special economic problems have the right to consult the Security Council regarding such problems, as provided in Article 50. The Council agrees that appropriate consideration should be given to their situation.

“The Security Council notes the Secretary-General’s recommendation that the Council devise a set of measures, involving the financial institutions and other components of the United Nations system, that can be put in place to insulate States from such difficulties.

“The Security Council, while noting that this matter is being considered in other forums of the United Nations, expresses its determination to consider this matter further and invites the Secretary-General to consult the heads of the international financial institutions, other components of the United Nations system and Member States of the United Nations, and to report to the Security Council as early as possible.

“The Security Council intends to continue its work on the Secretary-General’s report as indicated in the President’s statement of 29 October 1992.”

GENERAL ASSEMBLY ACTION

The General Assembly on 18 December adopted resolution 47/120 without vote.

An Agenda for Peace: preventive diplomacy and related matters

The General Assembly,

Recalling the statement of 31 January 1992, adopted at the conclusion of the first meeting held by the

Security Council at the level of heads of State and Government, in which the Secretary-General was invited to prepare, for circulation to the States Members of the United Nations by 1 July 1992, an "analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping",

Welcoming the timely presentation of the forward-looking report of the Secretary-General entitled "An Agenda for Peace", in response to the summit meeting of the Security Council, as a set of recommendations that deserve close examination by the international community,

Recognizing the need to maintain the increased interest in and momentum for revitalization of the Organization to meet the challenges of the new phase of international relations in order to fulfil the purposes and principles of the Charter of the United Nations,

Stressing that the implementation of the concepts and proposals contained in "An Agenda for Peace" should be in strict conformity with the provisions of the Charter, in particular its purposes and principles,

Recalling also its resolution 2625(XXV) of 24 October 1970, the annex to which contains the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and its resolution 43/51 of 5 December 1988, the annex to which contains the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field,

Emphasizing that international peace and security must be seen in an integrated manner and that the efforts of the Organization to build peace, justice, stability and security must encompass not only military matters, but also, through its various organs within their respective areas of competence, relevant political, economic, social, humanitarian, environmental and developmental aspects,

Stressing the need for international action to strengthen the socio-economic development of Member States as one of the means of enhancing international peace and security and, in this regard, recognizing the need to complement "An Agenda for Peace" with "An Agenda for Development",

Acknowledging that timely application of preventive diplomacy is the most desirable and efficient means of easing tensions before they result in conflict,

Recognizing that preventive diplomacy may require such measures as confidence-building, early-warning, fact-finding and other measures in which consultations with Member States, discretion, confidentiality, objectivity and transparency should be combined as appropriate,

Emphasizing the need to strengthen the capacity of the United Nations in the field of preventive diplomacy, through, inter alia, allocating appropriate staff resources and financial resources for preventive diplomacy, in order to assist Member States to resolve their differences in a peaceful manner,

Reaffirming the fundamental importance of a sound and secure financial basis for the United Nations in order, inter alia, to enable the Organization to play an effective role in preventive diplomacy,

Emphasizing the importance of cooperation between the United Nations and regional arrangements and organizations for preventive diplomacy within their respective areas of competence,

Emphasizing also that respect for the principles of sovereignty, territorial integrity and political independence of States is crucial to any common endeavour to promote international peace and security,

Recalling further other resolutions adopted by the Assembly during its forty-seventh session concerning various aspects of "An Agenda for Peace",

Emphasizing the need for all organs and bodies of the United Nations, as appropriate, to intensify their efforts to strengthen the role of the Organization in preventive diplomacy, peacemaking, peace-keeping and peace-building and to continue the discussion of the report of the Secretary-General with a view to adequate action being taken,

Stressing the need for adequate protection of personnel involved in preventive diplomacy, peacemaking, peace-keeping and humanitarian operations, in accordance with relevant norms and principles of international law,

Noting the definition of preventive diplomacy provided by the Secretary-General in his report entitled "An Agenda for Peace",

I

Peaceful settlement of disputes

Emphasizing the need to promote the peaceful settlement of disputes,

1. Invites Member States to seek solutions to their disputes at an early stage through such peaceful means as provided for in the Charter of the United Nations;

2. Decides to explore ways and means for a full utilization of the provisions of the Charter whereby the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which is deemed likely to impair the general welfare or friendly relations among nations;

3. Encourages the Security Council to utilize fully the provisions of Chapter VI of the Charter on procedures and methods for peaceful settlement of disputes and to call upon the parties concerned to settle their disputes peacefully;

4. Encourages the Secretary-General and the Security Council to engage at an early stage in close and continuous consultation in order to develop, on a case-by-case basis, an appropriate strategy for the peaceful settlement of specific disputes, including the participation of other organs, organizations and agencies of the United Nations system, as well as regional arrangements and organizations as appropriate, and invites the Secretary-General to report to the General Assembly on such consultations;

II

Early-warning, collection of information and analysis

Recognizing the need to strengthen the capacity of the United Nations for early-warning, collection of information and analysis,

1. Encourages the Secretary-General to set up an adequate early-warning mechanism for situations which are likely to endanger the maintenance of international peace and security, in close cooperation with Member States and United Nations agencies, as well as regional arrangements and organizations, as appropriate, making use of the information available to

these organizations and/or received from Member States, and to keep Member States informed of the mechanism established;

2. Invites the Secretary-General to strengthen the capacity of the Secretariat for the collection of information and analysis to serve better the early-warning needs of the Organization and, to that end, encourages the Secretary-General to ensure that staff members receive proper training in all aspects of preventive diplomacy, including the collection and analysis of information;

3. Invites Member States and regional arrangements and organizations to provide timely early-warning information, on a confidential basis when appropriate, to the Secretary-General;

4. Encourages the Secretary-General to continue, in accordance with Article 99 of the Charter of the United Nations, to bring to the attention of the Security Council, at his discretion, any matter which in his opinion may threaten the maintenance of international peace and security, together with his recommendations thereon;

5. Invites Member States to support the efforts of the Secretary-General in preventive diplomacy, including by providing assistance he may require;

6. Encourages the Secretary-General, in accordance with the relevant provisions of the Charter, to notify the General Assembly, as appropriate, of any situation which is potentially dangerous or might lead to international friction or dispute;

7. Invites the Secretary-General to bring to the attention of Member States concerned, at an early stage, any matter which in his opinion may adversely affect relations between States;

III

Fact-finding

Recalling the statements made by the President of the Security Council, on behalf of the Council, on 29 October and 30 November 1992, and its own resolutions 1967(XVIII) of 16 December 1963, 2104(XX) of 20 December 1965, 2182(XXI) of 12 December 1966 and 2329(XXII) of 18 December 1967 on the question of methods of fact-finding,

1. Reaffirms its resolution 46/59 of 9 December 1991, the annex to which contains the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security, particularly its guidelines;

2. Recommends to the Secretary-General that he should continue to utilize the services of eminent and qualified experts in fact-finding and other missions, selected on as wide a geographical basis as possible, taking into account candidates with the highest standards of efficiency, competence and integrity;

3. Invites Member States to submit names of suitable individuals whom the Secretary-General might wish to use at his discretion in fact-finding and other missions;

4. Recommends that a request by a Member State for the dispatch of a fact-finding mission to its territory should be considered expeditiously;

5. Invites the Secretary-General to continue to dispatch fact-finding and other missions in a timely manner in order to assist him in the proper discharge of his functions under the Charter of the United Nations;

IV

Confidence-building measures

Recognizing that the application of appropriate confidence-building measures, consistent with national security needs, would promote mutual confidence and good faith, which are essential to reducing the likelihood of conflicts between States and enhancing prospects for the peaceful settlement of disputes,

Recalling its resolutions 43/78 H of 7 December 1988 and 45/62 F of 4 December 1990, as well as its resolution 47/54 D of 9 December 1992 on the implementation of the guidelines for appropriate types of confidence-building measures,

Recognizing that confidence-building measures may encompass both military and non-military matters, including political, economic and social matters,

Stressing the need to encourage Member States, and regional arrangements and organizations where relevant and in a manner consistent with their mandates, to play a leading role in developing confidence-building measures appropriate to the region concerned and to coordinate their efforts in this regard with the United Nations in accordance with Chapter VIII of the Charter of the United Nations,

1. Invites Member States and regional arrangements and organizations to inform the Secretary-General through appropriate channels about their experiences in confidence-building measures in their respective regions;

2. Supports the intention of the Secretary-General to consult on a regular basis with Member States and regional arrangements and organizations on further confidence-building measures;

3. Encourages the Secretary-General to consult with parties to existing or potential disputes, the continuance of which is likely to endanger the maintenance of international peace and security, and with other interested Member States and regional arrangements and organizations, as appropriate, on the possibility of initiating confidence-building measures in their respective regions and to keep Member States informed thereon in consultation with the parties concerned;

4. Commends such confidence-building measures as the promotion of openness and restraint in the production, procurement and deployment of armaments, the systematic exchange of military missions, the possible formation of regional risk reduction centres, arrangements for the free flow of information and the monitoring of regional arms control and disarmament agreements;

V

Humanitarian assistance

Recalling its resolution 45/100 of 14 December 1990 on humanitarian assistance to victims of natural disasters and similar emergency situations and its resolution 46/182 of 19 December 1991 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations,

Welcoming the increasing role of the United Nations system in providing humanitarian assistance,

Noting that, in certain circumstances, programmes of impartially-provided humanitarian assistance and peace-keeping operations can be mutually supportive,

1. Encourages the Secretary-General to continue to strengthen the capacity of the Organization in order to

ensure coordinated planning and execution of humanitarian assistance programmes, drawing upon the specialized skills and resources of all parts of the United Nations system, as well as those of non-governmental organizations, as appropriate;

2. Also encourages the Secretary-General to continue to address the question of coordination, when necessary, between humanitarian assistance programmes and peace-keeping or related operations, preserving the non-political, neutral and impartial character of humanitarian action;

3. Invites the Secretary-General to bring to the attention of appropriate organs of the United Nations any situation requiring urgent humanitarian assistance in order to prevent its deterioration, which might lead to international friction or dispute;

V I

Resources and logistical aspects of preventive diplomacy

Recognizing the need for adequate resources in support of the United Nations efforts in preventive diplomacy,

1. Invites Member States to provide political and practical support to the Secretary-General in his efforts for the peaceful settlement of disputes, including early-warning, fact-finding, good offices and mediation;

2. Also invites Member States, on a voluntary basis, to provide the Secretary-General with any necessary additional expertise and logistical resources that he might require for the successful execution of these functions of increasing importance;

V II

The role of the General Assembly in preventive diplomacy

Emphasizing that, together with the Security Council and the Secretary-General, it has an important role in preventive diplomacy,

Recognizing that, having an important role in preventive diplomacy, it has to work in close cooperation and coordination with the Security Council and the Secretary-General in accordance with the Charter of the United Nations and consistent with their respective mandates and responsibilities,

Decides to explore ways and means to support the recommendations of the Secretary-General in his report entitled "An Agenda for Peace" to promote the utilization of the General Assembly, in accordance with the relevant provisions of the Charter of the United Nations, by Member States so as to bring greater influence to bear in pre-empting or containing any situation which is potentially dangerous or might lead to international friction or dispute;

V III

Future work

Bearing in mind that owing to time constraints it could not examine all the proposals contained in the report of the Secretary-General entitled "An Agenda for Peace",

1. Decides to continue early in 1993 its examination of other recommendations on preventive diplomacy and related matters contained in the report of the Secretary-General entitled "An Agenda for Peace", including preventive deployment, demilitarized zones and the International Court of Justice, as well as implementation of the provisions of Article 50 of the Charter of the United Nations, in conformity with the Charter and tak-

ing into account the relevant developments and practices in the competent organs of the United Nations;

2. Also decides to discuss and consider other proposals contained in "An Agenda for Peace".

General Assembly resolution 47/120

18 December 1992 Meeting 91 Adopted without vote

Draft by President (A/47/L.50); agenda item 10.

Maintenance of international security

On 9 December, following the recommendation of the First Committee, the General Assembly adopted resolution 47/60 B by recorded vote.

Maintenance of international security

The General Assembly,

Noting that, with the end of the era of the cold war and of bipolar confrontation, the United Nations faces new tasks in the areas of maintaining international peace and security and achieving social progress and better standards of life in larger freedom,

Aspiring to promote a greater convergence of views among Member States as to the priorities of the United Nations in shaping a more stable international order,

Noting with appreciation that the Secretary-General submitted ideas and proposals in his report entitled "An Agenda for Peace", in particular dealing with the strengthening and enhancement of the effectiveness, within the framework and in accordance with the provisions of the Charter of the United Nations, of the United Nations potential in the area of preventive diplomacy, peacemaking, peace-keeping and post-conflict peace-building,

Noting also the ideas and proposals of the Secretary-General contained in his report entitled "New dimensions of arms regulation and disarmament in the post-cold war era",

1. Decides to continue consideration of the question of maintenance of international security, taking into account new international realities and new tasks before the United Nations in the area of strengthening collective efforts to maintain international peace and security;

2. Invites all Member States to provide their views on further consideration of the question of maintenance of international security, taking into account, inter alia, appropriate provisions of the reports of the Secretary-General entitled "An Agenda for Peace" and "New dimensions of arms regulation and disarmament in the post-cold war era", and requests the Secretary-General to submit a relevant report to the General Assembly at its forty-eighth session;

3. Decides to include in the provisional agenda of its forty-eighth session an item entitled "Maintenance of international security".

General Assembly resolution 47/60 B

9 December 1992 Meeting 81 79-0-84 (recorded vote)

Approved by First Committee (A/47/699) by recorded vote (56-0-67), 20 November (meeting 37); 31-nation draft (A/C.1/47/L.47/Rev.1); agenda item 69.

Sponsors: Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Japan, Kazakhstan, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovenia, Spain, Turkey, United Kingdom, United States.

Meeting numbers. GA 47th session: 1st Committee 3-30, 37; plenary 81.

Recorded vote in Assembly as follows:

In favour: Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Bhutan, Bolivia, Bulgaria, Burkina Faso, Canada, Costa Rica, Czechoslovakia, Denmark, Dominica, El Salvador, Fiji, Finland, France, Gambia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritius, Micronesia, Mozambique, Netherlands, New Zealand, Norway, Oman, Panama, Papua New Guinea, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Seychelles, Slovenia, Spain, Swaziland, Sweden, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Vanuatu, Zaire.

Against: None.

Abstaining: Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Benin, Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Pakistan, Paraguay, Peru, Philippines, Rwanda, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Introducing the text, the Russian Federation said its main thrust was to give impetus to the First Committee's consideration of the item relating to security in the light of the new tasks facing the United Nations in an era when cold war and bipolar confrontation had ended. Another reason for its importance was the decision to merge consideration in the First Committee of the items on disarmament and international security.

Implementation of the 1970 Declaration

In December 1992, the General Assembly reaffirmed the validity of its 1970 Declaration on the Strengthening of International Security(8) and urged States to take further immediate steps to promote and use the system of collective security as envisaged in the Charter.

The Secretary-General, in October 1992,(9) transmitted replies from two Member States to a 1991 Assembly invitation(10) to submit their views on the implementation of the Declaration.

GENERAL ASSEMBLY ACTION

On 9 December, in accordance with the recommendation of the First Committee, the General Assembly adopted resolution 47/60 A by recorded vote.

Review of the implementation of the Declaration on the Strengthening of International Security

The General Assembly,

Recalling its resolution 2734(XXV) of 16 December 1970 on the Declaration on the Strengthening of International Security, as well as all its resolutions on the review of the implementation of the Declaration,

Bearing in mind the final documents of the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta from 1 to 6 September 1992,

Expressing its firm belief that disarmament, the relaxation of international tension, respect for international law and for the purposes and principles of the Charter of the United Nations, especially the principles of the sovereign equality of States and the peaceful settlement of disputes and the injunction to refrain from the use or threat of use of force in international relations, respect for the right to self-determination and national independence, economic and social development, the eradication of all forms of domination and respect for basic human rights and fundamental freedoms, as well as the need for preserving the environment, are closely related and provide the basis for an enduring and stable universal peace and security,

Welcoming the recent positive changes in the international landscape, characterized by the end of the cold war, the relaxation of tensions on the global level and the emergence of a new spirit governing relations among nations,

Welcoming also the wide-ranging dialogue between the Russian Federation and the United States of America, with its positive effects on world developments, and expressing its hope that these developments will lead to the renunciation of strategic doctrines based on the use of nuclear weapons and to the elimination of weapons of mass destruction, thereby making a real contribution to global security,

Expressing the hope that the positive trends that started in Europe, where a new system of security and cooperation is being built through the process of the Conference on Security and Cooperation in Europe, will continue and will encourage similar trends in other parts of the world,

Expressing at the same time its serious concern over the persistence of tensions and conflicts and the emergence of new threats to international peace and security and its support for all efforts towards a peaceful and just resolution of hotbeds of crisis in the world, including further military disengagement,

Stressing the need for the strengthening of international security through disarmament, particularly nuclear disarmament leading to the elimination of all nuclear weapons, and restraints on the qualitative and quantitative escalation of the arms race,

Stressing also the growing importance of the relationship between disarmament and development in current international relations,

Recognizing that peace and security are dependent on socio-economic factors as well as on political and military elements,

Also recognizing that the right and responsibility for making the world safe for all should be shared by all,

Stressing further that the United Nations is the fundamental instrument for regulating international relations and resolving global problems for the maintenance and effective promotion of peace and security, disarmament and social and economic development,

1. Reaffirms the continuing validity of the Declaration on the Strengthening of International Security, and calls upon all States to contribute effectively to its implementation;

2. Reaffirms also that all States must respect, in their international relations, the principles enshrined in the Charter of the United Nations;

3. Emphasizes that, until an enduring and stable universal peace based on a comprehensive, viable and

readily implementable structure of international security is established, peace, the achievement of disarmament and the settlement of disputes by peaceful means continue to be the first and foremost task of the international community;

4. Calls upon all States to refrain from the use or threat of use of force, aggression, intervention, interference, all forms of terrorism, suppression, foreign occupation or measures of political and economic coercion that violate the sovereignty, territorial integrity, independence and security of other States, as well as the permanent sovereignty of peoples over their natural resources;

5. Recognizes, among other things, the validity of the concepts of confidence-building measures, particularly in regions of high tension, balanced security at lower levels of armaments and armed forces, as well as the elimination of destabilizing military capabilities and imbalances;

6. Calls for regional dialogues, where appropriate, to promote security and economic, environmental, social and cultural cooperation, taking into account the particular characteristics of each region;

7. Stresses the importance of global and regional approaches to disarmament, which should be pursued simultaneously to promote regional and international peace and security;

8. Reaffirms the fundamental role of the United Nations in the maintenance of international peace and security, and expresses the hope that it will continue to address all threats to international peace and security in accordance with the Charter;

9. Urges all States to take further immediate steps aimed at promoting and using effectively the system of collective security as envisaged in the Charter, as well as halting effectively the arms race with the aim of achieving general and complete disarmament under effective international control;

10. Stresses also the urgent need for more balanced development of the world economy and for redressing the current asymmetry and inequality in economic and technological development between the developed and developing countries, which are basic prerequisites for the strengthening of international peace and security;

11. Considers that respect for and promotion of basic human rights and fundamental freedoms, as well as the recognition of the inalienable right of peoples to self-determination and independence, will strengthen international peace and security, and reaffirms the legitimacy of the struggle of peoples under foreign occupation and their inalienable right to self-determination and independence;

12. Reaffirms that the democratization of international relations is an imperative necessity, and stresses its belief that the United Nations offers the best framework for the promotion of this goal;

13. Invites Member States to submit their views on the question of the implementation of the Declaration on the Strengthening of International Security, particularly in the light of recent positive developments in the global political and security climate, and requests the Secretary-General to submit a report to the General Assembly at its forty-eighth session on the basis of the replies received;

14. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Review of the implementation of the Declaration on the Strengthening of International Security".

General Assembly resolution 47/60 A

9 December 1992 Meeting 81 122-1-43 (recorded vote)

Approved by First Committee (A/47/699) by recorded vote (88-1-40), 20 November (meeting 37); draft by Indonesia for Non-Aligned Movement (A/C.1/47/L.45/Rev.1), orally revised; agenda item 69.

Meeting numbers. GA 47th session: 1st Committee 3-30, 37; plenary 81.

Recorded vote in Assembly as follows:

In favour: Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: United States.

Abstaining: Afghanistan,* Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Burundi, Canada, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovenia, Spain, Sweden, Turkey, United Kingdom.

*Later advised the Secretariat it had intended to vote in favour.

Science and peace

The General Assembly's Special Political Committee considered the question of science and peace on 20 October 1992,(11) in accordance with a 1990 Assembly resolution.(12) Acting on the Committee's recommendation, the Assembly, by decision 47/423 of 14 December 1992, deferred consideration of the item until its 1993 session.

Introducing the draft decision in Committee, Costa Rica, on behalf of the sponsors, said it would prefer that consideration of the item be postponed to comply with the Secretary-General's guidelines on rationalization of work, since the item could be combined with that on education and information for disarmament which was to be considered a new in 1993. In addition, a greater number of pertinent reports would be available following the June 1992 United Nations Conference on Environment and Development and subsequent adoption of Agenda 21 (see PART THREE, Chapter VIII).

Previously, the Assembly had adopted a resolution on the topic in 1988,(13) in the framework of follow-up activities to the 1986 International Year of Peace.(14)

REFERENCES

- (1)S/23500. (2)A/47/277-S/24111. (3)S/24210. (4)S/24587. (5)24728. (6)24872. (7)25036. (8)YUN 1970, p. 105, GA res. 2734(XXV), 16 Dec. 1970. (9)A/47/505 & Add.1. (10)YUN 1991, p. 17, GA dec. 46/414, 6 Dec. 1991. (11)A/47/608. (12)GA res. 45/70, 11 Dec. 1990. (13)YUN 1988, p. 32, GA res. 43/61, 6 Dec. 1988. (14)YUN 1986, p. 115.

Review of peace-keeping operations

In 1992, a record number of 12 United Nations peace-keeping operations were under way. In addition to a significant increase in the number of such operations, the scope of the Organization's peace-keeping responsibilities expanded from monitoring cease-fires and supervising elections to providing humanitarian relief and assistance.

In mid-1992, nearly 40,000 military personnel were serving under United Nations command, as were 9,461 international and local civilian personnel. Peace-keeping operations approved were estimated to cost in excess of \$2.5 billion in 1992.

Peace-keeping forces continued in 1992 to operate in Cyprus, Lebanon and the Golan Heights between Israel and the Syrian Arab Republic, as did two long-standing military observer missions, the United Nations Truce Supervision Organization in the Middle East (see PART TWO, Chapter V) and the United Nations Military Observer Group in India and Pakistan. In addition, the United Nations Angola Verification Mission (UNAVEM II), expanded in 1991, was active to verify the peace accords between the Angolan Government and the guerrilla forces in the country (see PART TWO, Chapter I), and the United Nations Mission for the Referendum in Western Sahara, established in 1991, continued to verify the cease-fire and cessation of hostilities there (see PART FOUR, Chapter I). Also established in 1991 and active in 1992 were the United Nations Iraq-Kuwait Observation Mission (see PART TWO, Chapter III) and the United Nations Observer Mission in El Salvador (see PART TWO, Chapter II).

In February 1992, the Security Council created the United Nations Protection Force (UNPROFOR), which was deployed in March on the territory of the former Yugoslavia (see PART TWO, Chapter IV). Peace-keeping forces started operating in March under the mandate of the United Nations Transitional Authority in Cambodia (UNTAC) (see PART TWO, Chapter III), preceded by the United Nations Advance Mission in Cambodia, and in April with the United Nations Operation in Somalia (see PART TWO, Chapter I).

In 1992, the Special Committee on Peace-keeping Operations held six meetings in New York between 24 April and 1 June.⁽¹⁾ To examine the substance of its mandate, it established an open-ended working group, which submitted conclusions and recommendations for the Committee's approval and transmittal to the General Assembly. The recommendations concerned ways to improve the organization and effectiveness of peace-keeping operations, including transferring certain functions of the Secretariat's Field Operations Di-

vision to the Department of Peace-keeping Operations, strengthening the Military Adviser's Office and designating a central body for liaison with Member States. A number of suggestions were also made regarding standardization of operating procedures and unit types and delegating administrative authority to force commanders and special representatives.

As the basis for its discussions, the Committee had before it a report of the Secretary-General⁽²⁾ containing further observations and suggestions on peace-keeping, as requested by the Assembly in 1991.⁽³⁾ As at 24 April 1992, replies were received from seven Governments, one responding on behalf of the European Community and another, the Nordic countries. Also before the Committee was a draft working document prepared by its Bureau based on submissions of States to the Secretary-General and containing a list of specific items and elements for possible consideration by the Committee.

In addition to its annual session, the Special Committee and its open-ended working group met between 17 and 25 August to discuss the Secretary-General's agenda for peace⁽⁴⁾ (see above) and to prepare a special report⁽⁵⁾ on the topic. Delegations were unanimous in welcoming and appreciating "An Agenda for Peace", which they deemed a valuable and timely contribution aimed at strengthening the role of the United Nations in the maintenance of international peace and security.

The Secretary-General, in response to a 1991 Assembly resolution,⁽³⁾ submitted in October 1992 a report⁽⁶⁾ containing information from 21 States concerning peace-keeping training and similar activities, and another report on the feasibility, including costs, of establishing an annual peace-keeping fellowship programme for national peace-keeping trainers, to be administered by the Secretariat.⁽⁷⁾

The information received showed that peace-keeping training took place generally in the context of participation in a particular peace-keeping operation. Four Nordic countries (Denmark, Finland, Norway, Sweden) were an exception to that, with their joint training programmes. Several countries had specialized courses for different categories of personnel, notably military observers. With the duration of training from a few days to two months, the content varied accordingly. A number of programmes included refresher training of basic military skills, and some courses covered the full range of subjects listed in the training guidelines issued by the United Nations Secretariat in 1991.

GENERAL ASSEMBLY ACTION

On 14 December, following the recommendation of the Special Political Committee, the

General Assembly adopted resolution 47/71 without vote.

Comprehensive review of the whole question of peace-keeping operations in all their aspects

The General Assembly,

Recalling its resolution 2006(XIX) of 18 February 1965 and all other relevant resolutions,

Recalling, in particular, its resolution 46/48 of 9 December 1991,

Welcoming the progress made by the Special Committee on Peace-keeping Operations during its recent sessions,

Convinced that peace-keeping operations are enhancing the effectiveness of the United Nations in the maintenance of international peace and security,

Recognizing that the peacemaking activities of the Secretary-General and of organs of the United Nations, which are actions to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations, constitute an essential function of the United Nations and are among the important means for the prevention, containment and resolution of disputes and for maintaining international peace and security,

Taking into account that increasing activities in the field of United Nations peace-keeping require both increasing and better managed human, financial and material resources for the Organization,

Aware of the extremely difficult financial situation of the United Nations and its peace-keeping operations and of the heavy burden on the troop contributors, especially those from developing countries,

Taking note of the report of the Secretary-General on the work of the Organization and, in particular, his report entitled "An Agenda for Peace",

Taking note also of the useful exchange of views on "An Agenda for Peace" during the inter-sessional meetings of the Special Committee devoted to that report and of the role of the Special Committee in carrying out further analysis and consideration, in particular as regards peace-keeping operations,

Recalling its debate on agenda item 10 during the forty-seventh session, and in particular the views expressed by Member States on "An Agenda for Peace",

Recalling also that in the statement by the President of the Security Council of 29 October 1992, on the report of the Secretary-General entitled "An Agenda for Peace", the Council expressed support for, inter alia, the suggestions contained in paragraphs 51 and 52 of the report,

Having examined the reports of the Special Committee,

1. Takes note of the reports of the Special Committee on Peace-keeping Operations;

Resources

2. Notes that only a small number of Member States have to date responded to the questionnaire issued by the Secretary-General on 21 May 1990 pursuant to General Assembly resolution 44/49 of 8 December 1989 to identify those personnel, material and technical resources and services which Member States would be ready, in principle, to contribute to United Nations peace-keeping operations, and urges Member States that have not yet replied to do so;

3. Requests the Secretary-General to explore the possibility of improving the formulation of his questionnaire of 21 May 1990 and to recirculate the questionnaire on a regular basis;

4. Encourages the Secretary-General to consider circulating a separate questionnaire on civil police and civilian experts whom Member States would be ready to contribute to United Nations peace-keeping operations;

5. Urges Member States to transmit promptly to the Secretary-General their replies to those questionnaires;

6. Recommends that the guidelines in the current questionnaire be developed and used subsequently in the "Notes for Guidance" in order to achieve a standard organization for type units;

7. Calls upon the Secretariat to consult with and assist Member States in completing the questionnaires, with a view to ensuring commonality of approach and understanding;

8. Requests the Secretary-General to promote, based on the questionnaires, the establishment on a voluntary basis among Member States of a pool of resources, including military units, military observers, civil police, key staff personnel and humanitarian matériel, that might be made readily available to United Nations peace-keeping operations, subject to national approval;

9. Encourages Member States to inform the Secretary-General of their willingness to provide forces or capabilities to the United Nations for peace-keeping operations and the type of units or capabilities that might be available at short notice, subject to overriding national defence requirements and the approval of the Governments providing them;

10. Encourages the Secretariat and those Member States which have indicated such willingness to enter into direct dialogue so as to enable the Secretary-General to know with greater precision what forces or capabilities might be made available to the United Nations for particular peace-keeping operations and on what time-scale;

11. Stresses the need for the United Nations to be given resources commensurate with its growing responsibilities in the area of peace-keeping, particularly with reference to the resources needed for the start-up phases of such operations;

Finances

12. Recalls that the financing of peace-keeping operations is the collective responsibility of all Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations, and reiterates its call upon all Member States to pay their assessed contributions in full and on time and encourages those States which can do so to make voluntary contributions that are acceptable to the Secretary-General;

13. Reiterates the need to maintain the accepted principles and guidelines on the financing of all United Nations peace-keeping operations;

14. Stresses the need to delegate increased financial and administrative authority to Force Commanders, or Special Representatives for multi-component missions, in order to increase the missions' capacity to adjust to new situations and specific requirements;

15. Encourages consideration in the appropriate forums of the establishment of a reserve fund or other appropriate

arrangement to improve the start-up financing of peace-keeping operations;

16. Also stresses the importance of the need to reimburse the outstanding dues of troop-contributing States;

17. Considers it important that, in establishing future peace-keeping operations, financial questions should continue to be studied seriously, particularly at the planning stage, in order to ensure the most cost-effective and efficient conduct of such operations and strict control of their expenditures;

18. Also considers it important to contain financial expenditures of peace-keeping operations by determining, during initial planning, the levels of personnel, materials and technical equipment required, by early definition of the sequence of each operation, and by improved estimating, during the planning stage, of operational costs;

19. Acknowledges the competence of the General Assembly for the appropriation and apportionment of the costs of United Nations peace-keeping operations, and also acknowledges the importance of the Security Council members being informed of the cost implications of such operations;

20. Emphasizes the importance of making, from the standpoint of sources of financing, a clear distinction between peace-keeping operations themselves, and the provision to States and parties to a conflict, at their request, of other assistance from the specialized agencies and departments of the United Nations not an integral part of the operation;

21. Considers that in view of the critical financial situation of the United Nations, as described in the report of the Secretary-General, the issue of supplementing diversified financial resources, on terms acceptable to the Secretary-General, to the assessed contributions should be further studied in all the appropriate forums;

22. Recognizes the need for an augmentation of the strength and capability of military staff serving in the Secretariat and of civilian staff dealing more generally with peace-keeping matters in the Secretariat;

23. Requests the Secretary-General to report to the General Assembly on this subject as soon as possible; in that report he might consider the establishment in the Secretariat of an enhanced peace-keeping planning staff and an operations centre in order to deal with the growing complexity of initial planning and control of peace-keeping operations in the field;

24. Urges Governments of host countries to take all necessary measures to create conditions that will permit United Nations forces to be kept to a minimum, and equally urges them to provide, in accordance with their capacity, the greatest possible logistic and material support for these operations;

Organization and effectiveness

25. Invites the Secretary-General, as Chief Administrative Officer, to consider the necessary strengthening and reform of the Secretariat units dealing with peace-keeping operations, so that they can deal effectively and efficiently with the planning, launching, ongoing management and termination of peace-keeping operations;

26. welcomes the creation of the Department of Peace-keeping Operations and invites the Secretary-General to consider the creation of a unified, integrated structure within the Department to establish clear lines of

responsibility and accountability, which are essential for the effective and efficient management of peace-keeping operations; in that regard, it requests the Secretary-General to consider whether relevant parts of the Field Operations Division should be transferred to that Department;

27. Also welcomes, in the light of the increasing use of civilian police in peace-keeping operations, the decision of the Secretary-General to appoint a Senior Police Adviser;

28. Requests the Secretariat to consider, in due course, the utility of training guidelines for civilian specialized units, including civilian police;

29. Encourages all Member States to organize national or regional training programmes, to include cross-cultural education and relevant international humanitarian law in such programmes and to promote cooperation with other national and regional peace-keeping training programmes;

30. Takes note with appreciation of the report of the Secretary-General on the feasibility, including costs, of establishing an annual peace-keeping fellowship programme for national peace-keeping trainers to be administered by the Secretariat, and the information he has gathered on national peace-keeping training and similar activities, and requests him to issue a regularly updated list based upon national submissions;

31. Invites the Secretary-General to institute proper arrangements and procedures for providing additional personnel on a short-term basis in order to ensure that the Secretariat can respond effectively and efficiently to fluctuations in its workload, particularly when new operations are planned and launched;

32. Reiterates its invitation to the Secretary-General to consider identifying a focal point for contacts by Member States seeking information on all facets, including operational and administrative matters, of ongoing and planned peace-keeping operations;

33. Also invites the Secretary-General to review, with a view to streamlining procedures and enhancing effectiveness, the applicable United Nations financial and administrative regulations concerning peace-keeping operations;

34. Further invites the Secretary-General to consider means whereby Special Representatives/Force Commanders and other key personnel are identified at the earliest possible time;

35. Recommends that the Secretary-General conduct a study on how to prevent duplication of responsibilities of civilian and military staff personnel in the field, especially in the areas of supply, communication and transportation, and how to improve their interaction and cooperation in fulfilling the tasks assigned to them;

36. Invites the Secretary-General immediately to envisage the adoption of all necessary arrangements to define logistics doctrine and standard operational procedures combining civilian and military aspects in order to achieve the greatest possible efficiency and cost-effectiveness, and urges Member States to cooperate with the Secretary-General in this exercise;

37. Encourages the Secretary-General to invite Member States to provide qualified military and civilian personnel to assist the Secretariat in the planning and management of peace-keeping operations;

38. Expresses its appreciation to the Secretary-General for reporting on peace-keeping operations and requests

him to report periodically on the performance of all peace-keeping operations;

39. Requests the Secretary-General to consider establishing a training programme for key staff personnel of peace-keeping operations with a view to creating a pool of trained personnel with knowledge of the United Nations system and its working procedures;

40. Requests the Secretariat immediately to make all necessary arrangements for the reissue of The Blue Helmets in 1995;

41. Recommends that the Secretariat continue the existing practice of informal consultations with contributing States more directly interested, as appropriate, and that, especially for particularly large or complex operations, these informal consultations be held on a more frequent and regular basis, with a view to providing effective follow-up and support to the operation from its initial stage to its termination;

Development of peace-keeping

42. Welcomes the report of the Secretary-General on ways of strengthening the capacity of the United Nations for preventive diplomacy, peacemaking and peace-keeping within the framework and provisions of the Charter, as requested by the Security Council at its meeting held at the level of heads of State and Government on 31 January 1992;

43. Considers that the concept of preventive peace-keeping, that is, the deployment of peace-keeping operations as a deterrent to a possible aggressor, requires development and clarification as a helpful tool for the United Nations in its pursuit of preventive diplomacy;

44. Believes that the Secretary-General should have the means to dispatch his own missions, with the consent of the parties concerned, where necessary in cooperation with regional organizations, and to evaluate the situation and develop his peacemaking activities as appropriate;

45. Also believes that the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security, approved by the General Assembly in its resolution 46/59 of 9 December 1991, is a valuable contribution to the Organization's preventive functions;

46. Encourages Member States to provide the Secretary-General with full and up-to-date information concerning tensions that could escalate into an international conflict;

47. Believes, in this connection, that the closest attention needs to be paid to the issue of applying the preventive potential of the United Nations more broadly and considers that the responsibilities of the Security Council, the General Assembly and the Secretary-General in this regard should be strengthened in accordance with the framework and provisions of the Charter;

48. Recognizes the importance of accord special consideration to mechanisms and means of deterring a potential aggressor and procedures for a prompt and effective response to acts of aggression and threats to international peace and security, in accordance with the provisions of the Charter;

49. Stresses that the parties to a conflict have an obligation to respect the international status of United Nations operations and to refrain from encouraging or taking actions capable of disrupting or impeding United Nations personnel in the performance of their peace-

keeping, peacemaking or humanitarian functions, in accordance with the Convention on the Privileges and Immunities of the United Nations and status-of-forces agreements;

50. Urges all Governments of host countries and parties to a conflict to take all necessary measures to ensure the safety and security of United Nations personnel and to prevent any attempts on the life and health of those personnel;

51. Considers that, in the light of the ever-expanding role of peace-keeping operations, it is important that the United Nations, from planning through implementation of each operation, and on an ongoing basis, assess the risks to the safety and security of its units and personnel and take all necessary measures, including the elaboration of appropriate guidelines and procedures, to ensure the highest possible levels of that safety and security;

52. Encourages all regional and subregional organizations to promote the maintenance of peace, security and stability in their respective regions and, where applicable, work in cooperation with the United Nations, in accordance with Chapter VIII of the Charter, contributing to peace-keeping operations there;

53. Emphasizes that any deployment of peace-keeping operations should be accompanied, as appropriate, by an intensification of coordinated political efforts by the States concerned, by regional organizations and by the United Nations itself as part of the political process for a peaceful settlement of the crisis situation or conflict in accordance with Chapters VI and VIII of the Charter;

54. Believes that consideration might be given over the next few years to the elaboration of a universally acceptable text for a declaration on United Nations peace-keeping operations, which would include the main organizational and practical aspects involved and would contain recommendations on ways of enhancing the effectiveness of such operations;

55. Takes note of the establishment of an informal working group, open to all Member States, on "An Agenda for Peace";

* * *

56. Recommends that, should any of the proposals contained in the present resolution result in budgetary implications for the biennium 1992-1993, such additional costs should be accommodated within the appropriation level approved by the General Assembly in its resolution 46/186 A of 20 December 1991;

57. Decides that the Special Committee, in accordance with its mandate, should continue its efforts for a comprehensive review of the whole question of peace-keeping operations in all their aspects;

58. Encourages the Special Committee to consider holding an inter-session meeting to consider at the earliest opportunity the recommendations relating to peace-keeping contained in "An Agenda for Peace";

59. Requests the Special Committee to submit a report on its work to the General Assembly at its forty-eighth session;

60. Invites Member States to submit any further observations and suggestions on peace-keeping operations to the Secretary-General by 1 March 1993, outlining proposals on specific items in order to allow for more detailed consideration by the Special Committee, with particular emphasis on practical proposals to make these operations more effective;

61. Requests the Secretary-General to prepare, within existing resources, a compilation of the above-mentioned observations and suggestions and to submit it to the Special Committee by 30 March 1993;

62. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Comprehensive review of the whole question of peace-keeping operations in all their aspects".

General Assembly resolution 47/71

14 December 1992 Meeting 85 Adopted without vote

Approved by Special Political Committee (A/47/613) without vote, 20 November (meeting 22); 6-nation draft (A/SPC/47/L.7); agenda item 75.

Sponsors: Argentina, Canada, Egypt, Japan, Nigeria, Poland.

Financial implications. 5th Committee, A/47/770; S-G, A/SPC/47/L.11, A/C.5/47/60.

Meeting numbers. GA 47th session: 5th Committee 40; SPC 14-18, 22; plenary 85.

Administrative and budgetary aspects of the financing of United Nations peace-keeping operations were dealt with in resolution 47/218. By resolution 47/217, the Assembly decided to establish a peace-keeping reserve fund.

Protection of peace-keeping personnel

In "An Agenda for Peace"(4) (see above), the Secretary-General noted an unconscionable increase in fatalities among United Nations peace-keeping personnel. In view of the pressing need for adequate protection to those engaged in life-endangering circumstances, he recommended that the Security Council, unless it elected immediately to withdraw the United Nations presence to preserve the credibility of the Organization, consider what action should be taken towards those who put United Nations personnel in danger. Before deployment took place, the Council should keep open the option of considering in advance collective measures, possibly including those under Chapter VII of the Charter when a threat to international peace and security was also involved, to come into effect should the purpose of the United Nations operation systematically be frustrated and hostilities occur.

SECURITY COUNCIL ACTION

After consultations held on 2 December, the President of the Security Council made the following statement on behalf of the Council members:(8)

"The members of the Security Council wish to express their deep concern and outrage about the increasing number of attacks against United Nations personnel serving in various peace-keeping operations.

"A number of serious incidents affecting military and civilian personnel serving with UNAVEM II, UNTAC and UNPROFOR have occurred during the last few days.

"On 29 November in Uige, northern Angola, a Brazilian police observer with UNAVEM II was killed as a result of an outbreak of hostilities between UNITA

and government forces, during which the UNAVEM camp was caught in the cross-fire. The members of the Council convey their deep sympathy and condolences to the Government of Brazil and to the bereaved family.

"The situation in UNPROFOR, which has already suffered over 300 casualties, 20 of them fatal, remains deeply troubling. On 30 November, two Spanish UNPROFOR soldiers in Bosnia and Herzegovina were seriously injured in a mine attack and a Danish UNPROFOR soldier was abducted by armed men today.

"On 1 December, two British UNTAC military observers and four naval observers, two from the Philippines, one from New Zealand and one from the United Kingdom, on patrol in Kompong Thom province were illegally detained by forces belonging to the National Army of Democratic Kampuchea (NADK). An UNTAC helicopter, sent to assist in the discussions for their release, was fired upon, and a French military observer on board was injured. Moreover, today, six UNTAC civilian police monitors, three Indonesians, two Tunisians and one Nepalese, were injured in two land-mine incidents in Siem Reap province.

"The members of the Council condemn these attacks on the safety and security of United Nations personnel and demand that all parties concerned take all necessary measures to prevent their recurrence. The members of the Council consider the abduction and detention of United Nations peace-keeping personnel as totally unacceptable and demand the immediate and unconditional release of the UNTAC and UNPROFOR personnel concerned."

GENERAL ASSEMBLY ACTION

On 14 December, in accordance with the recommendation of the Special Political Committee, the General Assembly adopted resolution 47/72 without vote.

Protection of peace-keeping personnel

The General Assembly,

Acknowledging the vital importance of the involvement of United Nations personnel in preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian operations,

Noting with grave concern the growing number of fatalities and injuries among United Nations peace-keeping and other personnel resulting from deliberate hostile actions in areas of deployment,

Bearing in mind the concern of the Secretary-General over the safety of peace-keeping personnel expressed in his report entitled "An Agenda for Peace",

Recalling its resolution 46/48 of 9 December 1991 and other relevant resolutions, as well as the recommendations contained in the report of the Special Committee on Peace-keeping Operations,

Having examined the special report of the Special Committee on Peace-keeping Operations,

Noting relevant resolutions of the Security Council,

1. Pays tribute to the courage, commitment and idealism of peace-keeping and other United Nations personnel in the field, who often work in difficult and dangerous circumstances;

2. Resolutely condemns any hostile actions against United Nations personnel, including deliberate attacks against United Nations peace-keeping operations, which have resulted in a disturbing number of casualties;

3. Strongly demands that host countries and all parties to a conflict take all measures possible to ensure the safety of peace-keeping and other United Nations personnel;

4. Reminds Governments of host countries of their responsibility for the safety of peace-keeping and other United Nations personnel on their territory;

5. Urges the Secretary-General to conclude, if possible at the earliest stage of a peace-keeping operation, a status-of-forces agreement with the parties concerned, emphasizing their obligations to respect the international status of United Nations operations in accordance with the Convention on the Privileges and Immunities of the United Nations;

6. Requests the Secretary-General, in planning future peace-keeping operations and in making recommendations for their deployment, to give particular attention to adequate protection for peace-keeping and other United Nations personnel;

7. Recommends that, in appropriate cases, the Security Council might make it clear to the parties when authorizing a new peace-keeping operation that it is prepared to take further steps in accordance with the Charter of the United Nations should the purpose of the operation systematically be frustrated by provocative attacks against United Nations personnel;

8. Also recommends that the Security Council continue, in collaboration with the Secretary-General, to collect and, where appropriate, to disseminate reliable information about attacks on the safety of peace-keeping and other United Nations personnel;

9. Requests the Special Committee on Peace-keeping Operations to study other measures to ensure the safety of peace-keeping and other United Nations personnel and to report thereon to the General Assembly;

10. Requests the Secretary-General to address the question of the safety of United Nations personnel in his periodic reports on ongoing peace-keeping operations.

General Assembly resolution 47/72

14 December 1992 Meeting 85 Adopted without vote

Approved by Special Political Committee (A/47/613) without vote, 20 November (meeting 22); 57-nation draft (A/SPC/47/L.8), orally revised; agenda item 75.

Sponsors: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Croatia, Czechoslovakia, Denmark, Egypt, El Salvador, Fiji, Finland, France, Germany, Greece, India, Ireland, Italy, Japan, Jordan, Kenya, Lesotho, Luxembourg, Malaysia, Mauritania, Mexico, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, Senegal, Singapore, Spain, Sweden, Tunisia, Ukraine, United Kingdom, United States, Uruguay, Venezuela.

Meeting numbers. GA 47th session: SPC 14-18, 22; plenary 85.

REFERENCES

(1)A/47/253. (2)A/AC.121/39/Rev.1 & Add.1.2. (3)YUN 1991, p. 20, GA res. 46/48, 9 Dec. 1991. (4)A/47/277-S/24111. (5)A/47/386. (6)A/47/597. (7)A/47/604. (8)S/24884.

Regional aspects of international peace and security

Strengthening of security in the Mediterranean region

Pursuant to a General Assembly resolution of 1991,(1) the Secretary-General submitted in October 1992 a report(2) on the strengthening of security and cooperation in the Mediterranean region, containing a summary of the debate on the question during the 1991 Assembly session. Also included were replies from five Governments submitted in response to his request for their views.

The Inter-Parliamentary Conference on Security and Cooperation in the Mediterranean (Malaga, Spain, 15-20 June), in its final document,(3) recommended, among other things, that Governments concerned convene as soon as possible an intergovernmental conference on security and cooperation in the Mediterranean, which would draw on the procedures and general experience of the Conference on Security and Cooperation in Europe.

The European Council of Ministers of the European Economic Community, in a declaration on the relations between Europe and the Maghreb (Lisbon, Portugal, 25 June),(4) reaffirmed its solidarity with the Maghreb countries and its firm determination to continue contributing to the stability and prosperity of the Mediterranean region on the basis of an approach favouring partnership. It considered that its relations and those of its member States with the Maghreb countries must be founded on a common commitment to respect for international law and human rights, the establishment of democratic institutional systems, and tolerance and coexistence between cultures and religions.

The final document of the Tenth Conference of Heads of State or Government of Non-Aligned Countries (Jakarta, Indonesia, 1-6 September)(5) reaffirmed the non-aligned countries' support for the efforts to transform the Mediterranean area into a region of peace, security and cooperation and, in that context, welcomed the 1989 Treaty between Algeria, the Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia instituting the Arab Maghreb Union.

GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly, on the recommendation of the First Committee, adopted resolution 47/58 without vote.

Strengthening of security and cooperation in the Mediterranean region

The General Assembly,

Recalling its relevant resolutions, including its resolution 46/42 of 6 December 1991,

Reaffirming the primary role of the Mediterranean countries in strengthening and promoting peace, security and cooperation in the Mediterranean region,

Recognizing the efforts realized so far and the determination of the Mediterranean countries to intensify the process of dialogue and consultations with a view to resolving the problems existing in the Mediterranean region and eliminating the causes of tension and the consequent threat to peace and security,

Recognising also the indivisible character of security in the Mediterranean and that the enhancement of cooperation among Mediterranean countries with a view to promoting the economic and social development of all peoples of the region will contribute significantly to stability, peace and security in the region,

Recognizing further that prospects for closer Euro-Mediterranean cooperation in all spheres can be enhanced by positive developments worldwide, particularly in Europe,

Expressing satisfaction at the growing awareness of the need for joint efforts by all Mediterranean countries so as to strengthen economic, social, cultural and environmental cooperation in the Mediterranean region,

Reaffirming the responsibility of all States to contribute to the stability and prosperity of the Mediterranean region and their commitment to respect the purposes and principles of the Charter of the United Nations, as well as the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Expressing its concern at the persistent tension and continuing military activities in parts of the Mediterranean that hinder efforts to strengthen security and cooperation in the region,

Taking note of the report of the Secretary-General on this item,

1. Reaffirm that security in the Mediterranean is closely linked to European security as well as to international peace and security;

2. Expresses satisfaction at the continuing efforts by Mediterranean countries to contribute actively to the elimination of all causes of tension in the region and to the promotion of just and lasting solutions to the persistent problems of the region through peaceful means, thus ensuring the withdrawal of foreign forces of occupation and respecting the sovereignty, independence and territorial integrity of all countries of the Mediterranean and the right of peoples to self-determination, and therefore calls for full adherence to the principles of non-interference, non-intervention, non-use of force or threat of use of force and the inadmissibility of the acquisition of territory by force, in accordance with the Charter and the relevant resolutions of the United Nations;

3. welcomes the efforts by the Mediterranean countries in the continuation of initiatives and negotiations as well as the adoption of measures that will promote confidence- and security-building as well as disarmament in the Mediterranean region, and encourages them to pursue these efforts further;

4. Recognises that the elimination of the economic and social disparities in levels of development as well as other obstacles in the Mediterranean area will contribute to enhancing peace, security and cooperation among Mediterranean countries;

5. Takes note of the conclusions of the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta from 1 to 6 September 1992, specifically paragraphs 36 to 39, Chapter III, of the Final Document on political issues concerning the Mediterranean;

6. Recalls the decisions taken by the Second Ministerial Meeting of the Western Mediterranean Countries, held at Algiers in October 1991, and the decision concerning the forthcoming summit meeting of the Western Mediterranean countries to be held at Tunis;

7. Takes note of the "Helsinki Document 1992—The Challenges of change", adopted in July 1992, whereby the heads of State or Government of the States participating in the Conference on Security and Cooperation in Europe agreed, *inter alia*, to widen their cooperation and enlarge their dialogue with the non-participating Mediterranean States as a means to promote social and economic development, thereby enhancing stability in the region, in order to narrow the prosperity gap between Europe and its Mediterranean neighbours and protect the Mediterranean ecosystems;

8. Takes note also of the Declaration of the European Council of Ministers of the European Economic Community on relations between Europe and the Maghreb, issued at Lisbon on 25 June 1992;

9. welcomes in this context the decision to convene a Mediterranean seminar of the Conference on Security and Cooperation in Europe under the auspices of the Committee of Senior Officials to consider various topics, including the environment, demographic trends or economic development and other areas of bilateral and multilateral cooperation between States participating in the Conference and non-participating Mediterranean States, reflecting the general framework of principles of cooperation in the Mediterranean region as provided for in the Final Act and other documents of the Conference;

10. Takes note further of the conclusions and recommendations of the first Inter-Parliamentary Conference on Security and Cooperation in the Mediterranean, held at Malaga, Spain, from 15 to 20 June 1992, which, *inter alia*, launched a pragmatic process of cooperation that would gradually gain in strength and coverage, generate a positive and irreversible momentum and facilitate the settlement of disputes;

11. Encourages the continued widespread support among Mediterranean countries for the convening of a conference on security and cooperation in the Mediterranean, as well as the ongoing regional consultations to create the appropriate conditions for its convening;

12. Notes the adoption by the Economic Commission for Europe of its decision G(47), entitled "Economic cooperation in the Mediterranean in the light of the Final Act of the Conference on Security and Cooperation in Europe", and, in this context, calls upon the Executive Secretaries of the relevant United Nations regional commissions as well as other United Nations bodies concerned to strengthen their cooperation on matters that are of common interest to the Mediterranean countries and that will have a positive impact on

the region as a whole, in particular in the economic, social, humanitarian and environmental spheres;

13. Requests the Secretary-General to submit a report on means to strengthen security and cooperation in the Mediterranean region;

14. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Strengthening of security and cooperation in the Mediterranean region".

General Assembly resolution 47/58

9 December 1992 Meeting 81 Adopted without vote

Approved by First Committee (A/47/697) without vote, 20 November (meeting 37); 8-nation draft (A/C.1/47/L.46/Rev.1); agenda item 67.

Sponsors: Albania, Algeria, Cyprus, Egypt, Libyan Arab Jamahiriya, Malta, Morocco, Tunisia.

Meeting numbers. GA 47th session: 1st Committee 3-30, 37; plenary 81.

South Atlantic zone of peace

The General Assembly in 1986(6) had declared the South Atlantic a zone of peace and cooperation. In subsequent resolutions, the Assembly reaffirmed the determination of the States of the zone to enhance and accelerate their cooperation in political, economic, scientific, technical, cultural and other spheres.

In response to the latest such resolution, adopted in 1991,(7) the Secretary-General submitted in September 1992 a report, with later addenda,(8) containing replies from five Governments and the United Nations Development Programme expressing their views on the implementation of the 1986 declaration.

GENERAL ASSEMBLY ACTION

On 14 December, the General Assembly adopted resolution 47/74 by recorded vote.

Zone of peace and cooperation of the South Atlantic

The General Assembly,

Recalling its resolution 41/11 of 27 October 1986, in which it solemnly declared the Atlantic Ocean, in the region situated between Africa and South America, the "Zone of peace and cooperation of the South Atlantic",

Recalling also its subsequent resolutions on the matter, including resolutions 45/36 of 27 November 1990 and 46/19 of 25 November 1991, in which it reaffirmed the determination of the States of the zone to enhance and accelerate their cooperation in the political, economic, scientific, technical, cultural and other spheres,

Reaffirming that the questions of peace and security and those of development are interrelated and inseparable, and considering that cooperation among all States, in particular those of the region, for peace and development is essential to promote the objectives of the zone of peace and cooperation of the South Atlantic,

Aware of the importance that the States of the zone attach to the preservation of the region's environment and recognizing the threat that pollution from any source poses to the marine and coastal environment, its ecological balance and its resources,

Noting the concern expressed on the use of fishing methods and practices that cause the over-exploitation of living marine resources, especially of highly migra-

tory and straddling fish stocks, and that it has an adverse impact on the conservation and management of living resources of the marine environment, both within and beyond the exclusive economic zones,

1. Reaffirms the purpose and objective of the zone of peace and cooperation of the South Atlantic;

2. Takes note of the report submitted by the Secretary-General, in accordance with its resolution 46/19;

3. Welcomes the recent initiatives aimed at the full entry into force of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and stresses the relevance of such initiatives for the advancement of the objectives and principles of the zone of peace and cooperation of the South Atlantic;

4. Affirms the importance of the South Atlantic to global maritime and commercial transactions and its determination to preserve the region for all activities protected by relevant international law, including the freedom of navigation in the high seas;

5. Stresses the importance for the zone of peace and cooperation of the South Atlantic of the results of the United Nations Conference on Environment and Development, particularly the principles of the Rio Declaration on Environment and Development and the programmes set forth in Agenda 21, as well as the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in the conviction that their implementation will strengthen the basis for cooperation within the zone and for the benefit of the international community as a whole;

6. Notes with interest the hope expressed by the countries of the zone to welcome in the near future a non-racial democratic South Africa into the community of South Atlantic States and, in that connection, urges all parties concerned in South Africa to cooperate with a view to ending the continuing violence and thereby create an atmosphere conducive to negotiations leading to the establishment of a non-racial democratic and united South Africa;

7. Expresses its appreciation to the international community for its support of the Peace Plan for Liberia of the Economic Community of West African States, most recently through the adoption of Security Council resolution 788(1992) of 19 November 1992, and hopes that the continuing efforts made at the subregional and international levels aimed at a peaceful resolution of the Liberian conflict will, within the shortest possible time, lead to national reconciliation, reconstruction and development;

8. Calls upon the parties to the Peace Accords for Angola to respect all the commitments undertaken in accordance with these accords, in particular with regard to the confinement of their troops and weapons, demobilization and the formation of the unified national armed force, and to refrain from any act that might heighten tension, impair the conduct of the electoral process and threaten the territorial integrity of the country;

9. Also calls upon the international community to increase humanitarian assistance to both Angola and Liberia;

10. Takes note with satisfaction of the initiative of the Government of Namibia to host a meeting of the Ministers of Trade and Industry of the countries of the zone at Windhoek in the first half of 1993;

11. Requests the relevant organizations, organs and bodies of the United Nations system to render all ap-

appropriate assistance which States of the zone may seek in their joint efforts to implement the declaration of the zone of peace and cooperation of the South Atlantic;

12. Requests the Secretary-General to keep the implementation of resolution 41/11 and other subsequent resolutions on the matter under review and to submit a report to the General Assembly at its forty-eighth session, taking into account, inter alia, the views expressed by Member States;

13. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Zone of peace and cooperation of the South Atlantic".

General Assembly resolution 47/74

14 December 1992 Meeting 85 144-1 (recorded vote)

23-nation draft (A/47/L.24/Rev.1 & Add.1); agenda item 26.

Sponsors: Angola, Argentina, Benin, Brazil, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Morocco, Namibia, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, Togo, Uruguay.

Meeting numbers. GA 47th session: plenary 73, 85.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United States.

REFERENCES

- (1)YUN 1991, p. 23, GA res. 46/42, 6 Dec. 1991. (2)A/47/524. (3)A/C.1/47/8. (4)A/47/310. (5)A/47/675-S/24816. (6)YUN 1986, p. 369, GA res. 41/11, 27 Oct. 1986. (7)YUN 1991, p. 24, GA res. 46/19, 25 Nov. 1991. (8)A/47/424 & Add.1-3.

Aerial incidents and the Libyan Arab Jamahiriya

Charges of air terrorism

The Security Council met on 21 January 1992 to consider December 1991 charges⁽¹⁾ by France, the United Kingdom and the United States that nationals and possibly officials of the Libyan Arab Jamahiriya were involved in two aerial incidents: the bombing on 21 December 1988 of Pan Am flight 103 over Lockerbie in southern Scotland and the crash on 19 September 1989 of Union de transports aériens (UTA) flight 772 over the Ténéré desert in the Niger.

In a joint declaration of November 1991,⁽²⁾ the United Kingdom and the United States had demanded that the Libyan Arab Jamahiriya surrender for trial those nationals charged with bombing Pan Am flight 103, disclose all it knew of the crime, allow full access to witnesses and evidence, and pay appropriate compensation. France, placing presumptions of guilt for the attack on UTA flight 772 on several Libyan nationals, called on the Libyan Arab Jamahiriya to produce all the material evidence in its possession, facilitate contacts and meetings for the assembly of witnesses, and authorize Libyan officials to respond to requests made by the examining magistrate.⁽³⁾

Also in November 1991, the Libyan Arab Jamahiriya challenged the United States and the United Kingdom to produce convincing material and tangible evidence for their accusations, declared its readiness to cooperate fully with any impartial international judicial authority, and reserved its right to defend itself in accordance with Article 51 of the United Nations Charter.⁽⁴⁾ It affirmed that its policy was incompatible with all forms of terrorism, declared that it would not permit the use of its territory or citizens for terrorist operations, and declared that all applications by France, the United Kingdom and the United States would receive every attention, inasmuch as the competent Libyan authorities would investigate them.⁽⁵⁾

By a letter of 8 January,⁽⁶⁾ the Libyan Arab Jamahiriya affirmed that submission of the matter to the Security Council had no basis either in the Charter or in international law, which did not stipulate that the Council had the power to consider judicial cases involving individuals. It offered to enter into dialogue with the three countries, urged them to provide Libyan judges investigating the incidents with the records of the investigation, and invited the parties to reach agreement through international judicial authorities, including the International Court of Justice (ICJ).

Also before the Council were two January communications from the Jamahiriya, one transmitting a letter addressed to the United Kingdom and the United States and the other a resolution adopted by the Council of the League of Arab States (LAS) on 16 January. By the first,⁽⁷⁾ the Jamahiriya called for implementation of article 14 of the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civilian Aviation⁽⁸⁾ to which all three States were parties. Under article 14, paragraph 1, any dispute between two or more contracting States that could not be settled through negotiation should be submitted to arbitration. The LAS Council again called for the establishment of a United Nations-LAS joint commission and urged the Security Council to resolve the conflict by negotiation, mediation and judicial settlement in accordance with Article 33 of the Charter.⁽⁹⁾

At their request, Canada, the Congo, Iran, Iraq, Italy, the Libyan Arab Jamahiriya, Mauritania, the Sudan and Yemen were invited to participate in the discussion without the right to vote, in accordance with rule 37^a of the Council's provisional rules of procedure. At Morocco's request,⁽¹⁰⁾ the Council extended an invitation to the League of Arab States, under rule 39.^b

Following statements, the Council unanimously adopted resolution 731(1992).

The Security Council,

Deeply disturbed by the world-wide persistence of acts of international terrorism in all its forms, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and jeopardize the security of States,

Deeply concerned by all illegal activities directed against international civil aviation, and affirming the right of all States, in accordance with the Charter of the United Nations and relevant principles of international law, to protect their nationals from acts of international terrorism that constitute threats to international peace and security,

Reaffirming its resolution 286(1970) of 9 September 1970, in which it called on States to take all possible legal steps to prevent any interference with international civil air travel,

Reaffirming also its resolution 635(1989) of 14 June 1989, in which it condemned all acts of unlawful interference against the security of civil aviation and called upon all States to cooperate in devising and implementing measures to prevent all acts of terrorism, including those involving explosives,

Recalling the statement made on 30 December 1988 by the President of the Security Council on behalf of the members of the Council strongly condemning the destruction of Pan American flight 103 and calling on all States to assist in the apprehension and prosecution of those responsible for this criminal act,

Deeply concerned over the results of investigations, which implicate officials of the Libyan Government and which are contained in Security Council documents that include the requests addressed to the Libyan authorities by France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, in connection with the legal procedures related to the attacks carried out against Pan American flight 103 and Union de transports aériens flight 772,

Determined to eliminate international terrorism,

1. Condemns the destruction of Pan American flight 103 and Union de transports aériens flight 772 and the resultant loss of hundreds of lives;

2. Strongly deplores the fact that the Libyan Government has not yet responded effectively to the above requests to cooperate fully in establishing responsibility for the terrorist acts referred to above against Pan American flight 103 and Union de transports aériens flight 772;

3. Urges the Libyan Government immediately to provide a full and effective response to those requests so as to contribute to the elimination of international terrorism;

4. Requests the Secretary-General to seek the cooperation of the Libyan Government to provide a full and effective response to those requests;

5. Urges all States individually and collectively to encourage the Libyan Government to respond fully and effectively to those requests;

6. Decides to remain seized of the matter.

Security Council resolution 731(1992)

21 January 1992 Meeting 3033 Adopted unanimously

3-nation draft (S/234221).

Sponsors: France, United Kingdom, United States.

In a statement before the Council, the Libyan Arab Jamahiriya said that an ostensibly arduous four-year investigation by the United Kingdom and the United States into the Lockerbie incident had found no supporting evidence, and no proof had been made available as to the alleged responsibility of Libyan nationals. Its own judicial authorities had appointed two magistrates who initiated an investigation; they contacted investigating authorities in Scotland, the United States and France, but had been unable to make any significant progress owing to the authorities' refusal to hand over the files or submit evidence in their possession. The Libyan authorities had expressed readiness to receive investigators to participate in the investigation.

Asserting that the problem involved Libyan nationals but had nothing to do with the State, the Jamahiriya said the matter was a legal issue and the Council was not the competent forum to consider the question, as under Article 36 of the Charter legal disputes should be referred to ICJ. To treat the dispute as a political rather than a legal matter would constitute a flagrant violation of Article 27 of the Charter.

Summing up its position, the Jamahiriya stated that it condemned terrorism in all its forms, including State-sponsored terrorism, and reaffirmed its determination to put an end to that dangerous phenomenon. It strongly condemned the destruction of the two airliners and expressed willingness to cooperate with the judicial authorities in the countries concerned. It requested that the United Kingdom and the United States be invited to enter promptly into negotiations with it on proceedings leading to arbitration; if no agreement was reached in arbitration, the matter would be brought before ICJ.

In the view of the United States, the Libyan Arab Jamahiriya had sought to evade its respon-

^aRule 37 of the Council's provisional rules of procedure states: "Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of the Member are specially affected, or when a Member brings a matter to the attention of the Council in accordance with Article 35(1) of the Charter."

^bRule 39 of the Council's provisional rules of procedure states: "The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence."

sibilities and to procrastinate. Resolution 731(1992) provided for the accused to be turned over to the judicial authorities of the Governments that were competent under international law to try them—requests the Jamahiriya had refused to respond to. No State could seek to hide support for international terrorism behind traditional principles of international law and State practice. France hoped that the unanimous reaction of the international community, as expressed in the resolution, would induce the Libyan authorities to respond quickly to the requests of the judicial authorities conducting the investigation into both attacks, which had claimed 441 victims.

Reports of the Secretary-General. Pursuant to Security Council resolution 731(1992), the Secretary-General submitted two reports, on 11 February(11) and on 3 March(12)

He had sent Under-Secretary-General Vasiliy Safronchuk as his Special Envoy to the Libyan Arab Jamahiriya on 25 January to deliver to the Libyan leader, Colonel Muammar Qaddafi, a personal message, together with the text of the Council resolution and related records.

During the meeting with the Special Envoy, Colonel Qaddafi reiterated his readiness to cooperate with the Secretary-General. He explained that following receipt of the charges against two Libyan nationals said to be involved in the downing of Pan Am flight 103, Libyan authorities had immediately started legal proceedings against them. The Libyan judges would require further information from the United Kingdom and the United States. He stressed that no action could be taken that contravened the Libyan legal system and suggested that the Secretary-General invite to the Jamahiriya judges from the three countries concerned, as well as representatives of the LAS, the Organization of African Unity (OAU) and the Organization of the Islamic Conference (OIC), to observe a possible trial.

The Permanent Representative of the Libyan Arab Jamahiriya to the United Nations met with the Secretary-General on 11 February; his Government was ready to cooperate fully with the Security Council and the Secretary-General and proposed that a mechanism be created for implementing resolution 731(1992).

The Secretary-General's March report dealt mainly with suggestions by France, the United Kingdom and the United States and a response from the Libyan Arab Jamahiriya concerning a possible handing over of the two suspects and subsequent judicial procedures. During two further meetings with the Special Envoy, the Libyan leader pointed out that constitutional obstacles prevented the handing over of the suspects for trial in a foreign country, a point that was reiterated in a 2 March letter from the Secretary of the People's

Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya to the Secretary-General. That letter and another of 27 February were annexed to the report. In the 27 February letter, the Secretary proposed a mechanism for implementing resolution 731(1992): he agreed to the requests of France that a magistrate go to the Jamahiriya to investigate the case in a manner he deemed fit and that he be provided with a copy of the minutes of the investigation carried out by the Libyan judge and condemned terrorism in all its forms. He also discussed the question of compensation.

Air and arms embargo

SECURITY COUNCIL ACTION (March)

The Security Council, on 31 March, again considered the charges by France, the United Kingdom and the United States against the Libyan Arab Jamahiriya in connection with the bombing of Pan Am flight 103 and UTA flight 772, together with the February(11) and March(12) reports of the Secretary-General on the implementation of Council resolution 731(1992) (see above).

The Council President drew attention to four letters addressed to him or the Secretary-General. By the first,(13) the Libyan Arab Jamahiriya transmitted a 6 February memorandum by the International Progress Organization, stating that resolution 731(1992) was not in conformity with Article 33 of the Charter regarding the peaceful settlement of disputes, which required that parties first seek a solution by negotiation, enquiry, mediation, conciliation, arbitration or judicial settlement. The memorandum suggested applying the procedures of the 1971 Montreal Convention.(8) Portugal transmitted a 17 February statement(14) by the European Community welcoming the unanimous adoption of resolution 731(1992) and underlining the great importance of Libyan compliance with it.

By a letter of 18 March,(15) the Jamahiriya asserted that it had actively and positively cooperated with regard to that resolution. It asked the Council to urge France, the United Kingdom and the United States to hand over their dossiers so that the Libyan judges could complete their investigation. It maintained that the issue was a legal one and should thus be left to ICJ. Jordan transmitted a 22 March resolution by the LAS Council,(16) by which the League renewed its call to the Council to resolve the conflict in accordance with Article 33 of the Charter, and urged the Council to avoid the adoption of economic, military or diplomatic measures that might increase the complications and have an adverse effect on the region, and to await a decision by ICJ.

At their request, Iraq, Jordan, the Libyan Arab Jamahiriya, Mauritania and Uganda were invited

to participate in the discussion without a right to vote, in accordance with rule 37^a of the Council's provisional rules of procedure. At Morocco's request,(17) an invitation to OIC was extended under rules 39.^b

Following statements, the Council adopted resolution 748(1992).

The security Council,

Reaffirming its resolution 731(1992) of 21 January 1992, Noting the reports of the Secretary-General,

Deeply concerned that the Libyan Government has still not provided a full and effective response to the requests in its resolution 731(1992) of 21 January 1992,

Convinced that the suppression of acts of international terrorism, including those in which States are directly or indirectly involved, is essential for the maintenance of international peace and security,

Recalling that, in the statement issued on 31 January 1992 on the occasion of the meeting of the Security Council at the level of heads of State and Government, the members of the Council expressed their deep concern over acts of international terrorism, and emphasized the need for the international community to deal effectively with all such acts,

Reaffirming that, in accordance with the principle in Article 2, paragraph 4, of the Charter of the United Nations, every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when such acts involve a threat or use of force,

Determining, in this context, that the failure by the Libyan Government to demonstrate by concrete actions its renunciation of terrorism and in particular its continued failure to respond fully and effectively to the requests in resolution 731(1992) constitute a threat to international peace and security,

Determined to eliminate international terrorism,

Recalling the right of States, under Article 50 of the Charter, to consult the Security Council where they find themselves confronted with special economic problems arising from the carrying out of preventive or enforcement measures,

Acting under Chapter VII of the Charter,

1. Decides that the Libyan Government must now comply without any further delay with paragraph 3 of resolution 731(1992) regarding the requests contained in documents S/23306, S/23308 and S/23309;

2. Decides also that the Libyan Government must commit itself definitively to cease all forms of terrorist action and all assistance to terrorist groups and that it must promptly, by concrete actions, demonstrate its renunciation of terrorism;

3. Decides that on 15 April 1992 all States shall adopt the measures set out below, which shall apply until the Security Council decides that the Libyan Government has complied with paragraphs 1 and 2 above;

4. Decides also that all States shall:

(a) Deny permission to any aircraft to take off from, land in or overfly their territory if it is destined to land in or has taken off from the territory of Libya, unless the particular flight has been approved on grounds of significant humanitarian need by the Committee established by paragraph 9 below;

(b) Prohibit, by their nationals or from their territory, the supply of any aircraft or aircraft components to Libya, the provision of engineering and maintenance servicing of Libyan aircraft or aircraft components, the certification of airworthiness for Libyan aircraft, the payment of new claims against existing insurance contracts and the provision of new direct insurance for Libyan aircraft;

5. Decides further that all States shall:

(a) Prohibit any provision to Libya by their nationals or from their territory of arms and related material of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts for the aforementioned, as well as the provision of any types of equipment, supplies and grants of licensing arrangements, for the manufacture or maintenance of the aforementioned;

(b) Prohibit any provision to Libya by their nationals or from their territory of technical advice, assistance or training related to the provision, manufacture, maintenance, or use of the items in (a) above;

(c) Withdraw any of their officials or agents present in Libya to advise the Libyan authorities on military matters;

6. Decides that all States shall:

(a) Significantly reduce the number and the level of the staff at Libyan diplomatic missions and consular posts and restrict or control the movement within their territory of all such staff who remain; in the case of Libyan missions to international organizations, the host State may, as it deems necessary, consult the organization concerned on the measures required to implement this subparagraph;

(b) Prevent the operation of all Libyan Arab Airlines offices

(c) Take all appropriate steps to deny entry to or expel Libyan nationals who have been denied entry to or expelled from other States because of their involvement in terrorist activities;

7. Calls upon all States, including States not members of the United Nations, and all international organizations, to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to 15 April 1992;

8. Requests all States to report to the Secretary-General by 15 May 1992 on the measures they have instituted for meeting the obligations set out in paragraphs 3 to 7 above;

9. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports submitted pursuant to paragraph 8 above;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the measures imposed by paragraphs 3 to 7 above;

(c) To consider any information brought to its attention by States concerning violations of the measures imposed by paragraphs 3 to 7 above and, in that con-

text, to make recommendations to the Council on ways to increase their effectiveness;

(d) To recommend appropriate measures in response to violations of the measures imposed by paragraphs 3 to 7 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

(e) To consider and to decide upon expeditiously any application by States for the approval of flights on grounds of significant humanitarian need in accordance with paragraph 4 above;

(f) To give special attention to any communications in accordance with Article 50 of the Charter from any neighbouring or other State with special economic problems that might arise from the carrying out of the measures imposed by paragraphs 3 to 7 above;

10. calls upon all States to cooperate fully with the Committee in the fulfilment of its task, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

11. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

12. Invites the Secretary-General to continue his role as set out in paragraph 4 of resolution 731(1992);

13. Decides that the Security Council shall, every 120 days or sooner should the situation so require, review the measures imposed by paragraphs 3 to 7 above in the light of the compliance by the Libyan Government with paragraphs 1 and 2 above taking into account, as appropriate, any reports provided by the Secretary-General on his role as set out in paragraph 4 of resolution 731(1992);

14. Decides to remain seized of the matter.

Security Council resolution 748(1992)

31 March 1992 Meeting 3063 10-0-5

3-nation draft (S/23762).

Sponsors: France, United Kingdom, United States.

Vote in Council as follows:

In favour: Austria, Belgium, Ecuador, France, Hungary, Japan, Russian Federation, United Kingdom, United States, Venezuela.

Against: None.

Abstaining: Cape Verde, China, India, Morocco, Zimbabwe.

Speaking before the Council, the Libyan Arab Jamahiriya said the dispute was of a purely legal nature and should be solved by legal means. On the basis of the 1971 Montreal Convention,(8) it had taken concrete measures and had requested arbitration. The other parties had not cooperated with Libyan judicial authorities, refusing to turn over their files on the case and the evidence in their possession.

With regard to resolution 731(1992) adopted in January, the Jamahiriya said not only was it based on incomplete investigations, but there was no justification for it, since it made no mention of the Libyan point of view and ignored Article 33 of the Charter. In addition, the procedure followed by the Council in adopting that resolution did not take into account Article 27 of the Charter, which stipulated that when decisions were adopted under Chapter VI, a party to a dispute should abstain

from voting; that was applicable to France, the United Kingdom and the United States.

The Libyan Arab Jamahiriya stated that it had no objection to surrendering the two suspects to the United Nations in Tripoli in order to facilitate investigations, or to the Secretary-General's undertaking to set up a legal committee to carry out a comprehensive investigation. If the Secretary-General were then to confirm the seriousness of the accusations, it would not object to surrendering the two suspects under his personal supervision to a third party. It further agreed with France's proposal to send a judge to the Jamahiriya to investigate and expressed readiness to have the Secretary-General or his deputy engage in fact-finding on its territory in order to disprove or confirm allegations of its purported implication in terrorist acts.

In the view of the United States, the evidence revealing Libyan involvement in the terrorist acts against the two airliners indicated a serious breach of international peace and security and fully justified measures pursuant to Chapter VII of the Charter. The means chosen were appropriate and the sanctions measured, precise and limited—a multilateral, non-violent and peaceful response to violent and brutal acts.

Given the nature of Libyan involvement with terrorism and the means it had employed, the United Kingdom considered entirely appropriate the arms ban and action against Libyan overseas missions and Libyan Arab Airlines offices. The sanctions would not be brought into force until 15 April, which would allow time for the Libyan Arab Jamahiriya to take steps in order to avoid their imposition completely. For France, the sanctions were balanced and appropriate, as the three areas they applied to—arms, aviation, and diplomatic and consular personnel—could be used to support international terrorism.

Report and communications. The Secretary-General submitted a report on 22 May with later addenda,(18) on the implementation of resolution 748(1992). As at 13 August, 82 States reported on the measures they had instituted to comply with the resolution. Later in the year, another five reported on their compliance.(19)

During the year, the Libyan Arab Jamahiriya informed the President of the Security Council or the Secretary-General on many occasions(20) of the negative effects resulting from the aerial embargo imposed in resolution 748(1992). It also renounced terrorism on several occasions and affirmed its acceptance of as well as its readiness to cooperate in implementing Security Council resolution 731(1992).

France transmitted a 16 April letter(21) from the judge in charge of investigating the bombing of UTA flight 772, stating that the Libyan documents on the enquiry into the air attack submitted to him

were inconsistent and some of them even showed anomalies; therefore, they had no probative value.

Responding on 26 April,(22) the Counsellor and Investigating Judge of the Libyan Arab Jamahiriya stated that the Libyan authorities had instituted an enquiry after establishing the three subjects' identities and informing them of the charges brought against them. They had also discussed with them in detail the indictment brought by the French examining magistrate and the suspicions against them. With regard to the fourth suspect, they presented evidence, by means of official documents, to establish his true name and that he had died more than a year earlier. The Counsellor declared that the Libyan authorities were prepared to cooperate fully with the French magistrate in order to bring the truth to light.

France, the United Kingdom and the United States, in a 27 November declaration,(23) condemned the Jamahiriya's failure to comply with the Security Council's requirements; demanded prompt, complete and unequivocal compliance; expressed determination to intensify their efforts to make the Council sanctions more effective; and called on the Libyan Arab Jamahiriya to end its defiance of the international community.

The Libyan Arab Jamahiriya, on 8 December,(24) appealed to the Secretary-General to use his best endeavours to have resolution 748(1992) rescinded, in view of the steps it had taken to implement resolution 731(1992) and the proposals it had put forward regarding the legal prosecution of the two Libyan nationals suspected of being connected with the downing of Pan Am flight 103.

Following adoption of a resolution by the Basic People's Congresses (the Libyan legislative authority) to the effect that they did not object to the two suspects being brought before a just and fair tribunal, the Jamahiriya declared that it had no objection to them appearing of their own accord before United States or British courts and that it was prepared to enter into negotiations, under the Secretary-General's auspices, regarding a trial held in a neutral country.

With regard to UTA flight 772, the Jamahiriya stated that the French and Libyan investigating magistrates had met on a number of occasions, and the French magistrate had examined the records of the Libyan investigation. It was agreed that he should go to the Jamahiriya to complete his investigations, and contacts continued to renew arrangements for such a visit. The Jamahiriya said it had also cooperated with France in respect of its other requests as set forth in December 1991,(3) namely, that the Jamahiriya produce all the material evidence in its possession and facilitate access to all documents that might be useful in establishing the truth; facilitate the necessary contacts for the assembly of witnesses; and author-

ize the Libyan officials to respond to any request by the examining magistrate for judicial information.

The Jamahiriya also summed up its action taken against terrorism, namely: it had severed relations with all groups and organizations suspected of involvement in terrorist acts; it did not permit its territory, nationals or institutions to be used for such acts and was prepared to impose severe penalties on those proved to have been involved; it had cooperated with the United Kingdom to help trace those elements and organizations accused by the latter of being involved in terrorist acts; and it had facilitated talks between French and Libyan judicial authorities to determine responsibility in the case of the bombing of UTA flight 772.

SECURITY COUNCIL ACTION (August and December)

Following consultations held on 12 August and 9 December, the President made identical statements on behalf of the Council members:(25)

"The members of the Security Council held informal consultations on 12 August 1992 (9 December 1992) pursuant to paragraph 13 of resolution 748(1992), by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

"After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748(1992)."

Incident at Venezuela's Embassy in Tripoli

At the request of Venezuela,(26) the Security Council considered on 2 April 1992 the destruction of Venezuela's Embassy in Tripoli. Venezuela reported to the President of the Council(27) that that day a mob of students and people from the street broke into the Embassy shouting slogans against Venezuela because of its vote in the Council in favour of resolution 748(1992) and then ransacked and destroyed the premises. Neither the four Libyan guards assigned to protect the Embassy nor the police of Tripoli intervened to stop the looting and arson.

Following consultations, the President made a statement on behalf of members of the Council.(28)

Meeting number. SC 3064.

"The Security Council strongly condemns the violent attacks on and destruction of the premises of the Embassy of Venezuela in Tripoli that took place today. The fact that these intolerable and extremely grave

events have been directed not only against the Government of Venezuela but also against and in reaction to Security Council resolution 748(1992) underlines the seriousness of the situation.

"The Council demands that the Government of the Libyan Arab Jamahiriya take all necessary measures to honour its international legal obligations to ensure the security of the personnel and to protect the property of the Embassy of Venezuela and of all other diplomatic and consular premises or personnel present in the Libyan Arab Jamahiriya, including those of the United Nations and related organizations, from acts of violence and terrorism.

"The Council further demands that the Libyan Arab Jamahiriya pay to the Government of Venezuela immediate and full compensation for the damage caused.

"Any suggestion that those acts of violence were not directed against the Government of Venezuela but against and in reaction to resolution 748(1992) is extremely serious and totally unacceptable."

On 5 April,(29) Venezuela informed the Council that, on that day, the Libyan Arab Jamahiriya had apologized for the damage to the Embassy, condemned the act and indicated that it would provide compensation.

REFERENCES

- (1)A/46/825-S/23306, A/46/826-S/23307, A/46/827-S/23308, A/46/828-S/23309, A/46/831-S/23317. (2)A/46/827-S/23308. (3)A/46/825-S/23306. (4)A/46/844-S/23416. (5)A/46/845-S/23417. (6)A/46/841-S/23396. (7)S/23441. (8)YUN 1971, p. 739. (9)S/23436. (10)S/23442. (11)S/23574. (12)S/23672. (13)A/46/886-S/23641. (14)A/46/888-S/23656. (15)A/46/895-S/23731. (16)S/23745. (17)S/23764. (18)S/23992 & Add.1,2. (19)S/24374, S/24465, S/24485, S/24676, S/24972. (20)S/23855, S/23915, S/23954, S/24004, S/24072, S/24136, S/24334, S/24381, S/24427, S/24428, S/24463, S/24530, S/24629, S/24773, S/24961/Add.1. (21)S/23828. (22)S/23891. (23)A/47/758-S/24913. (24)S/24961. (25)S/24424, S/24925. (26)S/23771. (27)S/23776. (28)S/23772. (29)S/23796.