

Chapter II

Americas

United Nations efforts to help resolve the remaining protracted conflicts in Central America bore fruit in 1992 with respect to El Salvador. A final peace agreement was concluded in January between the Government and the Frente Farabundo Martí para la Liberación Nacional, the opposition movement in the country, formally bringing the 12-year armed conflict between them to an end in December.

In the light of this development and given the undergirding joint course of action adopted by the Central American States in the Managua Agenda for the progressive transformation of the subregion into one of peace, democracy and development, the Security Council terminated the United Nations Observer Group in Central America. The Council enlarged and extended the mandate of the United Nations Observer Mission in El Salvador, however, to enable it to verify compliance with all of the agreements concluded between the parties during their negotiations for a comprehensive settlement of their conflict. It subsequently extended the Mission's mandate a second time, to 31 May 1993.

During the year, the General Assembly adopted several resolutions relating to the Americas. It urged the Governments of Central America to continue their efforts to consolidate a firm and lasting peace in the subregion and reiterated the importance of stepping up the negotiating process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, the opposition movement, on the basis of the Mexico City and Querétaro Agreements of 1991. In a resolution concerning the need to end the economic embargo imposed by the United States against Cuba, the Assembly called for the repeal of laws whose extraterritorial effects affected States' sovereignty and freedom of trade and navigation. It condemned anew the attempted illegal replacement of the constitutional President of Haiti. It requested continued consultations between the United Nations and the Organization of American States with a view to signing a cooperation agreement in 1993.

In a related action, the Assembly sought continued international support for Nicaragua to overcome the aftermath of war and of recent natural disasters in the country, as well as to stimulate reconstruction and development.

Central America situation

The Central American States of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama pressed forward in 1992 with their programme for the consolidation of peace in Central America and for the economic integration and development of the subregion. They held a summit at Managua, Nicaragua, on 4 and 5 June 1992,(1) the twelfth since they first gathered at Esquipulas, Guatemala, in 1986,(2) in search of a peaceful resolution of their differences.

The six countries adopted a detailed agenda, referred to as the Managua Agenda, covering a wide range of issues in the political, social and economic domains. A number of them related to the establishment of the Preparatory Commission for the implementation of the Tegucigalpa Protocol, so as to bring into operation the Central American Integration System;(3) the renewal of the mandate of the Security Commission, established by the 1990 Security Commission Agreement,(4) to include a deeper scrutiny into the questions of arms trafficking and confidence-building; the continuance of policies to advance national reconciliation, with emphasis on the role of the national commissions set up for the purpose; and improvement of the democratic institutions and mechanisms for guaranteeing human rights. Also on the Agenda were appeals to the international community in general for increased support for democracy and peace in Central America, and to the European Economic Community in particular for specific assistance in the trade, energy and finance sectors.

(For the question of the Central American refugees and displaced persons, see PART THREE, Chapter XV.)

GENERAL ASSEMBLY ACTION

On 18 December 1992, the General Assembly adopted without vote resolution 47/118.

The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

The General Assembly,

Recalling Security Council resolutions 530(1983) of 19 May 1983, 562(1985) of 10 May 1985, 637(1989) of 27 July 1989, 644(1989) of 7 November 1989, 650(1990) of

27 March 1990, 653(1990) of 20 April 1990, 654(1990) of 4 May 1990, 656(1990) of 8 June 1990, 714(1991) of 30 September 1991, 719(1991) of 6 November 1991, 729(1992) of 14 January 1992, 784(1992) of 30 October 1992 and 791(1992) of 30 November 1992, and its resolutions 38/10 of 11 November 1983, 39/4 of 26 October 1984, 41/37 of 18 November 1986, 42/1 of 7 October 1987, 43/24 of 15 November 1988, 44/10 of 23 October 1989, 44/44 of 7 December 1989, 45/15 of 20 November 1990 and 46/109 of 17 December 1991,

Bearing in mind the importance of the commitments assumed by the Central American Presidents under the agreement signed at Guatemala City on 7 August 1987 at the Esquipulas II summit meeting; the declarations adopted at Alajuela, Costa Rica, on 16 January 1988 and at Costa del Sol, El Salvador, on 14 February 1989; the agreements concluded at Tela, Honduras, on 7 August 1989, at San Isidro de Coronado, Costa Rica, on 12 December 1989, at Montelimar, Nicaragua, on 3 April 1990, at Antigua, Guatemala, on 17 June 1990, at Puntarenas, Costa Rica, on 17 December 1990, and at Tegucigalpa on 13 December 1991; and the Managua Agenda of 5 June 1992,

Aware that the agreement on "Procedures for the establishment of a firm and lasting peace in Central America", signed at Guatemala City on 7 August 1987 by the Presidents of the Republics of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, at the Esquipulas II summit meeting, is the outcome of the decision by Central Americans to take up fully the historical challenge of forging a peaceful destiny for Central America,

Convinced of the political will that inspires the peoples of Central America to achieve peace, reconciliation, development and justice, as well as the commitment to settle their differences by means of dialogue, negotiation and respect for the legitimate interests of all States, in accordance with their own decision and their own historical experience and without sacrificing the principles of self-determination and non-intervention,

Recognizing the importance of all aspects of the peace-keeping operations that have been carried out in Central America, pursuant to the decisions of the Security Council and with the support of the Secretary-General, and the need to preserve and enhance the results obtained,

Reaffirming the belief that peace is one, undivided and indivisible, and thus inseparable from freedom, democracy and development, and that these goals are essential for consolidating the transformations which will guarantee sustained, participatory and equitable development in Central America, as well as the need to re-define the manner in which the Central American economies are linked to the rest of the world,

Considering that, at the Puntarenas summit meeting, the Presidents declared Central America to be a region of peace, freedom, democracy and development, and that in the Tegucigalpa Declaration they established the Central American Integration System, the fundamental objective of which is to ensure the integration of Central America and its establishment as a region of peace, freedom, democracy and development.,

Also considering the importance of the decisions concerning human and social development adopted by the Central American Presidents at Tegucigalpa in December 1991, as well as the significance of the Managua Agenda, adopted

by the Presidents in Nicaragua in June 1992, when they also evaluated the results of the last eleven summit meetings and adopted a joint course of action for follow-up and consolidation of the agreements concluded,

Further considering the commitments that have been entered into during the negotiations on security, verification, and control and limitation of arms and military personnel, within the Security Commission established under the agreement signed at the Esquipulas II summit meeting, for the purpose of achieving a stable and lasting peace in Central America,

Convinced that the Peace Agreement reached on 16 January 1992 at Mexico City between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional reflects that country's profound aspiration for peace and justice, and that scrupulous compliance therewith will not only permit an end to the armed conflict through political means but also lay the foundation for major political, legal, economic and social changes that must involve all sectors of the country in the consolidation of a democratic and cohesive society,

Noting with satisfaction that both parties have scrupulously observed the cease-fire, overcoming delays and difficulties in the process of implementing the peace agreements in El Salvador, and, through the mediation of the Secretary-General and his representatives, have adopted agreements leading to the final cessation of the armed conflict on 15 December 1992,

Taking note of the report of the Secretary-General on the United Nations Observer Mission in El Salvador of 23 November 1992,

Convinced of the importance of continued talks between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, under the auspices of the National Reconciliation Commission of Guatemala and in the presence of the Representative of the Secretary-General, in order to end the internal armed confrontation at the earliest opportunity and to bring about national reconciliation, with full respect for the human rights of all Guatemalans,

Emphasizing the importance of the end of the armed conflict in Nicaragua and the need to consolidate peace in that country, as well as the urgent need for the international community and the United Nations system to continue providing Nicaragua with the support required to promote rehabilitation and economic and social reconstruction, for the purpose of strengthening democracy and overcoming the aftermath of the war and the adverse consequences of recent natural disasters,

Recognizing the valuable and effective contribution of the United Nations and of various governmental and non-governmental mechanisms to the process of democratization, pacification and development in Central America, as well as the importance for the progressive transformation of Central America into a region of peace, freedom, democracy and development of both the political dialogue and the economic cooperation set in motion by the Ministerial Conference on Political Dialogue and Economic Cooperation between the European Community and the Central American countries and the joint initiatives of the industrialized countries (Group of Twenty-four) and the group of cooperating countries (Group of Three) in Latin America, through a partnership for democracy and development in Central America,

Bearing in mind that there remain in Central America major obstacles to the full exercise of peace, freedom, democracy and development, the final overcoming of which requires a global frame of reference that would enable the international community to focus its support on efforts towards collective affirmation and democratic progress being made by the Central American countries,

1. Commends the effort made by the Central American countries to achieve peace through the implementation of the agreement on "Procedures for the establishment of a firm and lasting peace in Central America", signed at Guatemala City on 7 August 1987, as well as of the agreements adopted at subsequent summit meetings;

2. Expresses its strongest support for these agreements and urges the Governments to continue their efforts to consolidate firm and lasting peace in Central America, and requests the Secretary-General to continue to afford the fullest possible support to the Central American Governments in their efforts to consolidate peace, democracy and development;

3. Reaffirm the decision of the Presidents of the Central American countries to declare Central America a region of peace, freedom, democracy and development, and encourages the initiatives of the Central American countries to consolidate Governments which base their development on democracy, peace, cooperation and strict respect for human rights;

4. Welcomes the agreements reached by the Security Commission of the Central American countries in the creation of a new security model based on coordination, communication and prevention, confidence-building between the States of the region, as well as the progress made on security, verification, and control and limitation of arms and military personnel;

5. Expresses its satisfaction at the steps taken to implement the vital Peace Agreement between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, and at the flexibility shown by both parties in overcoming obstacles and differences and in maintaining the close linkage between the implementation of the various commitments assumed by them, in order to ensure the full and scrupulous implementation of all the agreements;

6. Welcomes with particular satisfaction the holding of the National Reconciliation Ceremony on 15 December 1992, which brought to an end definitively the armed confrontation in El Salvador, and urges all sectors of Salvadorian society to continue to act with the greatest responsibility and spirit of détente and national reconciliation in order to ensure implementation of the commitments still to be fulfilled, thus making it possible to complete successfully the pacification process and develop normal living conditions throughout the country, particularly in the areas most affected by the armed conflict;

7. Expresses its appreciation for the effective and timely mediation of the Secretary-General and his representatives and extends its support to them so that they can continue to take all necessary steps to contribute to the successful implementation of all the peace agreements in El Salvador;

8. Also expresses its appreciation to the Governments of Colombia, Mexico, Spain and Venezuela, which make up the Group of Friends of the Secretary-General, as well as to the Government of the United States of America, for their constant support and contribution

to the efforts to reach the Peace Agreement and implement the commitments which are laid down in it, and urges them to continue to support them until the full implementation of these agreements, which reflect the will and aspirations of the Salvadorian people, is brought about;

9. Reiterates the importance of stepping up the negotiating process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca in order to achieve the goals laid down in the agreements signed at Mexico City on 26 April 1991 and at Querétaro, Mexico, on 25 July 1991, and urges scrupulous implementation of the agreed procedures and progress towards the adoption of commitments on all the issues set forth in the agreements signed at Mexico City, particularly the signing of the Comprehensive Agreement on Human Rights which they have been considering, in order to achieve, in the near future, national reconciliation and a firm and lasting peace with the continued support of the international community and the United Nations; expresses appreciation, likewise, to the Secretary-General and his Representative for the support that they are giving to the negotiating process and encourages them to continue to provide it;

10. Supports the efforts that the Government of Nicaragua is making to consolidate peace and endorses the provision concerning exceptional circumstances so that the international community and funding agencies will provide their support for rehabilitation, economic and social reconstruction and the strengthening of reconciliation and democracy in that country;

11. Stresses the importance that the continuity and outcome of the political dialogue and economic cooperation between the European Community and its member States, the States of Central America and Panama and the group of cooperating countries (Group of Three), as well as the initiative of the industrialized countries (Group of Twenty-four), through the Partnership for Democracy and Development in Central America, have for the efforts of the Central American countries to achieve peace and to consolidate democracy and economic development;

12. Requests the Secretary-General and the organizations of the United Nations system to provide, as appropriate and from within existing resources, the necessary technical and financial support to the Central American Governments, and calls upon the international community to increase its support for peace, freedom, democracy and development in Central America by providing resources for their consolidation, so that the region's material limitations do not diminish or reverse the progress made;

13. Reiterates the importance that the Special Plan of Economic Cooperation for Central America, which the General Assembly welcomed in its resolution 42/231 of 12 May 1988, has for the implementation of this resolution, in particular because it provides the underpinning for the implementation of the Central American Economic Plan of Action;

14. Decides to include in the provisional agenda of its forty-eighth session the item entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development";

15. Requests the Secretary-General to submit a report to the General Assembly at its forty-eighth session on the implementation of the present resolution.

General Assembly resolution 47/118

18 December 1992 Meeting 91 Adopted without vote

25-nation draft (A/47/L.34/Rev.1 & Rev.1/Add.1), orally revised; agenda item 36.

Sponsors: Argentina, Belgium, Brazil, Chile, Colombia, Costa Rica, Denmark, El Salvador, France, Germany, Greece, Guatemala, Honduras, Ireland, Italy, Luxembourg, Mexico, Netherlands, Nicaragua, Panama, Portugal, Spain, United Kingdom, United States, Venezuela.

Financial implications. 5th Committee, A/47/799; S-G, A/C.5/47/73.

Meeting numbers. GA 47th session: 5th Committee 47; plenary 80, 91.

UN Observer Group in Central America

Based on a recommendation by the Secretary-General, the Security Council terminated, with effect from 17 January 1992, the United Nations Observer Group in Central America (ONUCA), established in 1989(5) to verify compliance with the security undertakings agreed upon by live Central American countries in 1987.(6) Its mandate had been last extended in November 1991(7) and review of its operations since then was undertaken by the Secretary-General early in January 1992, in the light of recent positive developments in Central America and in keeping with the widely held view that a given peace-keeping operation should be set up for a specific task and period and then be disbanded.

Report of the Secretary-General. Following his review of ONUCA, the Secretary-General informed the Security Council on 14 January 1992(8) that the only notable incident in which ONUCA played a role took place on 19 December 1991. When it provided helicopter support to help recover the bodies of nine Honduran military personnel who had died when their helicopter, which had strayed into El Salvador, had been mistaken for an aircraft of that country's armed force and shot down by the Frente Farabundo Martí para la Liberación Nacional (FMLN).

More significantly, major progress had been achieved in the negotiations on a comprehensive settlement of the armed conflict in El Salvador between the Government and FMLN. The parties had concluded further agreements that, together with those concluded earlier, would put a definitive end to the conflict. Having formally recorded this fact in the New York Act of 31 December 1991, the parties were set to sign a final Peace Agreement in Mexico City on 16 January 1992.(9)

In view of these developments, the Secretary-General recommended the termination of ONUCA and proposed redeployment of some of its personnel and equipment to the United Nations Observer Mission in El Salvador (ONUSAL) by 1 February. In so doing, he paid tribute to the Chief Military Observer, Brigadier-General Victor Suanzes Pardo (Spain), and to all other military and civilian personnel who had served with ONUCA.

SECURITY COUNCIL ACTION

On 16 January 1992, the Security Council, having considered the Secretary-General's report, unanimously adopted resolution 730(1992).

The Security Council,

Recalling its resolution 719(1991) of 6 November 1991,

Recalling also its resolution 729(1992) of 14 January 1992,

1. Approves the report of the Secretary-General of 14 January 1992;

2. Decides, in accordance with the recommendation in paragraph 7 of the report, to terminate the mandate of the United Nations Observer Group in Central America with effect from 17 January 1992.

Security Council resolution 730(1992)

16 January 1992 Meeting 3031 Adopted unanimously

Draft prepared in consultations among Council members (S/23427).

Financing

In October 1992,(10) the Secretary-General provided information covering the status, as at 30 September, of contributions assessed on Member States for the financing of ONUCA from its inception on 7 November 1989 to 30 April 1992, the date to which its mandate had last been extended; the resources made available to it, the operating costs and the resultant unutilized balance in the ONUCA Special Account; and the disposition of ONUCA personnel and assets.

Of a total assessment of \$94,961,864 apportioned among Member States, \$82,223,800 had been received, leaving a balance due of \$12,738,064.

Resources made available for the period 7 November 1989 to 30 April 1992 amounted to \$115,726,900 gross (\$112,817,400 net), including appropriations of \$114,163,900 gross (\$111,254,400 net) and voluntary contributions in kind from Germany and Venezuela valued at \$1,563,000; interest and miscellaneous income totalled \$4,313,685. Deducting operating costs for the same period of \$89,357,172 gross (\$87,139,662 net) and \$17,337,700 gross (\$17,106,600 net) in credits to Member States against their assessed contributions left a net unencumbered balance of \$12,884,823. However, owing to the outstanding assessed contributions of \$12,738,064, the ONUCA Special Account showed a net unutilized balance of \$146,759.

On 24 January 1992, 131 military observers were transferred to ONUSAL. Twenty-nine (of 45) international and 53 (of 81) local staff were retained to supervise the closing of ONUCA, all of whom, except for one of the international staff, were phased out over three and a half months; 16 international staff were reassigned or returned to their parent duty stations. On 31 January, 28 local staff were terminated. The assignment of one international staff member was extended until 30 September to settle financial obligations at United Nations Headquarters. Also transferred to ONUSAL was equipment with a depreciated value of \$3,561,547.

El Salvador situation

The complex negotiations that began in 1990 to end the armed conflict in El Salvador culminated in the signing of the Peace Agreement by the Government of El Salvador and FMLN in Mexico City on 16 January 1992.(9)

That event was preceded by the signing, at midnight on 31 December 1991, of the New York Act, concluded in negotiations between the parties at United Nations Headquarters through the good offices of outgoing Secretary-General Javier Pérez de Cuéllar. By the Act, the parties declared that they had reached definitive agreements which, combined with the 1990 San José Agreement on Human Rights(11) and 1991 Mexico(12) and New York(13) Agreements, completed the negotiations on all substantive items called for by the 1990 Caracas Agenda(14) and by the Compressed Negotiations that formed an integral part of the 1991 New York Agreement. The parties agreed that the process of ending the armed conflict was to begin formally on 1 February 1992 and be completed by 31 October. They further agreed to finalize, by 14 January at the latest, the timetable for implementing the agreements and the procedure for dismantling the military structure of FMLN and the reintegration of its members into El Salvador's civil, political and institutional life.

On 13 January, following an intensive final round of negotiations at Headquarters under the leadership of the Secretary-General's Personal Representative for the Central American Peace Process, Alvaro de Soto, the parties signed New York Act II, recording their agreement on all other outstanding issues.

The texts of the Acts were transmitted by El Salvador to the Secretary-General on 27 January.(15)

SECURITY COUNCIL ACTION

Following consultations of the Security Council members on 3 January 1992, the President, on behalf of the Council, made the following statement:(16)

"The members of the Security Council have noted with appreciation the briefing provided by the Secretary-General on the agreement signed late in the night of 31 December by the Government of El Salvador and the FMLN which, when implemented, will put a definite end to the Salvadorian armed conflict. The members of the Council warmly welcomed the agreement, which is of vital importance for the normalization of the situation in El Salvador and in the region as a whole. They place on record their thanks and appreciation for the enormous contribution of Señor Pérez de Cuéllar and his Personal Representative, Alvaro de Soto, their collaborators, and all the Governments, especially those of Colombia, Mexico, Spain and Venezuela, that have assisted Señor Pérez de Cuéllar in his efforts.

"The members of the Council urge the parties to show maximum flexibility in resolving the pending issues in the negotiations at United Nations Headquarters starting this weekend. They also urge the parties to exercise maximum restraint and to take no action in the coming days which would be contrary to the agreement reached in New York and to the excellent spirit in which these talks took place.

"They welcomed the Secretary-General's intention, stated today, to submit a written report and proposals early next week with a view to Council action both regarding verification of cease-fire arrangements and the monitoring of the maintenance of public order pending the establishment of the new National Civil Police. This will require the approval by the Council of new tasks for ONUSAL. The members of the Council stand ready to deal expeditiously with any recommendations that the Secretary-General may make."

Report of the Secretary-General. In a report of 30 November 1992,(17) Secretary-General Boutros Boutros-Ghali attributed the success that led to the Salvadorian Peace Agreement primarily to the determination of El Salvador's President, Alfredo F. Cristiani, and the FMLN leadership to achieve a negotiated solution to the conflict. He expressed appreciation to his predecessor, Javier Pérez de Cuéllar, who helped to ensure that success, as well as to Colombia, Mexico, Spain and Venezuela—referred to as the Group of Friends of the Secretary-General—for their support during the negotiations.

The Secretary-General described the Peace Agreement as a comprehensive package of inter-related undertakings by the parties, aimed not only at the cessation of the 12-year civil war in El Salvador, but also at tackling the root causes of the conflict by promoting democratization, respect for human rights and reconciliation among Salvadorians. Those endeavours would lay the groundwork for general elections in 1994.

The Agreement(9) provided for the reform of the armed forces of El Salvador (FAES) in terms of doctrine, structure, professional training and size; the replacement of the existing security bodies and intelligence services; the creation of a new National Civil Police under exclusive civilian control and of a new National Public Security Academy; the reform of the judicial system, including the creation of an Office of the National Counsel for the Defence of Human Rights; amendments to the Electoral Code and appointment of a Supreme Electoral Tribunal to prepare for the 1994 elections; economic and social development, the minimum commitments for which included agrarian reform, legal settlement of the land-tenure situation in the conflict zones and a national reconstruction plan; and legislative and other action to guarantee political participation by FMLN.

The Agreement further specified the interlocking steps to be carried out by the Government and FMLN for ending the armed conflict and for dis-

mantling the FMLN structure, as well as the related verification tasks to be performed by ONUSAL. It called for United Nations verification of compliance, not only with the Peace Agreement, but also with the 1990 San José and 1991 Mexico and New York Agreements. It set forth an implementation timetable, with the stipulation that any adjustments required should be decided by ONUSAL in consultation with the parties. This was followed by a final declaration expressing the parties' firm determination to fulfil in good faith all the undertakings outlined by the Agreement and to cooperate with ONUSAL.

UN Observer Mission in El Salvador

The mandate of the United Nations Observer Mission in El Salvador, established by the Security Council in May 1991,(18) was extended thrice in 1992: on 14 January, when it was also enlarged, on 30 October and on 30 November. The extensions, for periods ending, respectively, on 31 October and 30 November 1992 and on 31 May 1993, were based on the Secretary-General's reports on all operational aspects of ONUSAL before the expiry of each mandate period.

Report of the Secretary-General (January). On 10 January 1992,(19) the Secretary-General informed the Security Council that the agreements referred to in the New York Act included two in particular that, subject to the Council's approval, would require an immediate and substantial increase in the strength of ONUSAL if it was to fulfil the verification and monitoring functions desired by the parties. One agreement related to the cessation of the armed confrontation to begin on 1 February, which envisaged that ONUSAL would verify all the aspects of the cease-fire and the separation of forces; the other, relating to the creation of a new National Civil Police, envisaged that ONUSAL would monitor the maintenance of public order until that new body was in place. Those functions, together with the time-frames involved, were described in detail.

The Secretary-General thus proposed increasing ONUSAL's strength by adding to the existing Human Rights Division two other divisions under the overall control of the Chief of Mission: a Military Division and a Police Division. The Military Division would have a core strength of 244 military observers through 31 October (when the process of ending the armed hostilities was to be completed), with another 128 to be deployed in connection with the 30-day (1 February-2 March) implementation of the separation of forces. It would be headquartered in San Salvador and would maintain four regional offices colocated with the current regional offices of the Human Rights Division.

The Police Division would require a core strength of 631 police observers until 31 Decem-

ber, to be deployed in all departments of El Salvador. It would likewise be headquartered in San Salvador and would have four regional offices colocated in the existing ONUSAL regional offices. It would set up sub-offices that would correspond to National Police deployment.

ONUSAL additionally required 95 civilian staff to provide administrative, transport, communication and procurement support; premises and accommodation, transport and air operations; communication and miscellaneous equipment; and supplies and services.

It was the Secretary-General's intention to meet most of these requirements by the transfer of personnel and equipment from ONUCA, whose termination was imminent (see above, under "UN Observer Group in Central America").

On 13 January,(20) the Secretary-General gave a preliminary estimate of approximately \$58.9 million as the cost of ONUSAL for the 10-month period from 1 January to 31 October 1992, should the Council decide to expand the ONUSAL mandate as recommended. That amount was to be considered an expense of the Organization, to be borne by Member States in accordance with the relevant provisions of the Charter of the United Nations. The assessments to be levied on Member States were to be credited to the ONUSAL Special Account.

SECURITY COUNCIL ACTION (January)

On 14 January 1992, the Security Council, having considered the Secretary-General's report, unanimously adopted resolution 729(1992).

The Security Council,

Recalling its resolution 637(1989) of 27 July 1989,

Recalling also its resolution 714(1991) of 30 September 1991, as well as the statement made by the President of the Council on behalf of the members of the Council on 3 January 1992 following the signature of the Act of New York on 31 December 1991,

Recalling further its resolution 693(1991) of 20 May 1991 by which it established the United Nations Observer Mission in El Salvador,

Welcoming the conclusion of agreements between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, which are to be signed in Mexico City on 16 January 1992 and which, when implemented, will put a definitive end to the Salvadorian armed conflict, and will open the way for national reconciliation,

Calling upon both parties to continue to exercise maximum moderation and restraint and to take no action which would be contrary to or adversely affect the agreements to be signed in Mexico City,

Expressing its conviction that a peaceful settlement in El Salvador will make a decisive contribution to the Central American peace process,

Welcoming the intention of the Secretary-General to convey shortly to the Council his recommendation on the termination of the mandate of the United Nations Observer Group in Central America,

1. Approves the report of the Secretary-General contained in document S/23402;

2. Decides, on the basis of the Secretary-General's report and in accordance with the provisions of its resolution 693(1991) of 20 May 1991, to enlarge the mandate of the United Nations Observer Mission in El Salvador to include the verification and monitoring of the implementation of all the agreements once these are signed in Mexico City between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, in particular the Agreement on the Cessation of the Armed Conflict and the Agreement on the Establishment of a National Civil Police;

3. Also decides that the mandate of the United Nations Observer Mission in El Salvador, enlarged in accordance with this resolution, will be extended to 31 October 1992 and that it will be reviewed at that time on the basis of recommendations to be presented by the Secretary-General;

4. Requests the Secretary-General to take the necessary measures to increase the strength of the United Nations Observer Mission in El Salvador as recommended in his report;

5. Calls upon both parties to respect scrupulously and to implement in good faith the commitments assumed by them under the agreements which are to be signed in Mexico City, and to cooperate fully with the United Nations Observer Mission in El Salvador in its task of verifying the implementation of these agreements;

6. Reaffirms its support for the Secretary-General's continuing mission of good offices with regard to the Central American peace process, and in particular for his observations in paragraphs 17, 18 and 19 of the report regarding his intention to continue, as was foreseen in the Geneva Agreement of 4 April 1990 concerning the process which is to end definitively the armed conflict, to rely on the Governments of Colombia, Mexico, Spain and Venezuela, as well as other States and groups of States, to support him in the exercise of his responsibilities;

7. Requests the Secretary-General to keep the Council fully informed of developments relating to the implementation of this resolution and to report on the operations of the United Nations Observer Mission in El Salvador before the expiry of the new mandate period.

Security Council resolution 729(1992)

14 January 1992 Meeting 3030 Adopted unanimously

Draft prepared in consultations among Council members (S/23411)

On 17 January,(21) the Council agreed to the Secretary-General's proposal(22) to appoint the former Chief Military Observer of ONUCA, Brigadier-General Victor Suanzes Pardo (Spain), Chief Military Observer of ONUSAL.

Financing (January-October 1992)

On 22 April 1992,(23) the Secretary-General presented to the General Assembly a report on the total requirements of ONUSAL for the period 1 January to 31 October 1992.

He stated that, to enable him to act speedily on the Security Council decision to enlarge and extend the ONUSAL mandate pending approval of

the budget for the enlarged operation, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) had concurred with his proposal to enter into commitments for ONUSAL not to exceed \$10 million under a 1991 Assembly resolution(24) on unforeseen and extraordinary expenses for the 1992-1993 biennium.

The total cost for the period 1 January to 31 October 1992 was estimated at \$48,784,000 gross (\$46,374,000 net). That amount covered requirements relating to the original mandate (to verify compliance with the 1990 San José Agreement on Human Rights(11)) and to the enlarged mandate, and included the commitment authority of up to \$10 million.

As to financing from 1 July to 31 December 1991, assessments totalling \$13,242,993 had been apportioned among Member States, of which \$7,060,446 had been received, leaving an unpaid balance of \$6,182,547 as at 31 March 1992. Initial appropriations and related expenditures for the same period resulted in an estimated unencumbered balance of \$3,561,500 gross (\$3,347,700 net), or about 25 per cent of the authorized appropriations. Against the contributions received was a net expenditure of \$9,652,300 for the period ending 31 December 1991; this resulted in an operating deficit of \$2,591,854.

In the light of the deficit and of the unpaid assessed contributions, the Secretary-General recommended that no action be taken regarding the net unencumbered balance and that it be retained in the ONUSAL Special Account.

Following a detailed examination of the cost estimates, and taking account not only of those areas where savings could be made, but also of the net unencumbered balance, ACABQ(25) recommended that, for the period from 1 January to 31 October 1992, the Assembly appropriate and assess \$39 million gross (\$37 million net) inclusive of the \$10 million it had previously authorized.

ACABQ requested that the Secretary-General report to the Assembly on the feasibility and implications of merging the accounts of ONUCA and ONUSAL, in view of the functional relationship of the two operations and of the large number of personnel and equipment that had been transferred from ONUCA to ONUSAL.

GENERAL ASSEMBLY ACTION

Acting on the recommendation of the Fifth (Administrative and Budgetary) Committee, the General Assembly adopted resolution 46/240 without vote on 22 May 1992.

Financing of the United Nations Observer Mission in El Salvador

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Observer Mis-

sion in El Salvador and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 693(1991) of 20 May 1991, by which the Council established the United Nations Observer Mission in El Salvador and Council resolution 729(1992) of 14 January 1992, by which the Council decided to extend the mandate of the Mission until 31 October 1992 and to enlarge it to include the verification and monitoring of the implementation of all the agreements signed at Mexico City between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

Reaffirming that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recalling its previous decisions regarding the fact that, in order to meet the expenditures caused by the Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Concurs with the observations and recommendations made by the Advisory Committee on Administrative and Budgetary Questions in its report, subject to the provisions of paragraphs 2, 8 and 9 below;

2. Notes that the payment of assessed contributions since 31 March 1992 has reduced the outstanding assessments;

3. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Observer Mission in El Salvador in full and on time;

4. Decides to appropriate to the Special Account for the United Nations Observer Mission in El Salvador an amount of 39 million United States dollars gross (37 million dollars net), inclusive of the amount of 10 million dollars authorized with the concurrence of the Advisory Committee, under the terms of General Assembly resolution 46/187 of 20 December 1991, for the operation of the Mission for the period from 1 January to 31 October 1992;

5. Decides also, as an ad hoc arrangement, to apportion the amounts referred to in paragraph 4 above among Member States in accordance with the composition of the groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991 and 46/198 A of 20 December 1991, and taking into account the scale of assessments for the years 1992, 1993 and 1994;

6. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on anom-

lies in the allocation of countries to the four groups set out in Assembly resolution 43/232, as adjusted by the Assembly in its resolutions 44/192 B, 45/269 and 46/198 A and applied as an ad hoc arrangement to the financing of the Mission, taking into account Assembly resolution 46/206 of 20 December 1991 and other relevant resolutions of the Assembly, including resolution 3101(XXVIII) of 11 December 1973;

7. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 5 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 2 million dollars approved for the Mission;

8. Decides also that 2 million dollars of the unencumbered balance of appropriation shall be retained in the Special Account and that the balance of 1,347,700 dollars shall be set off against the apportionment among Member States as provided for in paragraph 5 above;

9. Decides further, in principle, that the special accounts for the United Nations Observer Group in Central America and the United Nations Observer Mission in El Salvador shall be merged;

10. Decides to consider the contributions of Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, the Republic of Moldova, San Marino, Tajikistan, Turkmenistan and Uzbekistan to the Mission in accordance with the rates of assessment to be adopted for these Member States by the General Assembly at its forty-seventh session;

11. Invites the new Member States listed in paragraph 10 above to make advance payments against their assessed contributions to be determined;

12. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

13. Requests the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

14. Decides to include in the provisional agenda of its forty-seventh session the item entitled "Financing of the United Nations Observer Mission in El Salvador".

General Assembly resolution 46/240

22 May 1992 Meeting 86 Adopted without vote

Approved by Fifth Committee (A/46/924) without vote, 21 May (meeting 65); draft by Vice-Chairman (A/C.5/46/L.24), orally revised following informal consultations; agenda item 139.

Meeting numbers. GA 46th session: 5th Committee 64, 65; plenary 86.

Composition

According to the Secretary-General's reports of 25 February(26) and 26 May 1992,(27) the Military Division of ONUSAL was set up and fully deployed by 31 January among four regional military offices and 15 verification centres. Its strength, authorized at 380 military observers, stood at 368 as at 25 February. It was reduced to 292 by 26 May from 10 countries: Brazil, Canada, Colombia, Ecuador, India, Ireland, Norway, Spain, Sweden and Venezuela. On the Secretary-General's recom-

mendation, the Security Council agreed to maintain the Division's strength at that level until 1 September.(28) A further gradual reduction was expected during the remainder of the year.

The Police Division was constituted at the beginning of February with 147 of the 631 authorized police observers. By 26 May, its strength had been raised to 304 observers, deployed among six regional offices and four regional sub-offices.

The Human Rights Division was staffed with 51 civilian professionals and 14 police observers assigned from the Police Division.

In addition to the above, eight medical officers were provided by Argentina to assist ONUSAL.

Report of the Secretary-General May). The Secretary-General, on 26 May 1992,(27) reported on ONUSAL operations since the cease-fire went into effect on 1 February, as well as on the status of compliance with the undertakings prescribed by the peace agreements.

As from the cease-fire date, the Military Division began to monitor the first steps to end the armed conflict, namely, the separation of FAES and FMLN troops and their peace-time concentration in designated locations. It verified troop and weapons inventories furnished by the two forces, authorized and accompanied the movements of both, and investigated complaints of violations. It conducted air and land patrols over the area under its responsibility.

The functions of the Police Division related to government compliance with the replacement of the three existing public security bodies: the National Guard and the Treasury Police, which were to be abolished and their members incorporated into the Army for inclusion in a review aimed at purifying FAES; and the National Police, which was to be progressively replaced by the new National Civil Police. Pending completion of these processes, the Division lent support to the National Police in the discharge of its duties as the sole body responsible for law and order, monitoring its activities through an average of 100 visits and patrols each day.

The Human Rights Division of ONUSAL continued to verify compliance with the 1990 San José Agreement on Human Rights.(11) (For the reports issued by the Division in 1992, see PART THREE, Chapter X.)

ONUSAL provided assistance in overcoming some of the difficulties encountered by the parties in the course of implementing the agreements. It participated in the work of the National Commission for the Consolidation of Peace (COPAZ), established by the 1991 New York Agreement(13) to draft legislative measures related to the accords and to supervise their execution. ONUSAL continued to be assisted by the Group of Friends of the Secretary-General and by other interested Governments.

The Secretary-General observed that the goal set by the agreements to end the 12-year civil conflict in El Salvador, to consolidate peace and to return to a normal political process that should lead to free and fair elections in 1994 was not easy to achieve. The agreements were complex and demanded compromise and fundamental adjustments in political and social attitudes. While commending the parties for their strict observance of the cease-fire and noting that no major incident had threatened the fragile first phase of national reconciliation, the Secretary-General pointed to serious delays in implementation, which had undermined each side's confidence in the other's good faith.

Of concern was the continuing failure of both sides to concentrate all of their forces in the designated locations, a process that was to have been completed on 2 March. Despite its timely presentation of troop and weapons inventories, FMLN had yet to present a weapons inventory that accurately reflected its true holdings, given the widespread suspicion that it retained clandestine caches of arms and ammunition. Of equal concern was the failure of the Government to set up the National Public Security Academy and to begin recruitment for the National Civil Police, of FMLN to return the first 20 per cent of its combatants to civilian life, and of the Government to initiate the legalization of FMLN as a political party—all of which should have taken place by 1 May.

Contradictory interpretations of specific provisions further impeded implementation. This was true with the land-tenure issue, which, in the absence of a precise definition of "conflict zones" in the Peace Agreement, had resulted in land seizures and dispossessions. This was also true with the restoration of public administration in those zones, where the return of certain judges and mayors met with opposition from FMLN, the community and non-governmental organizations. Based on its interpretation of the letter, the Government saw no problem with the manner in which it had abolished the Treasury Police and National Guard, or in transferring to the National Police large numbers of their members—actions that ONUSAL regarded as contrary to the spirit of the Agreement.

Because of the atmosphere of deep distrust between the parties, ONUSAL's insistence on impartiality had sometimes been perceived by one side as partiality towards the other. The Secretary-General reported in this connection that anonymous threats had recently been made against the security of ONUSAL and its personnel, of which the Salvadorian authorities had been informed. He also stated that the failure of the two sides to comply fully with the timetable had been brought to the attention of the President and the FMLN

General Command, who assured him that they would take steps to break the impasse and get the implementation process back on course.

SECURITY COUNCIL ACTION (June)

After consultations held on 3 June, the President of the Security Council made the following statement(29) to the media on behalf of the Council members in connection with the item entitled "Central America: efforts towards peace":

"The members of the Security Council have taken note of the report of the Secretary-General on the United Nations Observer Mission in El Salvador (ONUSAL).

"They are pleased that the cease-fire is holding and there has not been a single violation since it came into force on 1 February 1992.

"However, the members of the Council are deeply concerned about the many delays by both parties in implementing agreements concluded between the Government of El Salvador and the FMLN and the climate of mutual suspicion that still remains. If that situation were to continue, it would jeopardize the very foundation of the agreements.

"They urge both parties to demonstrate good faith in implementing the agreements fully, to abide by the agreed time-limits, to exert every effort to bring about national reconciliation in El Salvador and to implement the process of demobilization and reform.

"The members of the Council reaffirm their full support for the efforts made by the Secretary-General and his Special Representative, Mr. Iqbal Riza, with the assistance of the 'Friends of the Secretary-General' and other Governments concerned. They commend the staff of ONUSAL, who are working under very difficult conditions, and express their concern about the threats to their safety. They remind the parties of their obligation to take all necessary measures to guarantee the safety of ONUSAL and its members.

"The members of the Council will continue to monitor closely developments in the implementation of the peace agreements in El Salvador."

Report of the Secretary-General (June). On 19 June,(30) the Secretary-General informed the Security Council that the issues that had delayed the implementation process had been resolved. According to arrangements finalized on 12 June, those steps that had not been complied with were to be fulfilled by dates reprogrammed as follows.

By 25 June, concentration of the two sides' forces at locations designated for them was to be completed. By 30 June: (1) reintegration of the first FMLN contingent into civilian life was to begin and be completed, as originally scheduled, by 31 October; (2) the Government was to present to the Legislative Assembly a bill for the definitive abolition of the National Guard and Treasury Police, and create a two-unit Special Brigade for Military Security, one unit for frontier protection duties and the other for military police duties (the Brigade would have no public security responsibilities in

the civilian sphere, and personnel of the former two security bodies would not be eligible for recruitment into the new National Civil Police, nor could there be further transfers of such personnel to the existing National Police); (3) the Government was also to propose to the Legislative Assembly reforms to the Electoral Code to facilitate the legalization of FMLN as a political party; and (4) COPAZ was to begin verification of the FMLN land inventory, giving priority to properties subject to legal process.

By 15 July, the National Public Security Academy was to begin training recruits for the new National Civil Police, to include personnel from the existing National Police and former FMLN combatants in agreed proportions. Also by 15 July, the Government was to finalize programmes to facilitate reintegration of FMLN combatants into civilian life, providing contingency plans to benefit those who reintegrated earlier.

The Secretary-General subsequently reported(31) that, in the face of further delays, a second reprogramming was agreed upon on 19 August, following a visit to El Salvador by the Under-Secretary-General for Peace-keeping Operations. In this second reprogramming, the fulfilment by 31 October of two key government commitments had to be postponed beyond that date: the provision of agricultural land in the former zones of conflict, originally to have been completed by 31 July; and the establishment of the National Public Security Academy, which had been due on 1 May, to train recruits for the new National Civil Police for deployment no later than 28 October.

In reaction to these government delays, FMLN decided to suspend demobilization, asserting that the dismantling of its military structure, scheduled for completion by 31 October, would likewise have to be reprogrammed in order to maintain the link in the original timetable between the key undertakings of the two parties. Until then, only 40 per cent of FMLN combatants had returned to civilian life; the remaining 60 per cent, who were still armed, had been scheduled to leave their assembly sites, one third on 30 September, another third on 15 October and the final third on 31 October.

Activities of the Secretary-General. The Secretary-General informed the President of the Security Council on 19 October(32) that, as a result of the finding that the land issue was a main obstacle to the timely implementation of the second reprogramming, intense consultations were mounted inside and outside the United Nations system on the issue. He sent the Under-Secretary-General for Peace-keeping Operations to El Salvador to help the parties search for solutions. On 13 October, he presented them with a proposal deemed an equitable compromise between their positions. It set out terms and conditions for the

transfer of land to former combatants of both sides and for the formalization of the land-tenure system; or, if necessary, for the relocation on new land of persons who during the hostilities had moved onto land in the conflict zones. FMLN and the Government accepted the proposal on 15 and 16 October, respectively, and confirmed their commitment to its early implementation.

As to the dismantling of FMLN's military structure, the Secretary-General felt that, due to the complications of demobilizing in 15 different locations, the process could not possibly be completed by 31 October. Thus, on 23 October, he reprogrammed for a third time the schedule for compliance, whereby the final phase of the FMLN demobilization would begin by 31 October and be completed by 15 December. FMLN accepted the proposal provided the Government also accepted it. Owing to its reservations on a number of aspects and questions as to the FMLN weapons inventory and the schedule for implementing the recommendations of the Ad Hoc Commission on the Purification of the Armed Forces, the Government decided to suspend its restructuring, reduction and demobilization of FAES. Clarification of these matters with the parties was in progress at the time of reporting.

Lacking the information required to formulate long-term recommendations on ONUSAL's mandate and strength, the Secretary-General, on 28 October,(33) recommended an extension of the current mandate for an interim period of one month, until 30 November.

SECURITY COUNCIL ACTION (October)

On 30 October 1992, the Security Council unanimously adopted resolution 784(1992).

The Security Council,

Recalling its resolution 637(1989) of 27 July 1989,

Recalling also its resolutions 693(1991) of 20 May 1991, 714(1991) of 30 September 1991 and 729(1992) of 14 January 1992,

Taking note of the letter from the Secretary-General dated 19 October 1992, in which he announced a delay in the schedule laid down in resolution 729(1992),

Noting also the letter from the Secretary-General dated 28 October 1992, in which he proposed an interim extension of the current mandate of the United Nations Observer Mission in El Salvador (ONUSAL),

1. Approves the proposal of the Secretary-General to extend the current mandate of ONUSAL for a period ending on 30 November 1992;

2. Requests the Secretary-General to submit to it, between now and that date, recommendations on the period of extension of the mandate, on the mandate and strength that ONUSAL will need, taking into account progress already made, in order to verify the implementation of the final phases of the peace process in El Salvador together with their financial implications;

3. Urges both parties to respect scrupulously and to implement in good faith the commitments assumed by

them under the agreements signed on 16 January 1992 at Mexico City and to respond positively to the Secretary-General's latest proposals to them aimed at overcoming the current difficulties;

4. Decides to remain seized of the matter.

Security Council resolution 794(1992)

30 October 1992 Meeting 3129 Adopted unanimously

Draft prepared in consultations among Council members (S/24737).

Report of the Secretary-General (November). On 23 November,(31) the Secretary-General reported on the status of the implementation of the agreements and the related ONUSAL activities.

As he informed the Council President on 11 November,(34) his Personal Representative for the Central American Peace Process—who, along with the Under-Secretary-General for Peace-keeping Operations, travelled to San Salvador to consult with the parties regarding his 23 October proposal—subsequently reported that arrangements had been concluded which, if implemented, would formally bring the armed conflict to an end on 15 December. These included government implementation of the recommendations of the Ad Hoc Commission on Purification of the Armed Forces within a specified time-frame; FMLN presentation to ONUSAL, on 30 November, of its final weapons inventory; and the concentration by that date of the inventoried weapons in designated zones, for destruction beginning on 1 December. Upon confirmation of the completion of these measures, the Government would promptly resume the dissolution of its military units.

Agreement on these arrangements was recorded in letters exchanged by the Personal Representative with the President and the FMLN General Command, stipulating for the first time that compliance with certain key points in the calendar by one side was contingent upon compliance with specific undertakings by the other.

The Military Division of ONUSAL continued to ensure observance of the cease-fire and assumed further verification tasks related to the reduction of FAES. It participated in a working group on the problem of minefields and provided support to a UNICEF public-awareness campaign on the dangers they posed. It determined that the majority of demobilized personnel were released directly into civilian life and verified that personnel transfers to other military service were not in conflict with the accords. It continued to ensure the effective dissolution of the Territorial Service and followed up on regulations to implement the recently promulgated law establishing an armed forces reserve system. It verified the official disbandment of the National Intelligence Department and the creation of the new State Intelligence Agency. It had requested, but had yet to receive, a plan for the recall of military weapons in private hands.

As to public security matters, the Police Division cooperated in verifying that the dissolution of civil defence units was effective and in locating illegal arms caches. It confirmed its finding that demobilized, self-contained FAES units had been integrated into the National Police, in contravention of the spirit of the agreements. It conducted special inquiries required by the Human Rights Division and ensured that special security measures were provided for FMLN leaders. Over ONUSAL's objections, the Academic Council had accepted the applications of former Treasury Police and National Guard personnel to the National Public Security Academy, in contravention of the accords; the Council had moreover given university credit for prior training and service in the National Police. For an effective monitoring of the Academy's functioning, the Division pressed for its attendance at Academic Council meetings. It provided guidance, instruction and logistical support to the Auxiliary Transitory Police, which was deployed in 12 posts by mid-November.

Regarding the complex land-tenure issue, new occupations of lands in the former conflict zones, some by former FMLN combatants, had given rise to new tensions that, on one occasion, threatened the cease-fire but was averted through intervention by ONUSAL and the Archbishop of San Salvador. While FMLN had called a halt to such activity, reports to the contrary continued to be received and investigated by ONUSAL. It continued to press for the completion of procedures for implementing the reintegration programmes. Since the Government accorded FMLN the status of a "political party in formation" on 30 July, steps towards its full political participation had been in progress. In consultation with both sides, ONUSAL, on 16 September, finalized a programme for the restoration of public administration in the former zones of conflict and initiated contacts between mayors in exile and local organizations resisting their return.

The Secretary-General observed that, despite the problems encountered in the course of implementing the intricate agreements within a climate of distrust and polarization, implementation of the peace process had advanced steadily and many obstacles had been overcome. That observance of the cease-fire was impeccable and that FMLN was enabled to engage in political activities in advance of its full legalization as a political party were an impressive demonstration of the will of both parties to consolidate peace in their country. In those instances when the implementation process had been put at serious risk, the United Nations exerted considerable effort to steer the process back on track, with help from the Group of Friends of the Secretary-General, the United States and other interested Governments.

Pointing to certain major undertakings that were to extend into 1994, such as the reduction of FAES and the deployment of the National Civil Police, the Secretary-General said it could be anticipated that ONUSAL would complete its mission by mid-1994. In the meantime, he recommended that its mandate be extended for a further period of six months, to 31 May 1993. He indicated a preliminary cost estimate of some \$20.6 million for that period,⁽³⁵⁾ which should be considered a United Nations expense to be borne by Member States.

SECURITY COUNCIL ACTION (November)

Having studied the Secretary-General's report, the Security Council unanimously adopted resolution 791(1992) on 30 November 1992.

The Security Council,

Recalling its resolution 637(1989) of 27 July 1989,

Recalling also its resolutions 693(1991) of 20 May 1991, 714(1991) of 30 September 1991, 729(1992) of 14 January 1992 and 784(1992) of 30 October 1992,

Having studied the report of the Secretary-General dated 23 November 1992,

Noting with appreciation the continuing efforts of the Secretary-General to support implementation of the several agreements signed between 4 April 1990 and 16 January 1992 by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) to re-establish peace and promote reconciliation in El Salvador,

Noting the intention of the Secretary-General to continue, in this as in other peace-keeping operations, to monitor expenditures carefully during this period of increasing demands on peace-keeping resources,

1. Approves the report of the Secretary-General;
2. Decides to extend the mandate of the United Nations Observer Mission in El Salvador (ONUSAL) as defined in resolutions 693(1991) and 729(1992), for a further period of six months ending on 31 May 1993;
3. Welcomes the intention of the Secretary-General to adapt the future activities and strength of ONUSAL, taking into account progress made in implementing the peace process;
4. Urges both parties to respect scrupulously and to implement in good faith the solemn commitments they have assumed under the agreements signed on 16 January 1992 at Mexico City and to exercise the utmost moderation and restraint, both at present and following the conclusion of the cease-fire phase, in order to respect the new deadlines agreed upon by them for the successful completion of the peace process and for the restoration of normal conditions, especially in the zones of former conflict;
5. Shares, in this context, the preoccupations expressed by the Secretary-General in paragraph 84 of his report;
6. Reaffirms its support for the Secretary-General's use of his good offices in the El Salvador peace process and calls upon both parties to cooperate fully with the Secretary-General's Special Representative and ONUSAL in their tasks of assisting and verifying the parties' implementation of their commitments;

7. Requests all States, as well as the international institutions in the fields of development and finance, to continue to support, in particular through voluntary contributions, the peace process;

8. Requests the Secretary-General to keep the Security Council fully informed of further developments in the El Salvador peace process and to report, as necessary, on all aspects of ONUSAL's operations, at the latest before the expiry of the new mandate period.

Security Council resolution 791(1992)

30 November 1992 Meeting 3142 Adopted unanimously

Draft prepared in consultations among Council members (S/24861).

Financing (December 1992-May 1993)

On 4 December 1992,(36) following the extension of ONUSAL's mandate for a further six-month period, from 1 December 1992 to 31 May 1993, the Secretary-General reported to the General Assembly on the requirements of ONUSAL for that period. He also summarized the budget performance of the two previous mandate periods, from 1 January to 31 October and from 1 to 30 November 1992, as well as the status of contributions for ONUSAL financing as at 30 November.

In his summary of the appropriations provided for the 10-month period from 1 January to 31 October 1992 and the related expenditures during the 11-month period from 1 January to 31 October and from 1 to 30 November 1992, the Secretary-General indicated an unencumbered balance of \$1,624,200 gross (\$1,484,700 net).

He estimated the cost for the period 1 December 1992 to 31 May 1993 at \$19,339,500 gross (\$17,999,700 net). Based on that level of expenditure, he further estimated that continued maintenance of ONUSAL beyond 31 May 1993 would cost an average monthly rate not to exceed \$3,223,250 gross (\$2,999,950 net).

Of the assessments totalling \$49,503,028 that had been apportioned among Member States for the period 1 July 1991 to 31 October 1992, \$37,894,597 had been received and \$3,296,972 had been credited to Member States, leaving an unpaid balance of \$11,608,431. As a result of merging the Special Account of ONUCA, which had a net unutilized balance of \$146,759, with that of ONUSAL, which had a net deficit of \$7,953,242, the combined ONUCA/ONUSAL Special Account resulted in a net operating deficit of \$7,806,483. To meet operating cash requirements, loans amounting to \$5 million had been made available to ONUSAL from the United Nations Iran-Iraq Military Observer Group Special Account.

In view of that loan and pending receipt of the outstanding assessed contributions for both ONUCA and ONUSAL, the Secretary-General recommended that no action be taken as to the income of \$4,484,174 (\$1,990,206 in interest and \$2,493,968 in miscellaneous income combined) and that it be retained in the ONUSAL/ONUCA Special Account.

GENERAL ASSEMBLY ACTION

Owing to lack of time, the Fifth Committee could not consider the Secretary-General's report, which was before it on 16 December 1992. It therefore recommended measures for the continued maintenance of ONUSAL until 28 February 1993. These were embodied in decision 47/452, adopted by the General Assembly without vote on 22 December.

Financing of the United Nations Observer Mission in El Salvador

At its 93rd plenary meeting, on 22 December 1992, the General Assembly, on the recommendation of the Fifth Committee:

(a) Authorized the Secretary-General to enter into commitments up to the amount of 8,045,600 United States dollars gross (7,514,200 dollars net) for the maintenance of the United Nations Observer Mission in El Salvador for the period ending 28 February 1993;

(b) Apportioned, as an ad hoc arrangement, the amount indicated in subparagraph (a) above among Member States, in accordance with the scheme set out in its resolution 47/41 of 1 December 1992;

(c) Deferred to its resumed forty-seventh session the consideration of the item entitled "Financing of the United Nations Observer Mission in El Salvador".

General Assembly decision 47/452

Adopted without vote

Approved by Fifth Committee (A/47/797) without vote, 16 December (meeting 46); oral proposal by Chairman; agenda item 1.22.

Report of the Secretary-General (December). In a report of 23 December 1992,(37) the Secretary-General informed the Security Council that the armed conflict between the Government of El Salvador and FMLN was formally brought to an end on 15 December, the date fixed by the latest adjusted timetable. The event, preceded the previous day by the legalization of FMLN as a political party, was marked by a ceremony attended by the President of El Salvador, who presided over it, FMLN, the Secretary-General; and representatives of Spain, on behalf of the Group of Friends of the Secretary-General, of Guatemala, on behalf of the Central American States, and of the United States. The Secretary-General's statement at the ceremony was annexed to his report.

The Secretary-General noted that the parties had generally complied with their commitments according to the adjusted timetable, and that COPAZ and the Legislative Assembly had made a determined effort to complete the related legislation. He made special mention of the timely demobilization of the fifth and final FMLN contingent, which brought the total number of demobilized combatants to 8,876 as at 17 December, and of handicapped and injured combatants to 3,486, also demobilized; of the destruction of 50 per cent

of the total FMLN arms inventory, with the remainder to be destroyed by year's end and those located outside El Salvador by early January 1993; of the punctual presentation of the administrative decisions for implementing the recommendations of the Ad Hoc Commission on the Purification of the Armed Forces; and of the completion of the investigations by the Commission on Truth. (Mandated by the 1991 Mexico Agreements⁽¹²⁾ to investigate serious acts of violence committed since the outbreak of armed confrontation in 1980 and whose impact on society demanded that the public know the truth, the Commission on Truth was formally constituted in New York on 13 July. It was composed of three eminent persons: Belisario Betancur (Colombia), former President; Reinaldo Figueredo (Venezuela), former Minister for Foreign Affairs; and Thomas Buergenthal (United States), former President of the Inter-American Court for Human Rights and Honorary President of the Inter-American Institute for Human Rights. The Commission's secretariat was set up in San Salvador.)

The Secretary-General also noted, however, the Government's failure to ensure the recovery of weapons in private hands, which was to have been accomplished by 8 December, adding that less than 100 of an estimated several thousand weapons had been recovered by that date. The Government had assured ONUSAL that it would intensify efforts in that regard.

Noting that a number of provisions remained to be implemented, the Secretary-General pointed to six that merited emphasis: the land-transfer programme, including guarantees for the non-eviction of current landholders pending a legal solution; the programmes for the reintegration into civilian life of ex-combatants of both sides, including the war-disabled; the international supervision of the National Public Security Academy and its establishment in permanent premises; the establishment of the National Civilian Police and its progressive deployment in lock step with the phasing out of the existing National Police; the planned reduction of FAES; and the coordination of long-term plans for the economic and social development of El Salvador.

Aid programmes

The United Nations Development Programme (UNDP) played a principal role in providing technical assistance and mobilizing financial resources to make possible the implementation of some of the major provisions of the Peace Agreement. Notably, it coordinated an inter-agency mission for the formulation of a National Reconstruction Plan. It provided technical support for the formation and strengthening of democratic institutions, including the National Public Security Academy,

the National Ombudsman for the Protection of Human Rights, the National Commission for the Consolidation of Peace and the new Supreme Electoral Council. It also provided technical and financial support for the reintegration programmes for demobilized FMLN ex-combatants in the areas of emergency assistance at relocation points, agricultural training, education and health.

Assistance from the international community was being sought to enable the Salvadorian Government to implement the National Reconstruction Plan.

(For additional information on the foregoing, see PART THREE, Chapter III.)

El Salvador-Honduras

On 11 September 1992, the International Court of Justice delivered its Judgment in the case concerning the "Land, Island and Maritime Frontier Dispute (El Salvador/Honduras; Nicaragua intervening)". The case was submitted to the Court in 1986⁽³⁸⁾ by a special agreement between El Salvador and Honduras which defined the questions for decision. In dispute were certain sections of land along the border between the two countries, the islands of the Gulf of Fonseca and the maritime spaces within and outside the closing line of that Gulf, which touched the coastline of El Salvador, Honduras and Nicaragua on the Pacific.

(For details of the Judgment, see PART FIVE, Chapter I.)

Guatemala situation

In his November 1992 report on the situation in Central America,⁽¹⁷⁾ the Secretary-General described the status of the peace process in Guatemala, initiated in 1990 by the Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG), the opposition movement, when they concluded the Basic Agreement for the Search for Peace by Political Means.⁽³⁹⁾

The Secretary-General stated that, in January 1992, the parties reached agreement on several provisions for inclusion in a future agreement on human rights, including the principle of international verification by the United Nations. Serious differences emerged, however, regarding human rights issues as they related to the protection of the civilian population and wounded and captured combatants, to the proposed voluntary civil defence committees on freedom of association and movement, and to the proposed commission to inquire into human rights violations since the conflict began. A proposal to resolve those differences was presented to the parties in May by the Conciliator (Chairman of the National Reconciliation Commission), which the Government accepted.

Also in May, URNG put forward a comprehensive set of proposals relating to a number of items on the agenda agreed upon in 1991.(40) In an equally comprehensive response of 30 June,(41) the Government, in addition to outlining the status of the peace negotiations, clarified its position with respect to civilian authority and the army's role in a democratic society like Guatemala, the rights of the indigenous population, constitutional amendments and the electoral system, and social and economic problems in such areas as education, land entitlement and redistribution, and resettlement of population groups displaced by the armed conflict. The Government noted that the proposals advanced by URNG failed to state its position on such fundamental issues as a definitive cease-fire, a timetable for implementing agreements, arrangements for verification of implementation, and demobilization.

To give greater impetus to the negotiations based on their proposals, the Government suggested that the Conciliator, the Observer (Personal Representative of the Secretary-General) and the parties consider themselves in permanent session as from the second fortnight of July, meeting during alternate weeks until the agenda had been exhausted and a final peace agreement had been signed.

In August, progress was achieved on the issue of voluntary civil defence committees, with the parties deciding to make public the text of the relative provision agreed upon. Noting that there had been little progress since, the Secretary-General urged the parties to reinvigorate the process and redouble their efforts towards the goal of a firm and lasting peace.

GENERAL ASSEMBLY ACTION

In resolution 47/118, the General Assembly reiterated the importance of stepping up the negotiating process between the Government of Guatemala and URNG in order to achieve the goals laid down in the 1991 Mexico City and Querétaro Agreements.(40) It urged scrupulous implementation of the agreed procedures and progress towards the adoption of commitments on all the issues set forth in the Mexico City Agreement, particularly the signing of the Comprehensive Agreement on Human Rights which they had been considering.

Nicaragua

In 1992, assistance continued to be sought for the rehabilitation and reconstruction of Nicaragua, which were necessary for overcoming the aftermath of war and for the consolidation of peace and democracy already achieved in the country. The appeal for such assistance, from the interna-

tional community and from international funding agencies, had its origins in the National Conciliation Agreement on Economic and Social Matters concluded in Nicaragua in 1990(42) (phase I) and 1991 (phase II), which the General Assembly welcomed, supporting in particular the agreements regarding property rights and privatization in phase II of the Agreement.

In resolution 47/118, the Assembly supported efforts by Nicaragua to consolidate peace. In resolution 47/169, it asked for continued support to that country to enable it to overcome the aftermath not only of war but also of recent natural disasters (see PART THREE, Chapter III), and to stimulate the process of reconstruction and development. It requested the Secretary-General to provide Nicaragua with all possible assistance to support the consolidation of peace in such areas as the settlement of displaced and demobilized persons and refugees, rural land ownership and land tenure, direct care for war victims, mine clearance and the restoration of the country's productive areas.

Nicaragua-Honduras

As a result of an out-of-court agreement between Nicaragua and Honduras aimed at enhancing their good-neighbourly relations, the case pending before the International Court of Justice concerning "Border and Transborder Armed Actions (Nicaragua v. Honduras)" was brought to an end during 1992 on the initiative of Nicaragua. It had filed the Application instituting proceedings against Honduras in 1986.(43) (For details on the discontinuance of the case, see PART FIVE, Chapter I.)

REFERENCES

- (1)A/46/954-S/24354. (2)YUN 1986, p. 177. (3)YUN 1991, p. 141. (4)A/44/970-S/21504. (5)SC res. 644(1989), 7 Nov. 1989. (6)YUN 1987, p. 188. (7)YUN 1991, p. 145. SC res. 719(1991), 6 Nov. 1991. (8)S/23421. (9)A/46/864-S/23501. (10)A/47/556. (11)A/44/971-S/21541. (12)YUN 1991, p. 147. (13)Ibid., p. 148. (14)A/46/552-S/23129. (15)A/46/863-S/23504. (16)S/23360. (17)A/47/739-S/24871. (18)YUN 1991, p. 149. SC res. 693(1991), 20 May 1991. (19)S/23402. (20)S/23402/Add.1. (21)S/23434. (22)S/23433. (23)A/46/900. (24)YUN 1991, p. 869. GA res. 46/187, 20 Dec. 1991. (25)A/46/904. (26)S/23642. (27)S/23999. (28)S/23988. (29)S/24058. (30)S/23999/Add.1. (31)S/24833. (32)S/24688. (33)S/24731. (34)S/24805. (35)S/24833/Add.1. (36)A/47/751. (37)S/25006. (38)YUN 1986, p. 984. (39)A/45/706-S/21931. (40)YUN 1991, p. 151. (41)A/47/334. (42)A/45/818. (43)YUN 1986, pp. 181 & 983.

The Caribbean

Cuba-United States

Cuba, on 27 April 1992,(1) requested the Security Council to convene as soon as possible in order

to consider the terrorist activities being promoted, encouraged or tolerated by the United States against Cuba. In this context, Cuba referred to terrorists within the United States who were openly organizing and training military groups for the purpose of invading Cuba, and recalled the 1976 explosion of a Cuban civil aircraft, from a bomb planted in it, shortly after take-off from Barbados that killed the 73 persons on board. According to Cuba, the criminal proceedings instituted by Venezuela in 1976 against the four men implicated in the crime ended in 1987, 11 years later. The two Venezuelan nationals accused of planting the bomb were sentenced to 20 years in prison. One of the two Cuban nationals accused of masterminding the crime, Orlando Bosch, was "acquitted". No verdict was rendered in the case of the other Cuban, Luis Posada Carriles, who reportedly left his place of detention under peculiar circumstances. Cuba alleged that the United States had withheld information from Venezuela that would have convicted Orlando Bosch and that the two Cubans were currently in the United States enjoying that country's protection.

Underscoring the Council's statement of 31 January 1992 on the need for the international community to deal effectively with acts of international terrorism, such as the attacks on Pan Am flight 103 in 1988 and on UTA (Union de transports aériens) flight 772 in 1989 (see PART ONE, Chapter I), Cuba demanded that the Council condemn the destruction of the Cuban airliner and that it ask the United States to deliver the two Cuban nationals to Cuba and take immediate steps to eliminate all terrorist activities carried out against Cuba from the United States.

On 8 May,(2) Cuba reiterated its request for a meeting, providing further information as to why the Council was duty-bound to examine its allegations. On 13 May,(3) Cuba disputed a statement reportedly made by the Secretary-General's spokesman that the Council had discussed its request and would continue consultations on the issue, and that Cuba had been so informed. Asserting that such discussion could not have transpired, Cuba reiterated that the Council should convene without further delay.

The United States, on 21 May,(4) replied that the opposite of Cuba's allegations against it was true. It traced the legal actions taken by the United States against Orlando Bosch, beginning with his 1968 trial and conviction for involvement with terrorist activities, which resulted in his sentencing to 10 years in prison; his parole in 1972; his incarceration in 1988 for violating that parole and the consequent recommendation for his exclusion from the United States (he fled the country in 1974 while on parole and illegally re-entered in 1988). The United States asserted that it had no record

of having received a request from Venezuela for evidence or testimony in connection with its criminal proceedings against the two Cubans. Although found excludable from the United States, Orlando Bosch had remained in its custody, at his residence in Miami, Florida, with restrictions on his movements and activities. He had not been deported to Cuba, where, the United States said, he faced certain execution, having been tried in absentia and sentenced to death.

SECURITY COUNCIL CONSIDERATION

The Security Council convened on 21 May 1992 to consider the matter brought before it by Cuba, which was invited, at its request, to participate without the right to vote under rule 37^a of the Council's provisional rules of procedure.

Meeting number. SC 3080

In essence, Cuba's statement before the Council was that the United States had covered up for Orlando Bosch by withholding information from Venezuela that would have led to his conviction for the 1976 bombing of the Cuban airliner, and that it continued to withhold information on his other terrorist activities for which he should be brought to justice. Cuba alleged that, notwithstanding the Justice Department's determination that Orlando Bosch should be deported, he was allowed to remain in the United States by a higher authority, that is, by the President of the United States.

Cuba provided information on the whereabouts of Luis Posada Carriles and on his activities in the service of the United States Department of State and Central Intelligence Agency, after leaving his place of detention in Venezuela. In addition, it provided radio and press accounts, dated as recently as April 1992, of terrorist activities against Cuba launched from the United States.

Responding, the United States emphasized that it was not insensitive to the sorrow of those whose relatives or friends had died in the 1976 airline bombing. It labelled as absurd Cuba's attempt to portray the United States as a supporter of international terrorism and harbourer of terrorists, and regretted Cuba's misuse of the Council to make such baseless allegations. To the best of its knowledge, Luis Posada was not in the United States but believed to be somewhere in Latin America. The facts relating to Orlando Bosch, as it had communicated in detail to the Council, belied the canard that the United States had supported his illegal activities.

^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 a 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 that Member are specially affected, or when a Member brings a matter to the attention of the Security Council in accordance with Article 35(1) of the Charter."

The United States restated its position in respect of Cuba: it supported peaceful democratic change in that country and had no aggressive intentions towards it. The United States neither supported nor condoned preparations or efforts within its territory for the violent overthrow of Cuba's Government or for fomenting violence in Cuba; suggestions to the contrary were untruthful and unacceptable. The United States categorically rejected any assertion that its economic policy measures towards Cuba were inconsistent with international law, stressing that every Government had the right to choose with whom it wished to maintain relations. The United States had chosen to have neither full diplomatic nor commercial relations with Cuba because of the lack of democracy there and of the Government's flagrant abuse of human rights.

The Council concluded its meeting without taking action on a draft resolution proposed but not pressed to the vote by Cuba.⁽⁵⁾ The draft would have had the Council condemn the 1976 sabotage of the Cuban airliner, declare that all States in a position to do so had an obligation to contribute to a full investigation of the incident, request the Secretary-General to seek United States cooperation in providing information to facilitate such an investigation and punishment of the guilty parties, urge the United States to release information on the activities of Luis Posada since leaving detention and on his current whereabouts, and further urge it to prevent the use of its territory for terrorist acts against Cuba.

United States embargo against Cuba

In accordance with its 1991 decision,⁽⁶⁾ the General Assembly included in its 1992 agenda an item on the necessity of ending the economic, commercial and financial embargo imposed by the United States against Cuba.

The embargo was the subject of several communications from Cuba to the Secretary-General during the year. Of note was the transmittal on 11 June⁽⁷⁾ of a letter to the Congress of the United States, a démarche to the Department of State and a letter to a United States senator, all from the Delegation of the Commission of the European Communities. These expressed the objections of the European Community (EC) to four pieces of legislation pending before the United States Congress that would have the effect of prohibiting United States-owned subsidiary companies incorporated and domiciled outside the United States from trading with Cuba. The Delegation set out in detail the elements which EC regarded as having no basis in international law.

Also of note was a 6 November letter from Cuba⁽⁸⁾ drawing attention to the Cuban Democracy Act of 1992, signed into law on 23 Oc-

tober by the President of the United States. Among the Act's provisions, Cuba cited the categorical prohibition of third-country companies owned or controlled by United States nationals from engaging in any transactions with Cuba. It prohibited third-country vessels from loading or unloading goods at United States ports for 180 days after they had entered Cuban ports for trade in goods or services. It made clear to other countries that, in determining its relations with them, the United States would take into account their willingness to cooperate with its sanctions programme against Cuba.

The Delegation of the Commission of the European Communities had likewise expressed EC objections to the Act when it was pending before Congress.⁽⁹⁾ It cited the unacceptability of, among the Act's other provisions, the extraterritorial extension of United States jurisdiction as a matter of law and policy; and of the discriminatory tax penalties against United States companies with overseas subsidiaries which traded with Cuba, thereby providing a Draconian economic disincentive against transactions that would be permitted in other jurisdictions.

GENERAL ASSEMBLY ACTION

On 24 November 1992, the General Assembly adopted resolution 47/19 by recorded vote.

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba
The General Assembly,

Determined to encourage strict compliance with the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of trade and international navigation, which are also enshrined in many international legal instruments,

Concerned about the promulgation and application by Member States of laws and regulations whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation,

Having learned of the recent promulgation of measures of that nature aimed at strengthening and extending the economic, commercial and financial embargo against Cuba,

1. Calls upon all States to refrain from promulgating and applying laws and measures of the kind referred to in the preamble to the present resolution in conformity with their obligations under the Charter of the United Nations and international law and with the commitments that they have freely entered into in acceding to international legal instruments that, inter alia, reaffirm the freedom of trade and navigation;

2. Urges States that have such laws or measures to take the necessary steps to repeal or invalidate them as soon as possible in accordance with their legal regime;

3. Requests the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the implementation of the present resolution;

4. Decides to include the item in the provisional agenda of its forty-eighth session.

General Assembly resolution 47/19

24 November 1992 Meeting 70 59-3-71 (recorded vote)

Draft by Cubs (A/47/L.20/Rev.1); agenda item 39.

Recorded vote in Assembly as follows:

In favour: Algeria, Angola, Barbados, Benin, Brazil, Burkina Faso, Burundi, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Cubs, Democratic People's Republic of Korea, Ecuador, Equatorial Guinea, France, Ghana, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Iran, Iraq, Jamaica, Kenya, Lao People's Democratic Republic, Lebanon,* Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Malta, Mexico, Myanmar, Namibia, New Zealand, Niger, Nigeria, Pakistan, Papua New Guinea, Spain, Sudan, Swaziland, Syrian-Arab Republic, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, Romania, United States.

Abstaining: Albania, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Belarus, Belgium, Belize, Bolivia, Brunei Darussalam, Bulgaria, Cameroon, Chad, Costa Rica, Côte d'Ivoire, Czechoslovakia, Denmark, El Salvador, Ethiopia, Fiji, Finland, Gabon, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kuwait, Liechtenstein, Luxembourg, Maldives, Marshall Islands, Micronesia, Nepal, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Singapore, Slovenia, Sri Lanka, Suriname, Sweden, Thailand, Trinidad and Tobago, Turkey, United Kingdom, Zaire.

*Later advised the Secretariat it had intended to abstain.

Haiti

Efforts continued in 1992 to restore the legitimate Government of President Jean-Bertrand Aristide of Haiti, overthrown by a military coup in 1991(10) and currently in exile in the United States. Despite the measures taken by the Organization of American States (OAS), which had assumed the leading role in those efforts, that objective had not been realized.

President Aristide thus wrote to the Secretary-General on 3 June 1992, expressing hope that the United Nations would assist OAS in achieving effective implementation of its resolutions to compel restoration of the legitimate Government, particularly compliance with the embargo imposed against Haiti and the dispatch to it of a multidimensional mission. He asked that a personal representative of the Secretary-General be sent to inquire into human rights violations in Haiti and determine its humanitarian needs. It was imperative, he stressed, that the Office of the United Nations High Commissioner for Refugees (UNHCR) ensure full compliance with article 33 of the 1951 Convention relating to the Status of Refugees, prohibiting expulsion or forceable return to the frontiers of territories where the refugee's life or freedom would be threatened.(11)

The Secretary-General stated on 18 June that he would seek the opinion of OAS on those requests, as his mandate was limited to supporting OAS action. Meanwhile, he gave assurances that

UNHCR was taking steps to alleviate the plight of the Haitian refugees.

The OAS Secretary-General replied on 10 July that the crisis in Haiti—an internal problem of a country in the American hemisphere caused by a disruption of its democratic process—called for joint action in accordance with the commitments by which OAS members were bound and in keeping with the tradition and legal foundations of the regional system of the Americas. The intense effort that OAS accordingly mounted included several initiatives: suspending economic, financial and trade ties with Haiti; endeavouring to protect human rights; cooperating with UNHCR to tackle the Haitian refugee problem; coordinating its efforts with those of the United Nations, including those of UNDP; and, through missions to Haiti, making contact with all sectors of Haitian society. OAS hoped that support from the United Nations membership would be forthcoming, in accordance with a 1991 General Assembly request.(12)

This exchange of communications, transmitted to the Security Council on 15 July, was taken note of by the Council at informal consultations held on 20 July.(14)

(For information on special emergency assistance to Haiti, human rights violations there and the Haitian refugees, see PART THREE, Chapters III, X and XV, respectively.)

Report of the Secretary-General. As requested by the General Assembly in 1991,(12) the Secretary-General, on 3 November 1992,(15) presented a comprehensive report on the situation in Haiti since the 1991 coup.(10) The report gave a chronological account of the international community's efforts to resolve the Haitian crisis and summarized the communications between the Secretary-General, President Aristide and OAS (see above). It also covered the situation relating to humanitarian assistance, human rights and the Haitian refugees, and restated the Assembly's position on Haiti's credentials (see below).

In addition to action taken by the Security Council and the General Assembly in 1991, the Haitian Parliament, under pressure from the military, named an "Acting President" to organize new elections and appointed a "Prime Minister", while the Haitian Army reiterated that the return of President Aristide was not negotiable. OAS adopted two resolutions: one demanded the immediate reinstatement of President Aristide and recommended diplomatic, economic and financial isolation of the de facto authorities and suspension of any aid except for humanitarian purposes; the other condemned the illegal replacement of President Aristide, declared unacceptable any government resulting from that situation, urged OAS members to freeze the financial assets of the Haitian State and to impose a trade embargo ex-

cept for humanitarian aid, and constituted a civilian mission to re-establish constitutional democracy in Haiti. The mission visited Haiti in August and September 1992, and held a meeting in Washington, D.C., in between.

Meanwhile, Colombia's Minister for Foreign Affairs, acting on behalf of OAS, succeeded in arranging several meetings, between November 1991 and February 1992, between President Aristide and the Presidents of the two chambers of the Haitian Parliament. The meetings resulted in the signing of two protocols of agreement at Washington, D.C., on 23 and 25 February. The first protocol provided for President Aristide's reinstatement and for the proclamation of a general amnesty, but not applicable to common criminals; the second called for the confirmation of the Prime Minister-designate, René Théodore, who thereafter would create the conditions for President Aristide's return.

Neither protocol was ratified by the Haitian National Assembly. Instead, a tripartite agreement was concluded on 8 May on the formation of a Government of consensus and public redemption for the consolidation of democracy, which mentioned neither President Aristide nor the protocols of agreement, but left the office of President unfilled until a definitive solution to the crisis was found. Under a revised tripartite agreement, a new "Government" was formed; the "Acting President" resigned and Marc Bazin, previously chosen "Prime Minister" by consensus, was sworn in.

On 17 May, OAS adopted another resolution (MRE/RES.3/92) reinforcing the embargo and recommending that its members deny port access to ships that had engaged in trade with Haiti, prevent violations of the embargo by air and punish the perpetrators and supporters of the coup by denying them visas and freezing their financial assets.

A June meeting between President Aristide and the Haitian community in Miami adopted the Florida Declaration, by which they denounced the tripartite agreement and the pressure brought to bear on Parliament, and called for a dialogue among Haitians aimed at forming a Government of unity and allowing the return to Haiti of the constitutional President. On the basis of the Declaration a 10-member Presidential Commission was established in Haiti on 6 July, which issued a set of proposals, presented as a codification of the Washington protocols as updated in the Florida Declaration.

On 10 September, the Secretary-General informed the Security Council at informal consultations that his representative had taken part in the OAS mission, that the parties did not seem to have come closer together, that OAS was planning to deploy a first group of observers in Haiti and

that it had decided to maintain the embargo. The Secretary-General stated his intention to cooperate with OAS and readiness to lend any other assistance that might lead to a solution of the crisis.

The Secretary-General noted that Haiti's economy was in a state of free fall. The normally high unemployment rate had risen even higher. Many small farmers had used up their seed reserves and sold their animals and tools, or even their land. Consumer prices had risen. Shrinking food and fertilizer imports, and the scarcity of fuel to transport goods to consumers, had caused the food situation to deteriorate further. This was exacerbated by the threat of famine in the north-west region due to two years of drought. The lack of safe drinking-water and medicines, as well as the serious disruption of immunization programmes, had put public health at risk. The financial difficulties under which the educational system operated had led to school closures, teacher resignations and a decline in pupil attendance. An estimated 135,000 children had left school as a result of the crisis. An inter-agency committee, set up by eight United Nations agencies maintaining a presence in Haiti, had drawn up a draft integrated plan of humanitarian assistance under the direction of the Secretariat's Department of Humanitarian Affairs. OAS had also set up a coordinating committee for humanitarian assistance to Haiti.

In an addendum of 4 November to his report,⁽¹⁶⁾ the Secretary-General transmitted the replies from nine Member States to his request for information on measures they had taken in support of the 1991 OAS resolutions described above.

GENERAL ASSEMBLY ACTION

When the General Assembly considered the Secretary-General's report, it also took account of an additional resolution adopted by the OAS Permanent Council on 10 November CP/RES.594 (923/92). The resolution urged United Nations Members to adopt the measures specified in the previous three OAS resolutions and to increase their humanitarian assistance to the Haitian people. It also requested United Nations participation in the OAS civilian mission to Haiti.

On 24 November, the General Assembly adopted without vote resolution 47/20 A.

The situation of democracy and human rights in Haiti

The General Assembly,

Having considered the item entitled "The situation of democracy and human rights in Haiti",

Recalling its resolutions 46/7 of 11 October 1991 and 46/138 of 17 December 1991, as well as the relevant resolutions and decisions adopted by the Economic and Social Council, the Commission on Human Rights and by other international forums,

Welcoming resolutions MRE/RES.1/91, MRE/RES.2/91 and MRE/RES.3/92 adopted on 3 and 8 October 1991 and 17 May 1992, respectively, by the Ministers for Foreign Affairs of the member countries of the Organization of American States,

Also welcoming resolution CP/RES.594(923/92) on the re-establishment of democracy in Haiti, adopted by the Permanent Council of the Organization of American States on 10 November 1992,

Considering that, despite the efforts of the international community, the legitimate Government of President Jean-Bertrand Aristide has not yet been re-established and that civil and political liberties continue to be trampled upon in Haiti,

Greatly alarmed at the persistence and worsening of gross violations of human rights, in particular summary and arbitrary executions, involuntary disappearance, reports of torture and rape, arbitrary arrests and detentions, as well as the denial of freedom of expression, of assembly and of association,

Concerned that the persistence of this situation contributes to a climate of fear of persecution and economic dislocation which could increase the number of Haitians seeking refuge in neighbouring Member States and convinced that a reversal of this situation is needed to prevent its negative repercussions on the region,

Welcoming the measures taken by the Secretary-General of the United Nations to lend his support to the Organization of American States, in particular the participation of his personal representative in the mission of the Secretary-General of the Organization of American States to Haiti, from 19 to 21 August 1992,

Taking into account its resolution 47/11 of 29 October 1992 on cooperation between the United Nations and the Organization of American States,

Taking note of the report of the Secretary-General on the situation of democracy and human rights in Haiti,

Taking note also of the statement by the Secretary-General in his report on the work of the Organization, in which he declares that he stands "ready to help in any other way to resolve the Haitian crisis",

Aware that, in accordance with the Charter of the United Nations, the Organization promotes and encourages respect for human rights and fundamental freedoms for all, and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

Recognizing the urgent need for an early, comprehensive and peaceful settlement of the situation in Haiti in accordance with the Charter of the United Nations and international law,

1. Strongly condemns again the attempted illegal replacement of the constitutional President of Haiti, the use of violence and military coercion and the violation of human rights in that country;

2. Reaffirms as unacceptable any entity resulting from that illegal situation and demands the restoration of the legitimate Government of President Jean-Bertrand Aristide, together with the full application of the National Constitution and hence the full observance of human rights in Haiti;

3. Takes note of the efforts by the Secretary-General of the Organization of American States to seek the implementation of the resolutions adopted by that organization;

4. Affirms that the solution of the Haitian crisis should take into account resolutions MRE/RES.1/91, MRE/RES.2/91, MRE/RES.3/92 and CP/RES.594(923/92) of the Organization of American States;

5. Requests the Secretary-General of the United Nations to take the necessary measures in order to assist, in cooperation with the Organization of American States, in the solution of the Haitian crisis;

6. Urges the States Members of the United Nations to renew their support, within the framework of the Charter of the United Nations and international law, by adopting measures in accordance with resolutions MRE/RES.1/91, MRE/RES.2/91, MRE/RES.3/92 and CP/RES.594(923/92) adopted by the Organization of American States, especially as they relate to the strengthening of representative democracy, the constitutional order and to the embargo on trade with Haiti;

7. Also urges the States Members of the United Nations and other international organizations to increase their humanitarian assistance to the Haitian people and to support all efforts to resolve the problems associated with displaced persons, and encourages, in this context, the strengthening of the institutional coordination established among United Nations agencies, as well as between the United Nations and the Organization of American States;

8. Calls upon the international community to refrain from supplying materials for the use of military forces or police in Haiti, including arms, ammunition and petroleum, until the present crisis has been resolved;

9. Emphasizes that an increase in technical, economic and financial cooperation, when constitutional order is restored in Haiti, will be necessary to support its economic and social development efforts in order to strengthen its democratic institutions;

10. Requests the Secretary-General to submit to the General Assembly by mid-February, at a resumed session, a report on the implementation of the present resolution;

11. Decides to keep open the consideration of this item until a solution to the situation is found.

General Assembly resolution 47/20 A

24 November 1992 Meeting 71 Adopted without vote

14-nation draft (A/47/L.23 & Add.1), orally revised; agenda item 22.

Sponsors: Belgium, Canada, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, United Kingdom, Venezuela.

Report of the Secretary-General. In keeping with the Assembly's request, the Secretary-General, on 11 December 1992, appointed Dante Caputo (Argentina) as his Special Envoy for Haiti,(17) to assist, in cooperation with the OAS Secretary-General, in the solution of the Haitian crisis.

Between 17 and 22 December, the Special Envoy held a series of preliminary consultations in Washington, D.C., with President Aristide, and at Port-au-Prince with the following: the Coordinator and members of the Presidential Commission, the Commander-in-Chief of the Haitian Armed Forces and other members of the Army High Command, the Prime Minister of the de facto Government, and the Presidents of the two chambers of the National Assembly of Haiti. The Spe-

cial Envoy also met in New York with representatives of Canada, France, the United States and Venezuela, whom the Secretary-General had requested to assist him in his endeavours; and in Washington, D.C., with the OAS Secretary-General.

Credentials

The Secretary-General's report of 3 November 1992(15) provided information on the matter of Haiti's credentials. As reported by his spokesman, communications received from the "Government of Haiti" included one on the credentials of its delegation to the forty-seventh session of the General Assembly. Since in 1991(12) the Assembly had affirmed as unacceptable any entity resulting from the attempted illegal replacement of the constitutional President of Haiti and had demanded the immediate restoration of the legitimate Government of President Aristide, the purported credentials from the so-called Government of Haiti in Port-au-Prince were not receivable from the legal point of view and were of no legal consequence to the United Nations.

REFERENCES

(1)S/23850. (2)S/23890. (3)S/23913. (4)S/23989. (5)S/23990. (6)YUN 1991, p. 151, GA dec. 46/407, 13 Nov. 1991. (7)A/47/272. (8)A/47/654. (9)A/47/273. (10)YUN 1991, p. 151. (11)YUN 1951, p. 522. (12)YUN 1991, P. 152, GA res. 46/7, 11 Oct. 1991. (13)S/24340. (14)S/24361. (15)A/47/599 & Corr.1, (16)A/47/599/Add.1. (17)A/47/908.

Other questions relating to the Americas

Cooperation with OAS

In an October 1992 report,(1) the Secretary-General described measures taken to further cooperation between the United Nations and the Organization of American States, in accordance with a 1990 General Assembly resolution.(2)

The report outlined the consultations and information exchanges undertaken between the two organizations from 1991. At a general meeting that year (New York, 15-17 May),(3) specific recommendations were made under eight areas identified for cooperation: environment, drug abuse control, women and development, disaster prevention, children and development, rural development and agriculture, Indian people and development, and strengthening cooperation between the two systems at the national level. Also identified were the lead agencies for each area.

Consultations continued in 1992 and representatives of the secretariats of both organizations and

the associated institutions attended each other's meetings and cooperated on matters of mutual interest, including the situation in Central America and the crisis in Haiti. In addition, OAS continued its representation on the Support Committee, on the Policies and Project Committee and in sectoral meetings of the Special Plan of Economic Cooperation for Central America.(4)

The report provided updated information on the collaborative activities and projects undertaken with OAS by six United Nations bodies and programmes—INSTRAW, UNDP, UNEP, UNHCR, WFC and WFP; by a regional commission—ECLAC; and by nine specialized agencies—FAO, UNESCO, WHO, IMF, ICAO, ITU, IMO, IFAD and GATT.

GENERAL ASSEMBLY ACTION

The General Assembly adopted without vote resolution 47/11 on 29 October 1992.

Cooperation between the United Nations and the Organization of American States

The General Assembly,

Recalling its resolution 45/10 of 25 October 1990 relating to the promotion of cooperation between the United Nations and the Organization of American States,

Having examined the report of the Secretary-General on cooperation between the United Nations and the Organization of American States,

Taking into account the report of the Secretary-General entitled "An Agenda for Peace" and the related consultations within the United Nations and with regional organizations on this subject,

Recalling that the purposes of the United Nations are, inter alia, to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms, and to be a centre for harmonizing the actions of nations in the attainment of these common ends,

Bearing in mind that the Charter of the United Nations provides for the existence of regional arrangements and agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, and whose activities are consistent with the purposes and principles of the United Nations,

Recalling also that the Charter of the Organization of American States reaffirms these purposes and principles, and provides that that organization is a regional agency under the terms of the charter of the United Nations,

Noting with satisfaction that the first general meeting held between the representatives of the United Nations system and of the Organization of American States was held at United Nations Headquarters from 15 to 17 May 1991, and was inaugurated by the Secretaries-General of the two organizations,

Welcoming the meeting of the two Secretaries-General during the United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992,

Bearing in mind the adoption by the General Assembly of the Organization of American States on 23 May 1992 of resolution AG/RES.1199(XXII-O/92), also on cooper-

ation between the Organization of American States and the United Nations,

Recalling its resolution 46/7 of 11 October 1991 on the situation of democracy and human rights in Haiti and taking into account the letter dated 15 July 1992 in which the Secretary-General informed the President of the Security Council of an exchange of correspondence with the President of Haiti and the Secretary-General of the Organization of American States, and of his decision to accept the offer for the participation of United Nations officials in the mission of the Secretary-General of the Organization of American States to Haiti,

Aware that the effective consolidation of a new international order requires regional action in harmony with that of the United Nations,

1. Takes note with satisfaction of the report of the Secretary-General on cooperation between the United Nations and the Organization of American States, as well as his efforts to strengthen that cooperation;

2. Welcomes the offer of the Chairman of the Permanent Council of the Organization of American States to the President of the Security Council concerning the readiness of the Organization of American States to cooperate with the United Nations in its efforts to improve collective measures for the prevention and solution of international conflicts;

3. Expresses its satisfaction at the close cooperation between the two organizations in the verification of the electoral process in Nicaragua from August 1989 to February 1990 and recognizes the effectiveness of that cooperation;

4. Recognizes the importance of the participation of the International Support and Verification Commission in the demobilization of the irregular forces of the Nicaraguan resistance and takes note with satisfaction of the fundamental role of the United Nations Observer Group in Central America in the military aspects of the process and of the activities of the United Nations High Commissioner for Refugees in the operational area;

5. Welcomes the continued participation of the Organization of American States in the Support Committee and the Policies and Projects Committee of the Special Plan of Economic Cooperation for Central America, established by General Assembly resolution 42/231 of 12 May 1988 and extended by General Assembly resolution 45/231 of 21 December 1990;

6. Requests both Secretaries-General, or their representatives, to continue their consultations with a view to signing in 1993 an agreement for cooperation between the United Nations and the Organization of American States;

7. Approves the conclusions and recommendations of the first general meeting between the representatives of the two organizations held in May 1991 and urges the relevant authorities of both organizations to take the necessary steps to implement those recommendations and promote further cooperation;

8. Recommends that a second general meeting between representatives of the United Nations system and of the Organization of American States be held in 1993 to review and appraise progress, and that inter-agency sectoral and focal point meetings be held on areas of priority or mutually agreed issues;

9. Takes note of the participation of senior officials of the United Nations in the mission of the Secretary-General of the Organization of American States to Haiti in August 1992;

10. Expresses its appreciation for the efforts of the Secretary-General in the promotion of cooperation between the United Nations and the Organization of American States and expresses the hope that he will continue to strengthen the mechanisms for cooperation between the two organizations;

11. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a report on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Cooperation between the United Nations and the Organization of American States".

General Assembly resolution 47/11

29 October 1992 Meeting 51 Adopted without vote

26-nation draft (A/47/L.13 & Add.1); agenda item 21.

Sponsors: Argentina, Barbados, Belize, Bolivia, Brazil, Canada, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

REFERENCES

- (1)A/47/498. (2)GA res. 45/10, 25 Oct. 1990. (3)A/47/498/Add.1. (4)GA res. 42/231, 12 May 1988, & 45/231, 21 Dec. 1990.