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COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING
OPERATIONS IN ALL THEIR ASPECTS

Report of the Special Committee on Peace-keeping Operations

Rapporteur: Mr. Saad Ahmed ALFARARGI (Egypt)

1. At its twenty-eighth session, the General Assembly, following consideration of the report of the Special Committee on Peace-keeping Operations, adopted resolution 3091 (XXVIII) of 7 December 1973, which reads as follows:

"The General Assembly,

"Recalling its resolutions 2006 (XIX) of 18 February 1965, 2053 A (XX) of 15 December 1965, 2249 (S-V) of 23 May 1967, 2308 (XXII) of 13 December 1967, 2451 (XXIII) of 19 December 1968, 2670 (XXV) of 8 December 1970, 2835 (XXVI) of 17 December 1971 and 2965 (XXVII) of 13 December 1972,

"Having received and examined the report of the Special Committee on Peace-keeping Operations of 21 November 1973, 1/

"Having noted the working documents submitted to the Special Committee and its Working Group during the past year and the reports prepared by the Working Group during the same period,

"Considering that circumstances are propitious for the continuation of the study with which the Special Committee is entrusted and make it more necessary than ever for the Committee to intensify its work,

"1. Takes note of the report of the Special Committee on Peace-keeping Operations, in particular paragraphs 10 and 11 thereof;

"2. Notes with appreciation the progress made by the Special Committee in the fulfilment of its mandate and the work of its Working Group;

1/ Official Records of the General Assembly, Twenty-eighth Session, Annexes, agenda item 44, document A/9236.

"3. Requests the Special Committee and its Working Group to intensify their respective efforts to complete by the twenty-ninth session of the General Assembly their task of achieving agreed guidelines for carrying out peace-keeping operations in conformity with the Charter of the United Nations;

"4. Requests the Special Committee to report to the General Assembly at its twenty-ninth session."

2. Following the adoption of General Assembly resolution 3091 (XXVIII), the Special Committee held two meetings (1 February and 31 October 1974). The Working Group of the Special Committee held 16 meetings (4 April; 23 May; 4, 18 and 26 June; 3, 5, 8, 9, 23 and 24 July; 20 September; and 1 and 8 October 1974).

3. At the Committee's 63rd meeting, on 1 February 1974, the Secretary-General made a statement in which, while noting that the events of October 1973 had provided most convincing proof of the importance of the United Nations peace-keeping operations, he said that in devising the proposed guidelines for the United Nations Emergency Force in the Middle East, which had been approved by the Security Council on 27 October 1973, he had borne in mind the observations made in the Special Committee and the Working Group and had taken them into account, together with the requirements resulting from the Security Council mandate and the special circumstances in which the Force had to function. He also added that a set of general guidelines which took the most recent experience into account and which commanded the broad support and agreement of the membership of the United Nations would be of great assistance in establishing and maintaining United Nations peace-keeping operations in the future.

4. At the same meeting, the Special Committee, having taken note of paragraph 3 of General Assembly resolution 3091 (XXVIII) (see para. 1 above), agreed to authorize the Working Group to intensify its efforts to work out agreed guidelines for carrying out peace-keeping operations in conformity with the Charter of the United Nations.

5. At its 64th meeting, on 31 October, the Special Committee had before it the eighth report of the Working Group (A/AC.121/L.23), which is annexed to the present report. It considered the report and took note of it.

6. The Special Committee regrets that it has not yet been able to fulfil the task of achieving agreed guidelines for the United Nations peace-keeping operations in conformity with the Charter of the United Nations. However, as is evident from its eight report, the Working Group has made progress this year regarding United Nations peace-keeping operations under the authority of the Security Council. The Special Committee recommends that the General Assembly renew its mandate so that it may work towards the completion of agreed guidelines for submission to the General Assembly at its thirtieth session.

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ANNEX

Eighth report of the Working Group*

Rapporteur: Mr. Saad Ahmed ALFARARGI (Egypt)

1. At its 63rd meeting, on 1 February 1974, the Special Committee on Peace-keeping Operations, having taken note of paragraph 3 of General Assembly resolution 3091 (XXVIII) of 7 December 1973, agreed to authorize the Working Group to intensify its efforts to work out agreed guidelines for carrying out peace-keeping operations in conformity with the Charter of the United Nations.
2. During the period from 4 April to 8 October 1974, the Working Group held 16 meetings: on 4 April; 23 May; 4, 18 and 26 June; 3, 5, 8, 9, 23 and 24 July; 20 September; and 1 and 8 October. In accordance with the mandate of the Working Group, these meetings were primarily devoted to discussion of the question of agreed guidelines for the United Nations peace-keeping operations. The Working Group devoted two of its meetings to the study of current United Nations operations in the Middle East and 12 meetings to the elaboration of draft formulas for agreed guidelines for the United Nations peace-keeping operations. The Working Group carried out its work on the basis of the progress achieved by it in 1973, as noted by the Special Committee in its report to the General Assembly at its twenty-eighth session. a/
3. The Working Group continued its deliberations under the chairmanship of the Chairman of the Special Committee and that of the four Vice-Chairmen serving in rotation. Its meetings were also attended by representatives of some of the other members of the Special Committee.
4. The Working Group studied the current United Nations peace-keeping operations in the Middle East in order to ascertain whether this example could assist the Working Group in making further progress in the elaboration of agreed guidelines for carrying out peace-keeping operations, bearing in mind paragraph 11 of the report of the Special Committee on Peace-keeping Operations submitted to the General Assembly at its twenty-eighth session, which stated that these operations were providing practical examples and constituted an experience which might assist the Special Committee and its Working Group in making further progress. The members of the Working Group conducted a fruitful exchange of views on the issue, which it agreed would be taken into account in fulfilling the mandate of the Working Group.

* Previously issued under the symbol A/AC.121/L.23.

a/ Official Records of the General Assembly, Twenty-eighth Session, Annexes, agenda item 44, document A/9236.

5. The Working Group then devoted itself to the elaboration of draft formulas for articles of guidelines for United Nations peace-keeping operations in conformity with the Charter of the United Nations. As a starting point for these deliberations the Working Group used the provisions of 12 draft articles submitted on the issue by the Chairman of the Special Committee, in which had been incorporated the agreed list (non-exhaustive) of responsibilities to be exercised directly by the Security Council as set out in the 1973 report of the Special Committee. a/

6. The members of the Working Group are pleased to report that they have been able to prepare a number of alternative or complementary draft formulas for articles of agreed guidelines for United Nations peace-keeping operations. These draft formulas, divided into 13 articles, are set forth in working document No. 2 of the Working Group contained in the appendix to the present report. In submitting the texts of these draft formulas to the Special Committee, the Working Group would like to emphasize that these texts represent a set of tentative and preliminary drafts which is not necessarily exhaustive and is subject to further consideration in the Working Group and that no provision of these texts should be referred to as having been agreed upon.

7. Although these draft formulas are not definitive and in some cases contain mutually exclusive language, the Working Group believes that their preparation represents definite progress in the difficult task of achieving agreed guidelines on United Nations peace-keeping operations. The members of the Working Group are prepared to continue their efforts towards this end.

Appendix

WORKING DOCUMENT NO. 2 OF THE WORKING GROUP OF THE SPECIAL
COMMITTEE ON PEACE-KEEPING OPERATIONS

Draft formulas put forward during the consideration in the
Working Group of the question of guidelines for United
Nations peace-keeping operations*

Title

Draft articles of guidelines for United Nations peace-keeping operations under the authority of the Security Council and in accordance with the Charter of the United Nations

Introduction

1. The aim of the present draft guidelines is to ensure, by the acceptance of principles and the institution of methods, that peace-keeping operations shall not be used, save in the common interests of the United Nations. In this respect it is of crucial importance to increase effectiveness of peace-keeping operations on the basis of strict observance of the Charter of the United Nations and to fully implement the accepted principle of equitable geographical representation in regard to participation in, and control arrangements for, peace-keeping operations.

2. United Nations peace-keeping operations will be under the command of the United Nations vested in the Secretary-General under the authority of the Security Council.

Article 1

1. The Security Council has the authority over the establishment, direction and control of peace-keeping operations. Responsibilities to be exercised directly by the Council in this respect are as follows: authorization, definition of purpose

* All draft formulas in this Working Document are to be read in conjunction with the agreed responsibilities to be exercised directly by the Security Council in the prompt establishment, direction and control of peace-keeping operations as contained in the appendix to annex II of the report of the Special Committee on Peace-keeping Operations to the General Assembly at its twenty-eighth session (A/9236).

and mandate; kind of advice and assistance required by the Council; duration and related questions; financial arrangements; size (magnitude); agreements with contributing countries (model agreement and changes thereto); agreements with host country (including model status of forces agreement and changes thereto); approval of roster of potential commanders; authorization for appointment of deputy commanders; ultimate direction and control during the operation; subsequent alterations; (this listing of responsibilities is to be expanded subject to agreement in the Working Group on such items as manner of termination, composition, support facilities, appointment of commander).

2. The Security Council will have ultimate authority over peace-keeping operations as the organ primarily responsible for the maintenance of international peace and security. The Security Council, in authorizing a peace-keeping operation, would determine the purpose and mandate of a peace-keeping force, its approximate size, the duration of its existence and manner of its termination, and such other matters as it considered necessary in establishing the purpose and terms of the mandate.

Article 2

The Security Council may, in accordance with the provisions of /Articles 29, 47 and 98/ the Charter of the United Nations, delegate its authority over aspects of peace-keeping operations.

Article 3

1. In matters of peace-keeping the authority of a subsidiary body of the Security Council, the Military Staff Committee and/or the Secretary-General shall be exercised in conformity with the provisions of resolutions adopted by the Security Council.

2. In matters of peace-keeping all authority shall be exercised in conformity with resolutions of the Security Council.

Article 4

1. The Security Council may consider, when so required and as a matter of priority, the establishment of a body under Article 29 of the Charter of the United Nations to deal with peace-keeping operations matters.

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2. The Security Council shall establish a subsidiary organ under Article 29 of the Charter of the United Nations. Such an organ will deal with operational aspects of a peace-keeping operation, working out specific directives for the commander, sending inspection teams to the area of the operation, etc.

3. /In pursuance of article 2 of these guidelines/ the Security Council may deem it necessary to establish, under Article 29 of the Charter of the United Nations, a subsidiary organ to exercise authority delegated by the Council and for such other purposes as the Council itself may decide.

Article 5

The Security Council may delegate responsibilities to, or seek advice and assistance from, the Military Staff Committee established in accordance with Article 47 of the Charter of the United Nations. The Committee may invite any Members of the United Nations, in particular any non-permanent members of the Security Council or any States providing contingents or facilities /and the Secretary-General or his authorized representative/ to associate themselves with it, when the efficient discharge of the Committee's responsibilities requires their participation in its work.

Article 6

1. Under the authority of the Security Council the Secretary-General shall be the Commander-in-Chief of United Nations peace-keeping operations:

(a) All matters which may affect the nature or the continued effective functioning of a peace-keeping force will be referred to the Council for its decision;

(b) The Secretary-General may, in accordance with Article 99 of the Charter of the United Nations, make recommendations to the Security Council regarding peace-keeping operations;

(c) The Secretary-General shall be responsible for the implementation of the mandate of the Security Council and for communications between the United Nations and the commander.

2. The Secretary-General may perform such functions as are entrusted to him by the Security Council. In such cases he will contribute with all means at his

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disposal to giving effect to the resolutions or other forms of authorization by the Security Council, receiving guidance from a subsidiary body of the Security Council.

3. The Secretary-General directs peace-keeping operations by virtue of the powers vested in him under article 1 /for the purposes of this proposal the text of article 1 is contained in the Introduction, proposal No. 2, which reads as follows: "United Nations peace-keeping operations will be under the command of the United Nations vested in the Secretary-General under the authority of the Security Council."/

Article 7

1. The Security Council may require reports from the Secretary-General and issue instructions to the Secretary-General as frequently and in such detail as the Council itself may decide.

2. The Security Council may require reports from, issue instructions to and receive recommendations from, the Secretary-General and any subsidiary body which may be established for that purpose.

3. The Security Council shall receive, and may request reports from, and issue instructions to the Secretary-General, if he is delegated with the corresponding authority, and any subsidiary body which may be established for that purpose.

Article 8

1. The commander appointed by the Security Council will be given necessary authority over all elements of the operation within the terms of the mandate and specific directives. On questions of major importance he will be guided by a subsidiary body of the Council.

2. The command in the field will be exercised by a force commander appointed by the Secretary-General /after receiving the unanimous consent/ /with the consent/ /with the approval/ of the Security Council. The commander will be responsible to the Secretary-General.

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Article 9

1. United Nations peace-keeping forces shall meet three essential conditions. First, they shall, at all times, have the full confidence and backing of the Security Council. Second, such forces must operate with the full co-operation of the parties concerned. Third, such forces must function as integrated and efficient military units.

2. United Nations peace-keeping operations shall meet several essential conditions. They shall, at all times, have the full confidence and backing of the Security Council. For this purpose it is essential to obtain reassurance on a continuing basis that the operation is being conducted in conformity with the mandate and the political consensus of the Council on the purposes of the operation. In the interest of assuring broad and continuing support for the operation, it is important to base it on the accepted principle of equitable geographical representation. Such operations must function as integrated and efficient military units. For this purpose it is essential to secure freedom of movement for each unit irrespective of its nationality. Such operations must function with the full co-operation of the parties concerned.

3. United Nations forces will function as integrated and efficient military units operating with the full co-operation of the parties concerned.

In acting so as to continue to ensure that the conduct of United Nations peace-keeping operations enjoys the full confidence and backing of the Security Council, the Secretary-General shall give due weight to the opinions of the permanent members of the Council.

Article 10

1. In the composition of a peace-keeping force the Secretary-General shall regularly report to the Security Council on the results of his efforts concerning the balanced geographical distribution of that force.

2. United Nations forces will be composed of a number of contingents to be provided by selected countries upon the request of the Secretary-General. The contingents will be selected in consultation with the Security Council and with the parties concerned bearing in mind the accepted principle of equitable geographical representation and the necessity of securing the highest standards of efficiency, competence and integrity.

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3. The composition of a peace-keeping operation based on balanced geographical distribution shall be determined by agreement of the members of the Council. The composition should be continuously reviewed so as to bring about a better geographical distribution in the operation.

Article 11

The costs of peace-keeping operations authorized by the Security Council /and run with a broad political consensus of the Security Council / shall be considered as expenses of the Organization, to be borne by the members in accordance with Article 17, paragraph 2, of the Charter of the United Nations, /or any other means /methods of financing/ which the Security Council may decide /recommend/.

Article 12

1. To increase the state of readiness of the Council for prompt establishment of peace-keeping operations, agreements under Article 43 of the Charter of the United Nations between the Security Council and potential contributors of contingents should be negotiated as soon as possible. Such agreements may provide that specific contingents can be employed by the Council in a particular operation with the consent of the respective Governments.

2. To ensure the state of readiness of the United Nations for prompt and effective establishment of peace-keeping operations, under the over-all authority of the Security Council, Member States may co-operate with the United Nations on preparedness arrangements, including appropriate training of selected personnel of potential contributors.

Article 13

To ensure the effective functioning of the operation, United Nations forces will enjoy privileges and immunities in accordance with legal arrangements on the status of forces to be decided by agreement between the United Nations and the host country.