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Anexo I

Carta das Nações Unidas

Preâmbulo

NÓS, OS POVOS DAS NAÇÕES UNIDAS, RESOLVIDOS a preservar as gerações vindouras do flagelo da guerra, que por duas vezes, no espaço da nossa vida, trouxe sofrimentos indizíveis à humanidade, e a reafirmar a fé nos direitos fundamentais do homem, na dignidade e no valor do ser humano, na igualdade de direito dos homens e das mulheres, assim como das nações grandes e pequenas, e a estabelecer condições sob as quais a justiça e o respeito às obrigações decorrentes de tratados e de outras fontes do direito internacional possam ser mantidos, e a promover o progresso social e melhores condições de vida dentro de uma liberdade ampla.

E PARA TAIS FINS, praticar a tolerância e viver em paz, uns com os outros, como bons vizinhos, e unir as nossas forças para manter a paz e a segurança internacionais, e a garantir, pela aceitação de princípios e a instituição dos métodos, que a força armada não será usada a não ser no interesse comum, a empregar um mecanismo internacional para promover o progresso econômico e social de todos os povos.

RESOLVEMOS CONJUGAR NOSSOS ESFORÇOS PARA A CONSECUÇÃO DESSES OBJETIVOS. Em vista disso, nossos respectivos Governos, por intermédio de representantes reunidos na cidade de São Francisco, depois de exibirem seus plenos poderes, que foram achados em boa e devida forma, concordaram com a presente Carta das Nações Unidas e estabelecem, por meio dela, uma organização internacional que será conhecida pelo nome de Nações Unidas.

CAPÍTULO I

PROPÓSITOS E PRINCÍPIOS

ARTIGO 1 - Os propósitos das Nações unidas são:

1. Manter a paz e a segurança internacionais e, para esse fim: tomar, coletivamente, medidas efetivas para evitar ameaças à paz e reprimir os atos de agressão ou outra qualquer ruptura da paz e chegar, por meios pacíficos e de conformidade com os princípios da justiça e do direito internacional, a um ajuste ou solução das controvérsias ou situações que possam levar a uma perturbação da paz;
2. Desenvolver relações amistosas entre as nações, baseadas no respeito ao princípio de igualdade de direitos e de autodeterminação dos povos, e tomar outras medidas apropriadas ao fortalecimento da paz universal;
3. Conseguir uma cooperação internacional para resolver os problemas internacionais de caráter econômico, social, cultural ou humanitário, e para promover e estimular o respeito aos direitos humanos e às liberdades fundamentais para todos, sem distinção de raça, sexo, língua ou religião; e
4. Ser um centro destinado a harmonizar a ação das nações para a consecução desses objetivos comuns.

ARTIGO 2 - A Organização e seus Membros, para a realização dos propósitos mencionados no Artigo 1, agirão de acordo com os seguintes Princípios:

1. A Organização é baseada no princípio da igualdade de todos os seus Membros.
2. Todos os Membros, a fim de assegurarem para todos em geral os direitos e vantagens resultantes de sua qualidade de Membros, deverão cumprir de boa fé as obrigações por eles assumidas de acordo com a presente Carta.
3. Todos os Membros deverão resolver suas controvérsias internacionais por meios pacíficos, de modo que não sejam ameaçadas a paz, a segurança e a justiça internacionais.
4. Todos os Membros deverão evitar em suas relações internacionais a ameaça ou o uso da força contra a integridade territorial ou a dependência política de

qualquer Estado, ou qualquer outra ação incompatível com os Propósitos das Nações Unidas.

5. Todos os Membros darão às Nações toda assistência em qualquer ação a que elas recorrerem de acordo com a presente Carta e se absterão de dar auxílio a qual Estado contra o qual as Nações Unidas agirem de modo preventivo ou coercitivo.

6. A Organização fará com que os Estados que não são Membros das Nações Unidas ajam de acordo com esses Princípios em tudo quanto for necessário à manutenção da paz e da segurança internacionais.

7. Nenhum dispositivo da presente Carta autorizará as Nações Unidas a intervirem em assuntos que dependam essencialmente da jurisdição de qualquer Estado ou obrigará os Membros a submeterem tais assuntos a uma solução, nos termos da presente Carta; este princípio, porém, não prejudicará a aplicação das medidas coercitivas constantes do Capítulo VII.

CAPÍTULO II

DOS MEMBROS

ARTIGO 3 - Os Membros originais das Nações Unidas serão os Estados que, tendo participado da Conferência das Nações Unidas sobre a Organização Internacional, realizada em São Francisco, ou, tendo assinado previamente a Declaração das Nações Unidas, de 1 de janeiro de 1942, assinarem a presente Carta, e a ratificarem, de acordo com o Artigo 110.

ARTIGO 4 - 1. A admissão como Membro das Nações Unidas fica aberta a todos os Estados amantes da paz que aceitarem as obrigações contidas na presente Carta e que, a juízo da Organização, estiverem aptos e dispostos a cumprir tais obrigações. 2. A admissão de qualquer desses Estados como Membros das Nações Unidas será efetuada por decisão da Assembléia Geral, mediante recomendação do Conselho de Segurança.

ARTIGO 5 - O Membro das Nações Unidas, contra o qual for levada a efeito ação preventiva ou coercitiva por parte do Conselho de Segurança, poderá ser suspenso

do exercício dos direitos e privilégios de Membro pela Assembléia Geral, mediante recomendação do Conselho de Segurança. O exercício desses direitos e privilégios poderá ser restabelecido pelo conselho de Segurança.

ARTIGO 6 - O Membro das Nações Unidas que houver violado persistentemente os Princípios contidos na presente Carta, poderá ser expulso da Organização pela Assembléia Geral mediante recomendação do Conselho de Segurança.

CAPÍTULO III

ÓRGÃOS

ARTIGO 7 - 1. Ficam estabelecidos como órgãos principais das Nações Unidas: uma Assembléia Geral, um Conselho de Segurança, um Conselho Econômico e Social, um conselho de Tutela, uma Corte Internacional de Justiça e um Secretariado. 2. Serão estabelecidos, de acordo com a presente Carta, os órgãos subsidiários considerados de necessidade.

ARTIGO 8 - As Nações Unidas não farão restrições quanto à elegibilidade de homens e mulheres destinados a participar em qualquer caráter e em condições de igualdade em seus órgãos principais e subsidiários.

CAPÍTULO IV

ASSEMBLÉIA GERAL

COMPOSIÇÃO

ARTIGO 9 - 1. A Assembléia Geral será constituída por todos os Membros das Nações Unidas. 2. Cada Membro não deverá ter mais de cinco representantes na Assembléia Geral.

FUNÇÕES E ATRIBUIÇÕES

ARTIGO 10 - A Assembléia Geral poderá discutir quaisquer questões ou assuntos que estiverem dentro das finalidades da presente Carta ou que se relacionarem com as atribuições e funções de qualquer dos órgãos nela previstos e, com

exceção do estipulado no Artigo 12, poderá fazer recomendações aos Membros das Nações Unidas ou ao Conselho de Segurança ou a este e àqueles, conjuntamente, com referência a qualquer daquelas questões ou assuntos.

ARTIGO 11 - 1. A Assembléia Geral poderá considerar os princípios gerais de cooperação na manutenção da paz e da segurança internacionais, inclusive os princípios que disponham sobre o desarmamento e a regulamentação dos armamentos, e poderá fazer recomendações relativas a tais princípios aos Membros ou ao Conselho de Segurança, ou a este e àqueles conjuntamente.

2. A Assembléia Geral poderá discutir quaisquer questões relativas à manutenção da paz e da segurança internacionais, que a ela forem submetidas por qualquer Membro das Nações Unidas, ou pelo Conselho de Segurança, ou por um Estado que não seja Membro das Nações Unidas, de acordo com o Artigo 35, parágrafo 2, e, com exceção do que fica estipulado no Artigo 12, poderá fazer recomendações relativas a quaisquer destas questões ao Estado ou Estados interessados, ou ao Conselho de Segurança ou a ambos. Qualquer destas questões, para cuja solução for necessária uma ação, será submetida ao Conselho de Segurança pela Assembléia Geral, antes ou depois da discussão.

3. A Assembléia Geral poderá solicitar a atenção do Conselho de Segurança para situações que possam constituir ameaça à paz e à segurança internacionais.

. As atribuições da Assembléia Geral enumeradas neste Artigo não limitarão a finalidade geral do Artigo 10.

ARTIGO 12 - 1. Enquanto o Conselho de Segurança estiver exercendo, em relação a qualquer controvérsia ou situação, as funções que lhe são atribuídas na presente Carta, a Assembléia Geral não fará nenhuma recomendação a respeito dessa controvérsia ou situação, a menos que o Conselho de Segurança a solicite.

2. O Secretário-Geral, com o consentimento do Conselho de Segurança, comunicará à Assembléia Geral, em cada sessão, quaisquer assuntos relativos à manutenção da paz e da segurança internacionais que estiverem sendo tratados pelo Conselho de Segurança, e da mesma maneira dará conhecimento de tais assuntos à Assembléia Geral, ou aos Membros das Nações Unidas se a

Assembléia Geral não estiver em sessão, logo que o Conselho de Segurança terminar o exame dos referidos assuntos.

ARTIGO 13 - 1. A Assembléia Geral iniciará estudos e fará recomendações, destinados a:

- a) promover cooperação internacional no terreno político e incentivar o desenvolvimento progressivo do direito internacional e a sua codificação;
- b) promover cooperação internacional nos terrenos econômico, social, cultural, educacional e sanitário e favorecer o pleno gozo dos direitos humanos e das liberdades fundamentais, por parte de todos os povos, sem distinção de raça, sexo, língua ou religião.

2. As demais responsabilidades, funções e atribuições da Assembléia Geral, em relação aos assuntos mencionados no parágrafo 1(b) acima, estão enumeradas nos Capítulos IX e X.

ARTIGO 14 - A Assembléia Geral, sujeita aos dispositivos do Artigo 12, poderá recomendar medidas para a solução pacífica de qualquer situação, qualquer que seja sua origem, que lhe pareça prejudicial ao bem-estar geral ou às relações amistosas entre as nações, inclusive em situações que resultem da violação dos dispositivos da presente Carta que estabelecem os Propósitos e Princípios das Nações Unidas.

ARTIGO 15 - 1. A Assembléia Geral receberá e examinará os relatórios anuais e especiais do Conselho de Segurança. Esses relatórios incluirão uma relação das medidas que o Conselho de Segurança tenha adotado ou aplicado a fim de manter a paz e a segurança internacionais.

2. A Assembléia Geral receberá e examinará os relatórios dos outros órgãos das Nações Unidas.

ARTIGO 16 - A Assembléia Geral desempenhará, com relação ao sistema internacional de tutela, as funções a ela atribuídas nos Capítulos XII e XIII,

inclusive a aprovação de acordos de tutela referentes às zonas não designadas como estratégias.

ARTIGO 17 - 1. A Assembléia Geral considerará e aprovará o orçamento da organização.

2. As despesas da Organização serão custeadas pelos Membros, segundo cotas fixadas pela Assembléia Geral.

3. A Assembléia Geral considerará e aprovará quaisquer ajustes financeiros e orçamentários com as entidades especializadas, a que se refere o Artigo 57 e examinará os orçamentos administrativos de tais instituições especializadas com o fim de lhes fazer recomendações.

VOTAÇÃO

ARTIGO 18 - 1. Cada Membro da Assembléia Geral terá um voto.

2. As decisões da Assembléia Geral, em questões importantes, serão tomadas por maioria de dois terços dos Membros presentes e votantes. Essas questões compreenderão: recomendações relativas à manutenção da paz e da segurança internacionais; à eleição dos Membros não permanentes do Conselho de Segurança; à eleição dos Membros do Conselho Econômico e Social; à eleição dos Membros do Conselho de Tutela, de acordo como parágrafo 1 (c) do Artigo 86; à admissão de novos Membros das Nações Unidas; à suspensão dos direitos e privilégios de Membros; à expulsão dos Membros; questões referentes o funcionamento do sistema de tutela e questões orçamentárias.

3. As decisões sobre outras questões, inclusive a determinação de categoria adicionais de assuntos a serem debatidos por uma maioria dos membros presentes e que votem.

ARTIGO 19 - O Membro das Nações Unidas que estiver em atraso no pagamento de sua contribuição financeira à Organização não terá voto na Assembléia Geral, se o total de suas contribuições atrasadas igualar ou exceder a soma das contribuições correspondentes aos dois anos anteriores completos. A Assembléia

Geral poderá entretanto, permitir que o referido Membro vote, se ficar provado que a falta de pagamento é devida a condições independentes de sua vontade.

PROCESSO

ARTIGO 20 - A Assembléia Geral reunir-se-á em sessões anuais regulares e em sessões especiais exigidas pelas circunstâncias. As sessões especiais serão convocadas pelo Secretário-Geral, a pedido do Conselho de Segurança ou da maioria dos Membros das Nações Unidas.

ARTIGO 21 - A Assembléia Geral adotará suas regras de processo e elegerá seu presidente para cada sessão.

ARTIGO 22 - A Assembléia Geral poderá estabelecer os órgãos subsidiários que julgar necessários ao desempenho de suas funções.

CAPITULO V

CONSELHO DE SEGURANÇA

COMPOSIÇÃO

ARTIGO 23 - 1. O Conselho de Segurança será composto de quinze Membros das Nações Unidas. A República da China, a França, a União das Repúblicas Socialistas Soviéticas, o Reino Unido da Grã-Bretanha e Irlanda do norte e os Estados unidos da América serão membros permanentes do Conselho de Segurança. A Assembléia Geral elegerá dez outros Membros das Nações Unidas para Membros não permanentes do Conselho de Segurança, tendo especialmente em vista, em primeiro lugar, a contribuição dos Membros das Nações Unidas para a manutenção da paz e da segurança internacionais e para os outros propósitos da Organização e também a distribuição geográfica equitativa.

2. Os membros não permanentes do Conselho de Segurança serão eleitos por um período de dois anos. Na primeira eleição dos Membros não permanentes do Conselho de Segurança, que se celebre depois de haver-se aumentado de onze para quinze o número de membros do Conselho de Segurança, dois dos quatro

membros novos serão eleitos por um período de um ano. Nenhum membro que termine seu mandato poderá ser reeleito para o período imediato.

3. Cada Membro do Conselho de Segurança terá um representante.

FUNÇÕES E ATRIBUIÇÕES

ARTIGO 24 - 1. A fim de assegurar pronta e eficaz ação por parte das Nações Unidas, seus Membros conferem ao Conselho de Segurança a principal responsabilidade na manutenção da paz e da segurança internacionais e concordam em que no cumprimento dos deveres impostos por essa responsabilidade o Conselho de Segurança aja em nome deles.

2. No cumprimento desses deveres, o Conselho de Segurança agirá de acordo com os Propósitos e Princípios das Nações Unidas. As atribuições específicas do Conselho de Segurança para o cumprimento desses deveres estão enumeradas nos Capítulos VI, VII, VIII e XII.

3. O Conselho de Segurança submeterá relatórios anuais e, quando necessário, especiais à Assembléia Geral para sua consideração.

ARTIGO 25 - Os Membros das Nações Unidas concordam em aceitar e executar as decisões do Conselho de Segurança, de acordo com a presente Carta.

ARTIGO 26 - A fim de promover o estabelecimento e a manutenção da paz e da segurança internacionais, desviando para armamentos o menos possível dos recursos humanos e econômicos do mundo, o Conselho de Segurança terá o encargo de formular, com a assistência da Comissão de Estado-Maior, a que se refere o Artigo 47, os planos a serem submetidos aos Membros das Nações Unidas, para o estabelecimento de um sistema de regulamentação dos armamentos.

VOTAÇÃO

ARTIGO 27 - 1. Cada membro do Conselho de Segurança terá um voto.

2. As decisões do conselho de Segurança, em questões processuais, serão tomadas pelo voto afirmativo de nove Membros.

3. As decisões do Conselho de Segurança, em todos os outros assuntos, serão tomadas pelo voto afirmativo de nove membros, inclusive os votos afirmativos de todos os membros permanentes, ficando estabelecido que, nas decisões previstas no Capítulo VI e no parágrafo 3 do Artigo 52, aquele que for parte em uma controvérsia se absterá de votar.

PROCESSO

ARTIGO 28 - 1. O Conselho de Segurança será organizado de maneira que possa funcionar continuamente. Cada membro do Conselho de Segurança será, para tal fim, em todos os momentos, representado na sede da Organização.

2. O Conselho de Segurança terá reuniões periódicas, nas quais cada um de seus membros poderá, se assim o desejar, ser representado por um membro do governo ou por outro representante especialmente designado.

3. O Conselho de Segurança poderá reunir-se em outros lugares, fora da sede da Organização, e que, a seu juízo, possam facilitar o seu trabalho.

ARTIGO 29 - O Conselho de Segurança poderá estabelecer órgãos subsidiários que julgar necessários para o desempenho de suas funções.

ARTIGO 30 - O Conselho de Segurança adotará seu próprio regulamento interno, que incluirá o método de escolha de seu Presidente.

ARTIGO 31 - Qualquer membro das Nações Unidas, que não for membro do Conselho de Segurança, ou qualquer Estado que não for Membro das Nações Unidas será convidado, desde que seja parte em uma controvérsia submetida ao Conselho de Segurança a participar, sem voto, na discussão dessa controvérsia. O Conselho de Segurança determinará as condições que lhe parecerem justas para a participação de um Estado que não for Membro das Nações Unidas.

ARTIGO 32 - Qualquer Membro das Nações Unidas que não for Membro do Conselho de Segurança, ou qualquer Estado que não for Membro das Nações

Unidas será convidado, desde que seja parte em uma controvérsia submetida ao Conselho de Segurança, a participar, sem voto, na discussão dessa controvérsia. O Conselho de Segurança determinará as condições que lhe parecerem justas para a participação de um Estado que não for Membro das Nações Unidas.

CAPÍTULO VI

SOLUÇÃO PACÍFICA DE CONTROVÉRSIAS

ARTIGO 33 - 1. As partes em uma controvérsia, que possa vir a constituir uma ameaça à paz e à segurança internacionais, procurarão, antes de tudo, chegar a uma solução por negociação, inquérito, mediação, conciliação, arbitragem, solução judicial, recurso a entidades ou acordos regionais, ou a qualquer outro meio pacífico à sua escolha. 2. O Conselho de Segurança convidará, quando julgar necessário, as referidas partes a resolver, por tais meios, suas controvérsias.

ARTIGO 34 - O Conselho de Segurança poderá investigar sobre qualquer controvérsia ou situação suscetível de provocar atritos entre as Nações ou dar origem a uma controvérsia, a fim de determinar se a continuação de tal controvérsia ou situação pode constituir ameaça à manutenção da paz e da segurança internacionais.

ARTIGO 35 - 1. Qualquer Membro das Nações Unidas poderá solicitar a atenção do Conselho de Segurança ou da Assembléia Geral para qualquer controvérsia, ou qualquer situação, da natureza das que se acham previstas no Artigo 34.

2. Um Estado que não for Membro das Nações Unidas poderá solicitar a atenção do Conselho de Segurança ou da Assembléia Geral para qualquer controvérsia em que seja parte, uma vez que aceite, previamente, em relação a essa controvérsia, as obrigações de solução pacífica previstas na presente Carta.

3. Os atos da Assembléia Geral, a respeito dos assuntos submetidos à sua atenção, de acordo com este Artigo, serão sujeitos aos dispositivos dos Artigos 11 e 12.

ARTIGO 36 - 1. O conselho de Segurança poderá, em qualquer fase de uma controvérsia da natureza a que se refere o Artigo 33, ou de uma situação de

natureza semelhante, recomendar procedimentos ou métodos de solução apropriados.

2. O Conselho de Segurança deverá tomar em consideração quaisquer procedimentos para a solução de uma controvérsia que já tenham sido adotados pelas partes.

3. Ao fazer recomendações, de acordo com este Artigo, o Conselho de Segurança deverá tomar em consideração que as controvérsias de caráter jurídico devem, em regra geral, ser submetidas pelas partes à Corte Internacional de Justiça, de acordo com os dispositivos do Estatuto da Corte.

ARTIGO 37 - 1. No caso em que as partes em controvérsia da natureza a que se refere o Artigo 33 não conseguirem resolvê-la pelos meios indicados no mesmo Artigo, deverão submetê-la ao Conselho de Segurança.

. O Conselho de Segurança, caso julgue que a continuação dessa controvérsia poderá realmente constituir uma ameaça à manutenção da paz e da segurança internacionais, decidirá sobre a conveniência de agir de acordo com o Artigo 36 ou recomendar as condições que lhe parecerem apropriadas à sua solução.

ARTIGO 38 - Sem prejuízo dos dispositivos dos Artigos 33 a 37, o Conselho de Segurança poderá, se todas as partes em uma controvérsia assim o solicitarem, fazer recomendações às partes, tendo em vista uma solução pacífica da controvérsia.

CAPÍTULO VII

AÇÃO RELATIVA A AMEAÇAS À PAZ, RUPTURA DA PAZ E ATOS DE AGRESSÃO

ARTIGO 39 - O Conselho de Segurança determinará a existência de qualquer ameaça à paz, ruptura da paz ou ato de agressão, e fará recomendações ou decidirá que medidas deverão ser tomadas de acordo com os Artigos 41 e 42, a fim de manter ou restabelecer a paz e a segurança internacionais.

ARTIGO 40 - A fim de evitar que a situação se agrave, o Conselho de Segurança poderá, antes de fazer as recomendações ou decidir a respeito das medidas previstas no Artigo 39, convidar as partes interessadas a que aceitem as medidas provisórias que lhe pareçam necessárias ou aconselháveis. Tais medidas provisórias não prejudicarão os direitos ou pretensões, nem a situação das partes interessadas. O Conselho de Segurança tomará devida nota do não cumprimento dessas medidas.

ARTIGO 41 - O Conselho de Segurança decidirá sobre as medidas que, sem envolver o emprego de forças armadas, deverão ser tomadas para tornar efetivas suas decisões e poderá convidar os Membros das Nações Unidas a aplicarem tais medidas. Estas poderão incluir a interrupção completa ou parcial das relações econômicas, dos meios de comunicação ferroviários, marítimos, aéreos, postais, telegráficos, radiofônicos, ou de outra qualquer espécie e o rompimento das relações diplomáticas.

ARTIGO 42 - No caso de o Conselho de Segurança considerar que as medidas previstas no Artigo 41 seriam ou demonstraram que são inadequadas, poderá levar a efeito, por meio de forças aéreas, navais ou terrestres, a ação que julgar necessária para manter ou restabelecer a paz e a segurança internacionais. Tal ação poderá compreender demonstrações, bloqueios e outras operações, por parte das forças aéreas, navais ou terrestres dos Membros das Nações Unidas.

ARTIGO 43 - 1. Todos os Membros das Nações Unidas, a fim de contribuir para a manutenção da paz e da segurança internacionais, se comprometem a proporcionar ao Conselho de Segurança, a seu pedido e de conformidade com o acordo ou acordos especiais, forças armadas, assistência e facilidades, inclusive direitos de passagem, necessários à manutenção da paz e da segurança internacionais.

2. Tal acordo ou tais acordos determinarão o número e tipo das forças, seu grau de preparação e sua localização geral, bem como a natureza das facilidades e da assistência a serem proporcionadas.

3. O acordo ou acordos serão negociados o mais cedo possível, por iniciativa do Conselho de Segurança. Serão concluídos entre o Conselho de Segurança e Membros da Organização ou entre o Conselho de Segurança e grupos de Membros e submetidos à ratificação, pelos Estados signatários, de conformidade com seus respectivos processos constitucionais.

ARTIGO 44 - Quando o Conselho de Segurança decidir o emprego de força, deverá, antes de solicitar a um Membro nele não representado o fornecimento de forças armadas em cumprimento das obrigações assumidas em virtude do Artigo 43, convidar o referido Membro, se este assim o desejar, a participar das decisões do Conselho de Segurança relativas ao emprego de contingentes das forças armadas do dito Membro.

ARTIGO 45 - A fim de habilitar as Nações Unidas a tomarem medidas militares urgentes, os Membros das Nações Unidas deverão manter, imediatamente utilizáveis, contingentes das forças aéreas nacionais para a execução combinada de uma ação coercitiva internacional. A potência e o grau de preparação desses contingentes, como os planos de ação combinada, serão determinados pelo Conselho de Segurança com a assistência da Comissão de Estado-Maior, dentro dos limites estabelecidos no acordo ou acordos especiais a que se refere o Artigo 43.

ARTIGO 46 - O Conselho de Segurança, com a assistência da Comissão de Estado-maior, fará planos para a aplicação das forças armadas.

ARTIGO 47 - 1. Será estabelecida uma Comissão de Estado-Maior destinada a orientar e assistir o Conselho de Segurança, em todas as questões relativas às exigências militares do mesmo Conselho, para manutenção da paz e da segurança internacionais, utilização e comando das forças colocadas à sua disposição, regulamentação de armamentos e possível desarmamento.

2. A Comissão de Estado-Maior será composta dos Chefes de Estado-Maior dos Membros Permanentes do Conselho de Segurança ou de seus representantes. Todo Membro das Nações Unidas que não estiver permanentemente representado na Comissão será por esta convidado a tomar parte nos seus trabalhos, sempre que a

sua participação for necessária ao eficiente cumprimento das responsabilidades da Comissão.

3. A Comissão de Estado-Maior será responsável, sob a autoridade do Conselho de Segurança, pela direção estratégica de todas as forças armadas postas à disposição do dito Conselho. As questões relativas ao comando dessas forças serão resolvidas ulteriormente.

4. A Comissão de Estado-Maior, com autorização do Conselho de Segurança e depois de consultar os organismos regionais adequados, poderá estabelecer subcomissões regionais.

ARTIGO 48 - 1. A ação necessária ao cumprimento das decisões do Conselho de Segurança para manutenção da paz e da segurança internacionais será levada a efeito por todos os Membros das Nações Unidas ou por alguns deles, conforme seja determinado pelo Conselho de Segurança.

2. Essas decisões serão executas pelos Membros das Nações Unidas diretamente e, por seu intermédio, nos organismos internacionais apropriados de que façam parte.

ARTIGO 49 - Os Membros das Nações Unidas prestar-se-ão assistência mútua para a execução das medidas determinadas pelo Conselho de Segurança.

ARTIGO 50 - No caso de serem tomadas medidas preventivas ou coercitivas contra um Estado pelo Conselho de Segurança, qualquer outro Estado, Membro ou não das Nações unidas, que se sinta em presença de problemas especiais de natureza econômica, resultantes da execução daquelas medidas, terá o direito de consultar o Conselho de Segurança a respeito da solução de tais problemas.

ARTIGO 51 - Nada na presente Carta prejudicará o direito inerente de legítima defesa individual ou coletiva no caso de ocorrer um ataque armado contra um Membro das Nações Unidas, até que o Conselho de Segurança tenha tomado as medidas necessárias para a manutenção da paz e da segurança internacionais. As medidas tomadas pelos Membros no exercício desse direito de legítima defesa serão comunicadas imediatamente ao Conselho de Segurança e não deverão, de

modo algum, atingir a autoridade e a responsabilidade que a presente Carta atribui ao Conselho para levar a efeito, em qualquer tempo, a ação que julgar necessária à manutenção ou ao restabelecimento da paz e da segurança internacionais.

CAPÍTULO VIII

ACORDOS REGIONAIS

ARTIGO 52 - 1. Nada na presente Carta impede a existência de acordos ou de entidades regionais, destinadas a tratar dos assuntos relativos à manutenção da paz e da segurança internacionais que forem suscetíveis de uma ação regional, desde que tais acordos ou entidades regionais e suas atividades sejam compatíveis com os Propósitos e Princípios das Nações Unidas.

2. Os Membros das Nações Unidas, que forem parte em tais acordos ou que constituírem tais entidades, empregarão todo os esforços para chegar a uma solução pacífica das controvérsias locais por meio desses acordos e entidades regionais, antes de as submeter ao Conselho de Segurança.

3. O Conselho de Segurança estimulará o desenvolvimento da solução pacífica de controvérsias locais mediante os referidos acordos ou entidades regionais, por iniciativa dos Estados interessados ou a instância do próprio conselho de Segurança.

4. Este Artigo não prejudica, de modo algum, a aplicação dos Artigos 34 e 35.

ARTIGO 53 - 1. O conselho de Segurança utilizará, quando for o caso, tais acordos e entidades regionais para uma ação coercitiva sob a sua própria autoridade. Nenhuma ação coercitiva será, no entanto, levada a efeito de conformidade com acordos ou entidades regionais sem autorização do Conselho de Segurança, com exceção das medidas contra um Estado inimigo como está definido no parágrafo 2 deste Artigo, que forem determinadas em consequência do Artigo 107 ou em acordos regionais destinados a impedir a renovação de uma política agressiva por parte de qualquer desses Estados, até o momento em que a Organização possa, a pedido dos Governos interessados, ser incumbida de impedir toda nova agressão por parte de tal Estado.

2. O termo Estado inimigo, usado no parágrafo 1 deste Artigo, aplica-se a qualquer Estado que, durante a Segunda Guerra Mundial, foi inimigo de qualquer signatário da presente Carta.

ARTIGO 54 - O Conselho de Segurança será sempre informado de toda ação empreendida ou projetada de conformidade com os acordos ou entidades regionais para manutenção da paz e da segurança internacionais.

CAPÍTULO IX

COOPERAÇÃO INTERNACIONAL ECONÔMICA E SOCIAL

ARTIGO 55 - Com o fim de criar condições de estabilidade e bem estar, necessárias às relações pacíficas e amistosas entre as Nações, baseadas no respeito ao princípio da igualdade de direitos e da autodeterminação dos povos, as Nações Unidas favorecerão: a) níveis mais altos de vida, trabalho efetivo e condições de progresso e desenvolvimento econômico e social; b) a solução dos problemas internacionais econômicos, sociais, sanitários e conexos; a cooperação internacional, de caráter cultural e educacional; e c) o respeito universal e efetivo dos direitos humanos e das liberdades fundamentais para todos, sem distinção de raça, sexo, língua ou religião.

ARTIGO 56 - Para a realização dos propósitos enumerados no Artigo 55, todos os Membros da Organização se comprometem a agir em cooperação com esta, em conjunto ou separadamente.

ARTIGO 57 - 1. As várias entidades especializadas, criadas por acordos intergovernamentais e com amplas responsabilidades internacionais, definidas em seus instrumentos básicos, nos campos econômico, social, cultural, educacional, sanitário e conexos, serão vinculadas às Nações Unidas, de conformidade com as disposições do Artigo 63. 2. Tais entidades assim vinculadas às Nações Unidas serão designadas, daqui por diante, como entidades especializadas.

ARTIGO 58 - A Organização fará recomendação para coordenação dos programas e atividades das entidades especializadas.

ARTIGO 59 - A Organização, quando julgar conveniente, iniciará negociações entre os Estados interessados para a criação de novas entidades especializadas que forem necessárias ao cumprimento dos propósitos enumerados no Artigo 55.

ARTIGO 60 - A Assembléia Geral e, sob sua autoridade, o Conselho Econômico e Social, que dispões, para esse efeito, da competência que lhe é atribuída no Capítulo X, são incumbidos de exercer as funções da Organização estipuladas no presente Capítulo.

CAPÍTULO X

CONSELHO ECONÔMICO E SOCIAL

COMPOSIÇÃO

ARTIGO 61 - 1. O Conselho Econômico e Social será composto de cinquenta e quatro Membros das Nações Unidas eleitos pela Assembléia Geral.

2 De acordo com os dispositivos do parágrafo 3, dezoito Membros do Conselho Econômico e Social serão eleitos cada ano para um período de três anos, podendo, ao terminar esse prazo, ser reeleitos para o período seguinte.

3. Na primeira eleição a realizar-se depois de elevado de vinte e sete para cinquenta e quatro o número de Membros do Conselho Econômico e Social, além dos Membros que forem eleitos para substituir os nove Membros, cujo mandato expira no fim desse ano, serão eleitos outros vinte e sete Membros. O mandato de nove destes vinte e sete Membros suplementares assim eleitos expirará no fim de um ano e o de nove outros no fim de dois anos, de acordo com o que for determinado pela Assembléia Geral.

4. Cada Membro do Conselho Econômico e social terá nele um representante.

FUNÇÕES E ATRIBUIÇÕES

ARTIGO 62 - 1. O Conselho Econômico e Social fará ou iniciará estudos e relatórios a respeito de assuntos internacionais de caráter econômico, social, cultural, educacional, sanitário e conexos e poderá fazer recomendações a respeito

de tais assuntos à Assembléia Geral, aos Membros das Nações Unidas e às entidades especializadas interessadas.

2. Poderá, igualmente, fazer recomendações destinadas a promover o respeito e a observância dos direitos humanos e das liberdades fundamentais para todos.

3. Poderá preparar projetos de convenções a serem submetidos à Assembléia Geral, sobre assuntos de sua competência.

4. Poderá convocar, de acordo com as regras estipuladas pelas Nações Unidas, conferências internacionais sobre assuntos de sua competência.

ARTIGO 63 - 1. O conselho Econômico e Social poderá estabelecer acordos com qualquer das entidades a que se refere o Artigo 57, a fim de determinar as condições em que a entidade interessada será vinculada às Nações Unidas. Tais acordos serão submetidos à aprovação da Assembléia Geral. 2. Poderá coordenar as atividades das entidades especializadas, por meio de consultas e recomendações às mesmas e de recomendações à Assembléia Geral e aos Membros das Nações Unidas.

ARTIGO 64 - 1. O Conselho Econômico e Social poderá tomar as medidas adequadas a fim de obter relatórios regulares das entidades especializadas. Poderá entrar em entendimentos com os Membros das Nações Unidas e com as entidades especializadas, a fim de obter relatórios sobre as medidas tomadas para cumprimento de suas próprias recomendações e das que forem feitas pela Assembléia Geral sobre assuntos da competência do Conselho. 2. Poderá comunicar à Assembléia Geral suas observações a respeito desses relatórios.

ARTIGO 65 - O Conselho Econômico e Social poderá fornecer informações ao Conselho de Segurança e, a pedido deste, prestar-lhe assistência.

ARTIGO 66 - 1. O Conselho Econômico e Social desempenhará as funções que forem de sua competência em relação ao cumprimento das recomendações da Assembléia Geral. 2. Poderá mediante aprovação da Assembléia Geral, prestar os serviços que lhe forem solicitados pelos Membros das Nações Unidas e pelas

entidades especializadas. 3. Desempenhará as demais funções específicas em outras partes da presente Carta ou as que forem atribuídas pela Assembléia Geral.

VOTAÇÃO

ARTIGO 67 - 1. Cada Membro do Conselho Econômico e Social terá um voto. 2. As decisões do Conselho Econômico e Social serão tomadas por maioria dos membros presentes e votantes.

PROCESSO

ARTIGO 68 - O Conselho Econômico e Social criará comissões para os assuntos econômicos e sociais e a proteção dos direitos humanos assim como outras comissões que forem necessárias para o desempenho de suas funções.

ARTIGO 69 - O Conselho Econômico e Social poderá convidar qualquer Membro das Nações Unidas a tomar parte, sem voto, em suas deliberações sobre qualquer assunto que interesse particularmente a esse Membro.

ARTIGO 70 - O Conselho Econômico e Social poderá entrar em entendimentos para que representantes das entidades especializadas tomem parte, sem voto, em suas deliberações e nas das comissões por ele criadas, e para que os seus próprios representantes tomem parte nas deliberações das entidades especializadas.

ARTIGO 71 - O Conselho Econômico e Social poderá entrar nos entendimentos convenientes para a consulta com organizações não governamentais, encarregadas de questões que estiverem dentro da sua própria competência. Tais entendimentos poderão ser feitos com organizações internacionais e, quando for o caso, com organizações nacionais, depois de efetuadas consultas com o Membro das Nações Unidas no caso.

ARTIGO 72 - 1. O Conselho Econômico e Social adotará seu próprio regulamento, que incluirá o método de escolha de seu Presidente. 2. O Conselho Econômico e Social reunir-se-á quando for necessário, de acordo com o seu regulamento, o qual deverá incluir disposições referentes à convocação de reuniões a pedido da maioria dos Membros.

CAPÍTULO XI

DECLARAÇÃO RELATIVA A TERRITÓRIOS SEM GOVERNO PRÓPRIO

ARTIGO 73 - Os Membros das Nações Unidas, que assumiram ou assumam responsabilidades pela administração de territórios cujos povos não tenham atingido a plena capacidade de se governarem a si mesmos, reconhecem o princípio de que os interesses dos habitantes desses territórios são da mais alta importância, e aceitam, como missão sagrada, a obrigação de promover no mais alto grau, dentro do sistema de paz e segurança internacionais estabelecido na presente Carta, o bem-estar dos habitantes desses territórios e, para tal fim, se obrigam a:

- a) assegurar, com o devido respeito à cultura dos povos interessados, o seu progresso político, econômico, social e educacional, o seu tratamento equitativo e a sua proteção contra todo abuso;
- b) desenvolver sua capacidade de governo próprio, tomar devida nota das aspirações políticas dos povos e auxiliá-los no desenvolvimento progressivo de suas instituições políticas livres, de acordo com as circunstâncias peculiares a cada território e seus habitantes e os diferentes graus de seu adiantamento;
- c) consolidar a paz e a segurança internacionais;
- d) promover medidas construtivas de desenvolvimento, estimular pesquisas, cooperar uns com os outros e, quando for o caso, com entidades internacionais especializadas, com vistas à realização prática dos propósitos de ordem social, econômica ou científica enumerados neste Artigo; e
- e) transmitir regularmente ao Secretário-Geral, para fins de informação, sujeitas às reservas impostas por considerações de segurança e de ordem constitucional, informações estatísticas ou de outro caráter técnico, relativas às condições econômicas, sociais e educacionais dos territórios pelos quais são respectivamente responsáveis e que não estejam compreendidos entre aqueles a que se referem os Capítulos XII e XIII da Carta.

ARTIGO 74 - Os Membros das Nações Unidas concordam também em que a sua política com relação aos territórios a que se aplica o presente Capítulo deve ser baseada, do mesmo modo que a política seguida nos respectivos territórios metropolitanos, no princípio geral de boa vizinhança, tendo na devida conta os interesses e o bem-estar do resto do mundo no que se refere às questões sociais, econômicas e comerciais.

CAPÍTULO XII

SISTEMA INTERNACIONAL DE TUTELA

ARTIGO 75 - As nações Unidas estabelecerão sob sua autoridade um sistema internacional de tutela para a administração e fiscalização dos territórios que possam ser colocados sob tal sistema em consequência de futuros acordos individuais. Esses territórios serão, daqui em diante, mencionados como territórios tutelados.

ARTIGO 76 - Os objetivos básicos do sistema de tutela, de acordo com os Propósitos das Nações Unidas enumerados no Artigo 1 da presente Carta serão:

- a) favorecer a paz e a segurança internacionais;
- b) fomentar o progresso político, econômico, social e educacional dos habitantes dos territórios tutelados e o seu desenvolvimento progressivo para alcançar governo próprio ou independência, como mais convenha às circunstâncias particulares de cada território e de seus habitantes e aos desejos livremente expressos dos povos interessados e como for previsto nos termos de cada acordo de tutela;
- c) estimular o respeito aos direitos humanos e às liberdades fundamentais para todos, sem distinção de raça, sexo língua ou religião e favorecer o reconhecimento da interdependência de todos os povos; e
- d) assegurar igualdade de tratamento nos domínios social, econômico e comercial para todos os Membros das nações Unidas e seus nacionais e, para estes últimos,

igual tratamento na administração da justiça, sem prejuízo dos objetivos acima expostos e sob reserva das disposições do Artigo 80.

ARTIGO 77 - 1. O sistema de tutela será aplicado aos territórios das categorias seguintes, que venham a ser colocados sob tal sistema por meio de acordos de tutela:

- a) territórios atualmente sob mandato;
- b) territórios que possam ser separados de Estados inimigos em consequência da Segunda Guerra Mundial; e
- c) territórios voluntariamente colocados sob tal sistema por Estados responsáveis pela sua administração.

2. Será objeto de acordo ulterior a determinação dos territórios das categorias acima mencionadas a serem colocados sob o sistema de tutela e das condições em que o serão.

ARTIGO 78 - O sistema de tutela não será aplicado a territórios que se tenham tornado Membros das Nações Unidas, cujas relações mútuas deverão basear-se no respeito ao princípio da igualdade soberana.

ARTIGO 79 - As condições de tutela em que cada território será colocado sob este sistema, bem como qualquer alteração ou emenda, serão determinadas por acordo entre os Estados diretamente interessados, inclusive a potência mandatária no caso de território sob mandato de um Membro das Nações Unidas e serão aprovadas de conformidade com as disposições dos Artigos 83 e 85.

ARTIGO 80 - 1. Salvo o que for estabelecido em acordos individuais de tutela, feitos de conformidade com os Artigos 77, 79 e 81, pelos quais se coloque cada território sob este sistema e até que tais acordos tenham sido concluídos, nada neste Capítulo será interpretado como alteração de qualquer espécie nos direitos de qualquer Estado ou povo ou dos termos dos atos internacionais vigentes em que os Membros das Nações Unidas forem partes.

2. O parágrafo 1 deste Artigo não será interpretado como motivo para demora ou adiamento da negociação e conclusão de acordos destinados a colocar territórios dentro do sistema de tutela, conforme as disposições do Artigo 77.

ARTIGO 81 - O acordo de tutela deverá, em cada caso, incluir as condições sob as quais o território tutelado será administrado e designar a autoridade que exercerá essa administração. Tal autoridade, daqui por diante chamada a autoridade administradora, poderá ser um ou mais Estados ou a própria Organização.

ARTIGO 82 - Poderão designar-se, em qualquer acordo de tutela, uma ou várias zonas estratégicas, que compreendam parte ou a totalidade do território tutelado a que o mesmo se aplique, sem prejuízo de qualquer acordo ou acordos especiais feitos de conformidade com o Artigo 43.

ARTIGO 83 - 1. Todas as funções atribuídas às Nações Unidas relativamente às zonas estratégicas, inclusive a aprovação das condições dos acordos de tutela, assim como de sua alteração ou emendas, serão exercidas pelo Conselho de Segurança. 2. Os objetivos básicos enumerados no Artigo 76 serão aplicáveis aos habitantes de cada zona estratégica. 3. O Conselho de Segurança, ressalvadas as disposições dos acordos de tutela e sem prejuízo das exigências de segurança, poderá valer-se da assistência do Conselho de Tutela para desempenhar as funções que cabem às Nações Unidas pelo sistema de tutela, relativamente a matérias políticas, econômicas, sociais ou educacionais dentro das zonas estratégicas.

ARTIGO 84 - A autoridade administradora terá o dever de assegurar que o território tutelado preste sua colaboração à manutenção da paz e da segurança internacionais. para tal fim, a autoridade administradora poderá fazer uso de forças voluntárias, de facilidades e da ajuda do território tutelado para o desempenho das obrigações por ele assumidas a este respeito perante o Conselho de Segurança, assim como para a defesa local e para a manutenção da lei e da ordem dentro do território tutelado.

ARTIGO 85 - 1. As funções das Nações Unidas relativas a acordos de tutela para todas as zonas não designadas como estratégias, inclusive a aprovação das

condições dos acordos de tutela e de sua alteração ou emenda , serão exercidas pela Assembléia Geral. 2. O Conselho de Tutela, que funcionará sob a autoridade da Assembléia Geral, auxiliará esta no desempenho dessas atribuições.

CAPÍTULO XIII

CONSELHO DE TUTELA

COMPOSIÇÃO

ARTIGO 86 - 1. O Conselho de Tutela será composto dos seguintes Membros das Nações Unidas:

- a) os Membros que administrem territórios tutelados;
- b) aqueles dentre os Membros mencionados nominalmente no Artigo 23, que não estiverem administrando territórios tutelados; e
- c) quantos outros Membros eleitos por um período de três anos, pela Assembléia Geral, sejam necessários para assegurar que o número total de Membros do Conselho de Tutela fique igualmente dividido entre os Membros das Nações Unidas que administrem territórios tutelados e aqueles que o não fazem.

2. Cada Membro do Conselho de Tutela designará uma pessoa especialmente qualificada para representá-lo perante o Conselho.

FUNÇÕES E ATRIBUIÇÕES

ARTIGO 87 - A Assembléia Geral e, sob a sua autoridade, o Conselho de Tutela, no desempenho de suas funções, poderão: a) examinar os relatórios que lhes tenham sido submetidos pela autoridade administradora; b) Aceitar petições e examiná-las, em consulta com a autoridade administradora; c) providenciar sobre visitas periódicas aos territórios tutelados em épocas ficadas de acordo com a autoridade administradora; e d) tomar estas e outras medidas de conformidade com os termos dos acordos de tutela.

ARTIGO 88 - O Conselho de Tutela formulará um questionário sobre o adiantamento político, econômico, social e educacional dos habitantes de cada território tutelado e a autoridade administradora de cada um destes territórios, dentro da competência da Assembleia Geral, fará um relatório anual à Assembleia, baseado no referido questionário.

VOTAÇÃO

ARTIGO 89 - 1. Cada Membro do Conselho de Tutela terá um voto. 2. As decisões do Conselho de Tutela serão tomadas por uma maioria dos membros presentes e votantes.

PROCESSO

ARTIGO 90 - 1. O Conselho de Tutela adotará seu próprio regulamento que incluirá o método de escolha de seu Presidente. 2. O Conselho de Tutela reunir-se-á quando for necessário, de acordo com o seu regulamento, que incluirá uma disposição referente à convocação de reuniões a pedido da maioria dos seus membros.

ARTIGO 91 - O Conselho de Tutela valer-se-á, quando for necessário, da colaboração do Conselho Econômico e Social e das entidades especializadas, a respeito das matérias em que estas e aquele sejam respectivamente interessados.

CAPÍTULO XIV

CORTE INTERNACIONAL DE JUSTIÇA

ARTIGO 92 - A Corte Internacional de Justiça será o principal órgão judiciário das Nações Unidas. Funcionará de acordo com o Estatuto anexo, que é baseado no Estatuto da Corte Permanente de Justiça Internacional e faz parte integrante da presente Carta.

ARTIGO 93 - 1. Todos os Membros das Nações Unidas são ipso facto partes do Estatuto da Corte Internacional de Justiça. 2. Um Estado que não for Membro das Nações Unidas poderá tornar-se parte no Estatuto da Corte Internacional de

Justiça, em condições que serão determinadas, em cada caso, pela Assembléia Geral, mediante recomendação do Conselho de Segurança.

ARTIGO 94 - 1. Cada Membro das Nações Unidas se compromete a conformar-se com a decisão da Corte Internacional de Justiça em qualquer caso em que for parte. 2. Se uma das partes num caso deixar de cumprir as obrigações que lhe incumbem em virtude de sentença proferida pela Corte, a outra terá direito de recorrer ao Conselho de Segurança que poderá, se julgar necessário, fazer recomendações ou decidir sobre medidas a serem tomadas para o cumprimento da sentença.

ARTIGO 95 - Nada na presente Carta impedirá os Membros das Nações Unidas de confiarem a solução de suas divergências a outros tribunais, em virtude de acordos já vigentes ou que possam ser concluídos no futuro.

ARTIGO 96 - 1. A Assembléia Geral ou o Conselho de Segurança poderá solicitar parecer consultivo da Corte Internacional de Justiça, sobre qualquer questão de ordem jurídica. 2. Outros órgãos das Nações Unidas e entidades especializadas, que forem em qualquer época devidamente autorizados pela Assembléia Geral, poderão também solicitar pareceres consultivos da Corte sobre questões jurídicas surgidas dentro da esfera de suas atividades.

CAPÍTULO XV

O SECRETARIADO

ARTIGO 97 - O Secretariado será composto de um Secretário-Geral e do pessoal exigido pela Organização. o Secretário-Geral será indicado pela Assembléia Geral mediante a recomendação do Conselho de Segurança. Será o principal funcionário administrativo da Organização.

ARTIGO 98 - O Secretário-Geral atuará neste caráter em todas as reuniões da Assembléia Geral, do Conselho de Segurança, do Conselho Econômico e Social e do Conselho de Tutela e desempenhará outras funções que lhe forem atribuídas por estes órgãos. O Secretário-Geral fará um relatório anual à Assembléia Geral sobre os trabalhos da Organização.

ARTIGO 99 - O Secretário-Geral poderá chamar a atenção do Conselho de Segurança para qualquer assunto que em sua opinião possa ameaçar a manutenção da paz e da segurança internacionais.

ARTIGO 100 - 1. No desempenho de seus deveres, o Secretário-Geral e o pessoal do Secretariado não solicitarão nem receberão instruções de qualquer governo ou de qualquer autoridade estranha à organização. Abster-se-ão de qualquer ação que seja incompatível com a sua posição de funcionários internacionais responsáveis somente perante a Organização. 2. Cada Membro das Nações Unidas se compromete a respeitar o caráter exclusivamente internacional das atribuições do Secretário-Geral e do pessoal do Secretariado e não procurará exercer qualquer influência sobre eles, no desempenho de suas funções.

ARTIGO 101 - 1. O pessoal do Secretariado será nomeado pelo Secretário Geral, de acordo com regras estabelecidas pela Assembléia Geral. 2. Será também nomeado, em caráter permanente, o pessoal adequado para o Conselho Econômico e Social, o conselho de Tutela e, quando for necessário, para outros órgãos das Nações Unidas. Esses funcionários farão parte do Secretariado. 3. A consideração principal que prevalecerá na escolha do pessoal e na determinação das condições de serviço será a da necessidade de assegurar o mais alto grau de eficiência, competência e integridade. Deverá ser levada na devida conta a importância de ser a escolha do pessoal feita dentro do mais amplo critério geográfico possível.

CAPÍTULO XVI

DISPOSIÇÕES DIVERSAS

ARTIGO 102 - 1. Todo tratado e todo acordo internacional, concluídos por qualquer Membro das Nações Unidas depois da entrada em vigor da presente Carta, deverão, dentro do mais breve prazo possível, ser registrados e publicados pelo Secretariado. 2. Nenhuma parte em qualquer tratado ou acordo internacional que não tenha sido registrado de conformidade com as disposições do parágrafo 1 deste Artigo poderá invocar tal tratado ou acordo perante qualquer órgão das Nações Unidas.

ARTIGO 103 - No caso de conflito entre as obrigações dos Membros das Nações Unidas, em virtude da presente Carta e as obrigações resultantes de qualquer outro acordo internacional, prevalecerão as obrigações assumidas em virtude da presente Carta.

ARTIGO 104 - A Organização gozará, no território de cada um de seus Membros, da capacidade jurídica necessária ao exercício de suas funções e à realização de seus propósitos.

ARTIGO 105 - 1. A Organização gozará, no território de cada um de seus Membros, dos privilégios e imunidades necessários à realização de seus propósitos. 2. Os representantes dos Membros das Nações Unidas e os funcionários da Organização gozarão, igualmente, dos privilégios e imunidades necessários ao exercício independente de suas funções relacionadas com a Organização. 3. A Assembléia Geral poderá fazer recomendações com o fim de determinar os pormenores da aplicação dos parágrafos 1 e 2 deste Artigo ou poderá propor aos Membros das Nações Unidas convenções nesse sentido.

CAPÍTULO XVII

DISPOSIÇÕES TRANSITÓRIAS SOBRE SEGURANÇA

ARTIGO 106 - Antes da entrada em vigor dos acordos especiais a que se refere o Artigo 43, que, a juízo do Conselho de Segurança, o habilitem ao exercício de suas funções previstas no Artigo 42, as partes na Declaração das Quatro Nações, assinada em Moscou, a 30 de outubro de 1943, e a França, deverão, de acordo com as disposições do parágrafo 5 daquela Declaração, consultar-se entre si e, sempre que a ocasião o exija, com outros Membros das Nações Unidas a fim de ser levada a efeito, em nome da Organização, qualquer ação conjunta que se torne necessária à manutenção da paz e da segurança internacionais.

ARTIGO 107 - Nada na presente Carta invalidará ou impedirá qualquer ação que, em relação a um Estado inimigo de qualquer dos signatários da presente Carta durante a Segunda Guerra Mundial, for levada a efeito ou autorizada em consequência da dita guerra, pelos governos responsáveis por tal ação.

CAPÍTULO XVIII

EMENDAS

ARTIGO 108 - As emendas à presente Carta entrarão em vigor para todos os Membros das Nações Unidas, quando forem adotadas pelos votos de dois terços dos membros da Assembléia Geral e ratificada de acordo com os seus respectivos métodos constitucionais por dois terços dos Membros das Nações Unidas, inclusive todos os membros permanentes do Conselho de Segurança.

ARTIGO 109 - 1. Uma Conferência Geral dos Membros das Nações Unidas, destinada a rever a presente Carta, poderá reunir-se em data e lugar a serem fixados pelo voto de dois terços dos membros da Assembléia Geral e de nove membros quaisquer do Conselho de Segurança. Cada Membro das Nações Unidas terá voto nessa Conferência.

2. Qualquer modificação à presente Carta, que for recomendada por dois terços dos votos da Conferência, terá efeito depois de ratificada, de acordo com os respectivos métodos constitucionais, por dois terços dos Membros das Nações Unidas, inclusive todos os membros permanentes do Conselho de Segurança.

3. Se essa Conferência não for celebrada antes da décima sessão anual da Assembléia Geral que se seguir à entrada em vigor da presente Carta, a proposta de sua convocação deverá figurar na agenda da referida sessão da Assembléia Geral, e a Conferência será realizada, se assim for decidido por maioria de votos dos membros da Assembléia Geral, e pelo voto de sete membros quaisquer do Conselho de Segurança.

CAPÍTULO XIX

RATIFICAÇÃO E ASSINATURA

ARTIGO 110 - 1. A presente Carta deverá ser ratificada pelos Estados signatários, de acordo com os respectivos métodos constitucionais.

2. As ratificações serão depositadas junto ao Governo dos Estados Unidos da América, que notificará de cada depósito todos os Estados signatários, assim como o Secretário-Geral da Organização depois que este for escolhido.

3. A presente Carta entrará em vigor depois do depósito de ratificações pela República da China, França, união das Repúblicas Socialistas Soviéticas, Reino Unido da Grã Bretanha e Irlanda do Norte e Estados Unidos da América e ela maioria dos outros Estados signatários. O Governo dos Estados Unidos da América organizará, em seguida, um protocolo das ratificações depositadas, o qual será comunicado, por meio de cópias, aos Estados signatários. 4. Os Estados signatários da presente Carta, que a ratificarem depois de sua entrada em vigor tornar-se-ão membros fundadores das Nações Unidas, na data do depósito de suas respectivas ratificações.

ARTIGO 111 - A presente Carta, cujos textos em chinês, francês, russo, inglês, e espanhol fazem igualmente fé, ficará depositada nos arquivos do Governo dos Estados Unidos da América. Cópias da mesma, devidamente autenticadas, serão transmitidas por este último Governo aos dos outros Estados signatários.

EM FÉ DO QUE, os representantes dos Governos das Nações Unidas assinaram a presente Carta.

FEITA na cidade de São Francisco, aos vinte e seis dias do mês de junho de mil novecentos e quarenta e cinco.

Anexo II

An Agenda for Peace Preventive diplomacy, peacemaking and peace-keeping

Report of the Secretary-General
pursuant to the statement
adopted by the Summit Meeting of
the Security Council on 31 January 1992

Introduction

1. In its statement of 31 January 1992, adopted at the conclusion of the first meeting held by the Security Council at the level of Heads of State and Government, I was invited to prepare, for circulation to the Members of the United Nations by 1 July 1992, an "analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping.^{1/}

2. The United Nations is a gathering of sovereign States and what it can do depends on the common ground that they create between them. The adversarial decades of the cold war made the original promise of the Organization impossible to fulfil. The January 1992 Summit therefore represented an unprecedented recommitment, at the highest political level, to the Purposes and Principles of the Charter.

3. In these past months a conviction has grown, among nations large and small, that an opportunity has been regained to achieve the great objectives of the Charter - a United Nations capable of maintaining international peace and security, of securing justice and human rights and of promoting, in the words of the Charter, "social progress and better standards of life in larger freedom". This opportunity must not be squandered. The Organization must never again be crippled as it was in the era that has now passed.

4. I welcome the invitation of the Security Council, early in my tenure as Secretary-General, to prepare this report. It draws upon ideas and proposals transmitted to me by Governments, regional agencies, non-governmental organizations, and institutions and individuals from many countries. I am grateful for these, even as I emphasize that the responsibility for this report is my own.

5. The sources of conflict and war are pervasive and deep. To reach them will require our utmost effort to enhance respect for human rights and fundamental freedoms, to promote sustainable economic and social development for wider prosperity, to alleviate distress and to curtail the existence and use of massively destructive weapons. The United Nations Conference on Environment and Development, the largest summit ever held, has just met at Rio de Janeiro. Next year will see the second World Conference on Human Rights. In 1994 Population and Development will be addressed. In 1995 the World Conference on Women will take place, and a World Summit for Social Development has been proposed. Throughout my term as Secretary-General I shall be addressing all these great issues. I bear them all in mind as, in the present report, I turn to the problems that the Council has specifically requested I consider: preventive diplomacy, peacemaking and peace-keeping - to which I have added a closely related concept, post-conflict peace-building.

6. The manifest desire of the membership to work together is a new source of strength in our common endeavour. Success is far from certain, however. While my report deals with ways to improve the Organization's capacity to pursue and preserve peace, it is crucial for all Member States to bear in mind that the search for improved mechanisms and techniques will be of little significance unless this new spirit of commonality is propelled by the will to take the hard decisions demanded by this time of opportunity.

7. It is therefore with a sense of moment, and with gratitude, that I present this report to the Members of the United Nations.

I. The changing context

8. In the course of the past few years the immense ideological barrier that for decades gave rise to distrust and hostility _ and the terrible tools of destruction that were their inseparable companions _ has collapsed. Even as the issues between States north and south grow more acute, and call for attention at the highest levels of government, the improvement in relations between States east and west affords new possibilities, some already realized, to meet successfully threats to common security.

9. Authoritarian regimes have given way to more democratic forces and responsive Governments. The form, scope and intensity of these processes differ from Latin America to Africa to Europe to Asia, but they are sufficiently similar to indicate a global phenomenon. Parallel to these political changes, many States are seeking more open forms of economic policy, creating a world wide sense of dynamism and movement.

10. To the hundreds of millions who gained their independence in the surge of decolonization following the creation of the United Nations, have been added millions more who have recently gained freedom. Once again new States are taking their seats in the General Assembly. Their arrival reconfirms the importance and indispensability of the sovereign State as the fundamental entity of the international community.

11. We have entered a time of global transition marked by uniquely contradictory trends. Regional and continental associations of States are evolving ways to deepen cooperation and ease some of the contentious characteristics of sovereign and nationalistic rivalries. National boundaries are blurred by advanced communications and global commerce, and by the decisions of States to yield some sovereign prerogatives to larger, common political associations. At the same time, however, fierce new assertions of nationalism and sovereignty spring up, and the cohesion of States is threatened by brutal ethnic, religious, social, cultural or linguistic strife. Social peace is challenged on the one hand by new assertions of discrimination and exclusion and, on the other, by acts of terrorism seeking to undermine evolution and change through democratic means.

12. The concept of peace is easy to grasp; that of international security is more complex, for a pattern of contradictions has arisen here as well. As major nuclear Powers have begun to negotiate arms reduction agreements, the proliferation of weapons of mass destruction threatens to increase and conventional arms continue to be amassed in many parts of the world. As racism becomes recognized for the destructive force it is and as apartheid is being dismantled, new racial tensions are rising and finding expression in violence. Technological advances are altering the nature and the expectation of life all over the globe. The revolution in communications has united the world in awareness, in aspiration and in greater solidarity against injustice. But progress also brings new risks for stability: ecological damage, disruption of family and community life, greater intrusion into the lives and rights of individuals.

13. This new dimension of insecurity must not be allowed to obscure the continuing and devastating problems of unchecked population growth, crushing debt burdens, barriers to trade, drugs and the growing disparity between rich and poor. Poverty, disease, famine, oppression and despair abound, joining to produce 17 million refugees, 20 million displaced persons and massive migrations of peoples within and beyond national borders. These are both sources and consequences of conflict that require the ceaseless attention and the highest priority in the efforts of the United Nations. A porous ozone shield could pose a greater threat to an exposed population than a hostile army. Drought and disease can decimate no less mercilessly than the weapons of war. So at this moment of renewed opportunity, the efforts of the Organization to build peace, stability and security must encompass matters beyond military threats in order to break the fetters of strife and warfare that have characterized the past. But armed conflicts today, as they have throughout history, continue to bring fear and horror to humanity, requiring our urgent involvement to try to prevent, contain and bring them to an end.

14. Since the creation of the United Nations in 1945, over 100 major conflicts around the world have left some 20 million dead. The United Nations was rendered powerless to deal with many of these crises because of the vetoes - 279

of them - cast in the Security Council, which were a vivid expression of the divisions of that period.

15. With the end of the cold war there have been no such vetoes since 31 May 1990, and demands on the United Nations have surged. Its security arm, once disabled by circumstances it was not created or equipped to control, has emerged as a central instrument for the prevention and resolution of conflicts and for the preservation of peace. Our aims must be:

- To seek to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence results;
- Where conflict erupts, to engage in peacemaking aimed at resolving the issues that have led to conflict;
- Through peace-keeping, to work to preserve peace, however fragile, where fighting has been halted and to assist in implementing agreements achieved by the peacemakers;
- To stand ready to assist in peace-building in its differing contexts: rebuilding the institutions and infrastructures of nations torn by civil war and strife; and building bonds of peaceful mutual benefit among nations formerly at war;
- And in the largest sense, to address the deepest causes of conflict: economic despair, social injustice and political oppression. It is possible to discern an increasingly common moral perception that spans the world's nations and peoples, and which is finding expression in international laws, many owing their genesis to the work of this Organization.

16. This wider mission for the world Organization will demand the concerted attention and effort of individual States, of regional and non-governmental organizations and of all of the United Nations system, with each of the principal organs functioning in the balance and harmony that the Charter requires. The Security Council has been assigned by all Member States the primary responsibility for the maintenance of international peace and security under the Charter. In its broadest sense this responsibility must be shared by the General Assembly and by all the functional elements of the world Organization. Each has a special and indispensable role to play in an integrated approach to human

security. The Secretary-General's contribution rests on the pattern of trust and cooperation established between him and the deliberative organs of the United Nations.

17. The foundation-stone of this work is and must remain the State. Respect for its fundamental sovereignty and integrity are crucial to any common international progress. The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world. Commerce, communications and environmental matters transcend administrative borders; but inside those borders is where individuals carry out the first order of their economic, political and social lives. The United Nations has not closed its door. Yet if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become ever more difficult to achieve.

18. One requirement for solutions to these problems lies in commitment to human rights with a special sensitivity to those of minorities, whether ethnic, religious, social or linguistic. The League of Nations provided a machinery for the international protection of minorities. The General Assembly soon will have before it a declaration on the rights of minorities. That instrument, together with the increasingly effective machinery of the United Nations dealing with human rights, should enhance the situation of minorities as well as the stability of States.

19. Globalism and nationalism need not be viewed as opposing trends, doomed to spur each other on to extremes of reaction. The healthy globalization of contemporary life requires in the first instance solid identities and fundamental freedoms. The sovereignty, territorial integrity and independence of States within the established international system, and the principle of self-determination for peoples, both of great value and importance, must not be permitted to work against each other in the period ahead. Respect for democratic principles at all levels of social existence is crucial: in communities, within States and within the community of States. Our constant duty should be to maintain the integrity of each while finding a balanced design for all.

II. Definitions

20. The terms preventive diplomacy, peacemaking and peace-keeping are integrally related and as used in this report are defined as follows:

- *Preventive diplomacy* is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.
- *Peacemaking* is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.
- *Peace-keeping* is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.

21. The present report in addition will address the critically related concept of post-conflict peace-building - action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict. Preventive diplomacy seeks to resolve disputes before violence breaks out; peacemaking and peace-keeping are required to halt conflicts and preserve peace once it is attained. If successful, they strengthen the opportunity for post-conflict peace-building, which can prevent the recurrence of violence among nations and peoples.

22. These four areas for action, taken together, and carried out with the backing of all Members, offer a coherent contribution towards securing peace in the spirit of the Charter. The United Nations has extensive experience not only in these fields, but in the wider realm of work for peace in which these four fields are set. Initiatives on decolonization, on the environment and sustainable development, on population, on the eradication of disease, on disarmament and on the growth of international law - these and many others have contributed immeasurably to the foundations for a peaceful world. The world has often been rent by conflict and

plagued by massive human suffering and deprivation. Yet it would have been far more so without the continuing efforts of the United Nations. This wide experience must be taken into account in assessing the potential of the United Nations in maintaining international security not only in its traditional sense, but in the new dimensions presented by the era ahead.

III. Preventive diplomacy

23. The most desirable and efficient employment of diplomacy is to ease tensions before they result in conflict - or, if conflict breaks out, to act swiftly to contain it and resolve its underlying causes. Preventive diplomacy may be performed by the Secretary-General personally or through senior staff or specialized agencies and programmes, by the Security Council or the General Assembly, and by regional organizations in cooperation with the United Nations. Preventive diplomacy requires measures to create confidence; it needs early warning based on information gathering and informal or formal fact-finding; it may also involve preventive deployment and, in some situations, demilitarized zones.

Measures to build confidence

24. Mutual confidence and good faith are essential to reducing the likelihood of conflict between States. Many such measures are available to Governments that have the will to employ them. Systematic exchange of military missions, formation of regional or subregional risk reduction centres, arrangements for the free flow of information, including the monitoring of regional arms agreements, are examples. I ask all regional organizations to consider what further confidence-building measures might be applied in their areas and to inform the United Nations of the results. I will undertake periodic consultations on confidence-building measures with parties to potential, current or past disputes and with regional organizations, offering such advisory assistance as the Secretariat can provide.

Fact-finding

25. Preventive steps must be based upon timely and accurate knowledge of the facts. Beyond this, an understanding of developments and global trends, based on sound analysis, is required. And the willingness to take appropriate preventive action is essential. Given the economic and social roots of many potential conflicts, the information needed by the United Nations now must encompass economic and social trends as well as political developments that may lead to dangerous tensions.

(a) An increased resort to fact-finding is needed, in accordance with the Charter, initiated either by the Secretary-General, to enable him to meet his responsibilities under the Charter, including Article 99, or by the Security Council or the General Assembly. Various forms may be employed selectively as the situation requires. A request by a State for the sending of a United Nations fact-finding mission to its territory should be considered without undue delay.

(b) Contacts with the Governments of Member States can provide the Secretary-General with detailed information on issues of concern. I ask that all Member States be ready to provide the information needed for effective preventive diplomacy. I will supplement my own contacts by regularly sending senior officials on missions for consultations in capitals or other locations. Such contacts are essential to gain insight into a situation and to assess its potential ramifications.

(c) Formal fact-finding can be mandated by the Security Council or by the General Assembly, either of which may elect to send a mission under its immediate authority or may invite the Secretary-General to take the necessary steps, including the designation of a special envoy. In addition to collecting information on which a decision for further action can be taken, such a mission can in some instances help to defuse a dispute by its presence, indicating to the parties that the Organization, and in particular the Security Council, is actively seized of the matter as a present or potential threat to international security.

(d) In exceptional circumstances the Council may meet away from Headquarters as the Charter provides, in order not only to inform itself directly, but also to bring the authority of the Organization to bear on a given situation.

Early warning

26. In recent years the United Nations system has been developing a valuable network of early warning systems concerning environmental threats, the risk of nuclear accident, natural disasters, mass movements of populations, the threat of famine and the spread of disease. There is a need, however, to strengthen arrangements in such a manner that information from these sources can be synthesized with political indicators to assess whether a threat to peace exists and to analyse what action might be taken by the United Nations to alleviate it. This is a process that will continue to require the close cooperation of the various specialized agencies and functional offices of the United Nations. The analyses and recommendations for preventive action that emerge will be made available by me, as appropriate, to the Security Council and other United Nations organs. I recommend in addition that the Security Council invite a reinvigorated and restructured Economic and Social Council to provide reports, in accordance with Article 65 of the Charter, on those economic and social developments that may, unless mitigated, threaten international peace and security.

27. Regional arrangements and organizations have an important role in early warning. I ask regional organizations that have not yet sought observer status at the United Nations to do so and to be linked, through appropriate arrangements, with the security mechanisms of this Organization.

Preventive deployment

28. United Nations operations in areas of crisis have generally been established after conflict has occurred. The time has come to plan for circumstances warranting preventive deployment, which could take place in a variety of instances and ways. For example, in conditions of national crisis there could be

preventive deployment at the request of the Government or all parties concerned, or with their consent; in inter-State disputes such deployment could take place when two countries feel that a United Nations presence on both sides of their border can discourage hostilities; furthermore, preventive deployment could take place when a country feels threatened and requests the deployment of an appropriate United Nations presence along its side of the border alone. In each situation, the mandate and composition of the United Nations presence would need to be carefully devised and be clear to all.

29. In conditions of crisis within a country, when the Government requests or all parties consent, preventive deployment could help in a number of ways to alleviate suffering and to limit or control violence. Humanitarian assistance, impartially provided, could be of critical importance; assistance in maintaining security, whether through military, police or civilian personnel, could save lives and develop conditions of safety in which negotiations can be held; the United Nations could also help in conciliation efforts if this should be the wish of the parties. In certain circumstances, the United Nations may well need to draw upon the specialized skills and resources of various parts of the United Nations system; such operations may also on occasion require the participation of non-governmental organizations.

30. In these situations of internal crisis the United Nations will need to respect the sovereignty of the State; to do otherwise would not be in accordance with the understanding of Member States in accepting the principles of the Charter. The Organization must remain mindful of the carefully negotiated balance of the guiding principles annexed to General Assembly resolution 46/182 of 19 December 1991. Those guidelines stressed, inter alia, that humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality; that the sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations; and that, in this context, humanitarian assistance should be provided with the consent of the affected country and, in principle, on the basis of an appeal by that country. The guidelines also stressed the responsibility of States to take care of the victims of emergencies occurring on their territory and the need for access to those

requiring humanitarian assistance. In the light of these guidelines, a Government's request for United Nations involvement, or consent to it, would not be an infringement of that State's sovereignty or be contrary to Article 2, paragraph 7, of the Charter which refers to matters essentially within the domestic jurisdiction of any State.

31. In inter-State disputes, when both parties agree, I recommend that if the Security Council concludes that the likelihood of hostilities between neighbouring countries could be removed by the preventive deployment of a United Nations presence on the territory of each State, such action should be taken. The nature of the tasks to be performed would determine the composition of the United Nations presence.

32. In cases where one nation fears a cross-border attack, if the Security Council concludes that a United Nations presence on one side of the border, with the consent only of the requesting country, would serve to deter conflict, I recommend that preventive deployment take place. Here again, the specific nature of the situation would determine the mandate and the personnel required to fulfil it.

Demilitarized zones

33. In the past, demilitarized zones have been established by agreement of the parties at the conclusion of a conflict. In addition to the deployment of United Nations personnel in such zones as part of peace-keeping operations, consideration should now be given to the usefulness of such zones as a form of preventive deployment, on both sides of a border, with the agreement of the two parties, as a means of separating potential belligerents, or on one side of the line, at the request of one party, for the purpose of removing any pretext for attack. Demilitarized zones would serve as symbols of the international community's concern that conflict be prevented.

IV. Peacemaking

34. Between the tasks of seeking to prevent conflict and keeping the peace lies the responsibility to try to bring hostile parties to agreement by peaceful means. Chapter VI of the Charter sets forth a comprehensive list of such means for the resolution of conflict. These have been amplified in various declarations adopted by the General Assembly, including the Manila Declaration of 1982 on the Peaceful Settlement of International Disputes^{2/} and the 1988 Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field.^{3/} They have also been the subject of various resolutions of the General Assembly, including resolution 44/21 of 15 November 1989 on enhancing international peace, security and international cooperation in all its aspects in accordance with the Charter of the United Nations. The United Nations has had wide experience in the application of these peaceful means. If conflicts have gone unresolved, it is not because techniques for peaceful settlement were unknown or inadequate. The fault lies first in the lack of political will of parties to seek a solution to their differences through such means as are suggested in Chapter VI of the Charter, and second, in the lack of leverage at the disposal of a third party if this is the procedure chosen. The indifference of the international community to a problem, or the marginalization of it, can also thwart the possibilities of solution. We must look primarily to these areas if we hope to enhance the capacity of the Organization for achieving peaceful settlements.

35. The present determination in the Security Council to resolve international disputes in the manner foreseen in the Charter has opened the way for a more active Council role. With greater unity has come leverage and persuasive power to lead hostile parties towards negotiations. I urge the Council to take full advantage of the provisions of the Charter under which it may recommend appropriate procedures or methods for dispute settlement and, if all the parties to a dispute so request, make recommendations to the parties for a pacific settlement of the dispute.

36. The General Assembly, like the Security Council and the Secretary-General, also has an important role assigned to it under the Charter for the maintenance of

international peace and security. As a universal forum, its capacity to consider and recommend appropriate action must be recognized. To that end it is essential to promote its utilization by all Member States so as to bring greater influence to bear in pre-empting or containing situations which are likely to threaten international peace and security.

37. Mediation and negotiation can be undertaken by an individual designated by the Security Council, by the General Assembly or by the Secretary-General. There is a long history of the utilization by the United Nations of distinguished statesmen to facilitate the processes of peace. They can bring a personal prestige that, in addition to their experience, can encourage the parties to enter serious negotiations. There is a wide willingness to serve in this capacity, from which I shall continue to benefit as the need arises. Frequently it is the Secretary-General himself who undertakes the task. While the mediator's effectiveness is enhanced by strong and evident support from the Council, the General Assembly and the relevant Member States acting in their national capacity, the good offices of the Secretary-General may at times be employed most effectively when conducted independently of the deliberative bodies. Close and continuous consultation between the Secretary-General and the Security Council is, however, essential to ensure full awareness of how the Council's influence can best be applied and to develop a common strategy for the peaceful settlement of specific disputes.

The World Court

38. The docket of the International Court of Justice has grown fuller but it remains an under-used resource for the peaceful adjudication of disputes. Greater reliance on the Court would be an important contribution to United Nations peacemaking. In this connection, I call attention to the power of the Security Council under Articles 36 and 37 of the Charter to recommend to Member States the submission of a dispute to the International Court of Justice, arbitration or other dispute-settlement mechanisms. I recommend that the Secretary-General be authorized, pursuant to Article 96, paragraph 2, of the Charter, to take advantage of the advisory competence of the Court and that other United Nations organs that

already enjoy such authorization turn to the Court more frequently for advisory opinions.

39. I recommend the following steps to reinforce the role of the International Court of Justice:

- (a) All Member States should accept the general jurisdiction of the International Court under Article 36 of its Statute, without any reservation, before the end of the United Nations Decade of International Law in the year 2000. In instances where domestic structures prevent this, States should agree bilaterally or multilaterally to a comprehensive list of matters they are willing to submit to the Court and should withdraw their reservations to its jurisdiction in the dispute settlement clauses of multilateral treaties;
- (b) When submission of a dispute to the full Court is not practical, the Chambers jurisdiction should be used;
- (c) States should support the Trust Fund established to assist countries unable to afford the cost involved in bringing a dispute to the Court, and such countries should take full advantage of the Fund in order to resolve their disputes.

Amelioration through assistance

40. Peacemaking is at times facilitated by international action to ameliorate circumstances that have contributed to the dispute or conflict. If, for instance, assistance to displaced persons within a society is essential to a solution, then the United Nations should be able to draw upon the resources of all agencies and programmes concerned. At present, there is no adequate mechanism in the United Nations through which the Security Council, the General Assembly or the Secretary-General can mobilize the resources needed for such positive leverage and engage the collective efforts of the United Nations system for the peaceful resolution of a conflict. I have raised this concept in the Administrative Committee on Coordination, which brings together the executive heads of United Nations agencies and programmes; we are exploring methods by which the inter-agency system can improve its contribution to the peaceful resolution of disputes.

Sanctions and special economic problems

41. In circumstances when peacemaking requires the imposition of sanctions under Article 41 of the Charter, it is important that States confronted with special economic problems not only have the right to consult the Security Council regarding such problems, as Article 50 provides, but also have a realistic possibility of having their difficulties addressed. I recommend that the Security Council devise a set of measures involving the financial institutions and other components of the United Nations system that can be put in place to insulate States from such difficulties. Such measures would be a matter of equity and a means of encouraging States to cooperate with decisions of the Council.

Use of military force

42. It is the essence of the concept of collective security as contained in the Charter that if peaceful means fail, the measures provided in Chapter VII should be used, on the decision of the Security Council, to maintain or restore international peace and security in the face of a "threat to the peace, breach of the peace, or act of aggression". The Security Council has not so far made use of the most coercive of these measures - the action by military force foreseen in Article 42. In the situation between Iraq and Kuwait, the Council chose to authorize Member States to take measures on its behalf. The Charter, however, provides a detailed approach which now merits the attention of all Member States.

43. Under Article 42 of the Charter, the Security Council has the authority to take military action to maintain or restore international peace and security. While such action should only be taken when all peaceful means have failed, the option of taking it is essential to the credibility of the United Nations as a guarantor of international security. This will require bringing into being, through negotiations, the special agreements foreseen in Article 43 of the Charter, whereby Member States undertake to make armed forces, assistance and facilities available to the Security Council for the purposes stated in Article 42, not only on an ad hoc basis but on a permanent basis. Under the political circumstances that now exist for the

first time since the Charter was adopted, the long-standing obstacles to the conclusion of such special agreements should no longer prevail. The ready availability of armed forces on call could serve, in itself, as a means of deterring breaches of the peace since a potential aggressor would know that the Council had at its disposal a means of response. Forces under Article 43 may perhaps never be sufficiently large or well enough equipped to deal with a threat from a major army equipped with sophisticated weapons. They would be useful, however, in meeting any threat posed by a military force of a lesser order. I recommend that the Security Council initiate negotiations in accordance with Article 43, supported by the Military Staff Committee, which may be augmented if necessary by others in accordance with Article 47, paragraph 2, of the Charter. It is my view that the role of the Military Staff Committee should be seen in the context of Chapter VII, and not that of the planning or conduct of peace-keeping operations.

Peace-enforcement units

44. The mission of forces under Article 43 would be to respond to outright aggression, imminent or actual. Such forces are not likely to be available for some time to come. Cease-fires have often been agreed to but not complied with, and the United Nations has sometimes been called upon to send forces to restore and maintain the cease-fire. This task can on occasion exceed the mission of peace-keeping forces and the expectations of peace-keeping force contributors. I recommend that the Council consider the utilization of peace-enforcement units in clearly defined circumstances and with their terms of reference specified in advance. Such units from Member States would be available on call and would consist of troops that have volunteered for such service. They would have to be more heavily armed than peace-keeping forces and would need to undergo extensive preparatory training within their national forces. Deployment and operation of such forces would be under the authorization of the Security Council and would, as in the case of peace-keeping forces, be under the command of the Secretary-General. I consider such peace-enforcement units to be warranted as a provisional measure under Article 40 of the Charter. Such peace-enforcement units should not be confused with the forces that may eventually be constituted

under Article 43 to deal with acts of aggression or with the military personnel which Governments may agree to keep on stand-by for possible contribution to peace-keeping operations.

45. Just as diplomacy will continue across the span of all the activities dealt with in the present report, so there may not be a dividing line between peacemaking and peace-keeping. Peacemaking is often a prelude to peace-keeping - just as the deployment of a United Nations presence in the field may expand possibilities for the prevention of conflict, facilitate the work of peacemaking and in many cases serve as a prerequisite for peace-building.

V. Peace-keeping

46. Peace-keeping can rightly be called the invention of the United Nations. It has brought a degree of stability to numerous areas of tension around the world.

Increasing demands

47. Thirteen peace-keeping operations were established between the years 1945 and 1987; 13 others since then. An estimated 528,000 military, police and civilian personnel had served under the flag of the United Nations until January 1992. Over 800 of them from 43 countries have died in the service of the Organization. The costs of these operations have aggregated some \$8.3 billion till 1992. The unpaid arrears towards them stand at over \$800 million, which represents a debt owed by the Organization to the troop-contributing countries. Peace-keeping operations approved at present are estimated to cost close to \$3 billion in the current 12-month period, while patterns of payment are unacceptably slow. Against this, global defence expenditures at the end of the last decade had approached \$1 trillion a year, or \$2 million per minute.

48. The contrast between the costs of United Nations peace-keeping and the costs of the alternative, war - between the demands of the Organization and the means provided to meet them - would be farcical were the consequences not so damaging to global stability and to the credibility of the Organization. At a time when

nations and peoples increasingly are looking to the United Nations for assistance in keeping the peace - and holding it responsible when this cannot be so - fundamental decisions must be taken to enhance the capacity of the Organization in this innovative and productive exercise of its function. I am conscious that the present volume and unpredictability of peace-keeping assessments poses real problems for some Member States. For this reason, I strongly support proposals in some Member States for their peace-keeping contributions to be financed from defence, rather than foreign affairs, budgets and I recommend such action to others. I urge the General Assembly to encourage this approach.

49. The demands on the United Nations for peace-keeping, and peace-building, operations will in the coming years continue to challenge the capacity, the political and financial will and the creativity of the Secretariat and Member States. Like the Security Council, I welcome the increase and broadening of the tasks of peace-keeping operations.

New departures in peace-keeping

50. The nature of peace-keeping operations has evolved rapidly in recent years. The established principles and practices of peace-keeping have responded flexibly to new demands of recent years, and the basic conditions for success remain unchanged: a clear and practicable mandate; the cooperation of the parties in implementing that mandate; the continuing support of the Security Council; the readiness of Member States to contribute the military, police and civilian personnel, including specialists, required; effective United Nations command at Headquarters and in the field; and adequate financial and logistic support. As the international climate has changed and peace-keeping operations are increasingly fielded to help implement settlements that have been negotiated by peacemakers, a new array of demands and problems has emerged regarding logistics, equipment, personnel and finance, all of which could be corrected if Member States so wished and were ready to make the necessary resources available.

Personnel

51. Member States are keen to participate in peace-keeping operations. Military observers and infantry are invariably available in the required numbers, but logistic units present a greater problem, as few armies can afford to spare such units for an extended period. Member States were requested in 1990 to state what military personnel they were in principle prepared to make available; few replied. I reiterate the request to all Member States to reply frankly and promptly. Stand-by arrangements should be confirmed, as appropriate, through exchanges of letters between the Secretariat and Member States concerning the kind and number of skilled personnel they will be prepared to offer the United Nations as the needs of new operations arise.

52. Increasingly, peace-keeping requires that civilian political officers, human rights monitors, electoral officials, refugee and humanitarian aid specialists and police play as central a role as the military. Police personnel have proved increasingly difficult to obtain in the numbers required. I recommend that arrangements be reviewed and improved for training peace-keeping personnel - civilian, police, or military - using the varied capabilities of Member State Governments, of non-governmental organizations and the facilities of the Secretariat. As efforts go forward to include additional States as contributors, some States with considerable potential should focus on language training for police contingents which may serve with the Organization. As for the United Nations itself, special personnel procedures, including incentives, should be instituted to permit the rapid transfer of Secretariat staff members to service with peace-keeping operations. The strength and capability of military staff serving in the Secretariat should be augmented to meet new and heavier requirements.

Logistics

53. Not all Governments can provide their battalions with the equipment they need for service abroad. While some equipment is provided by troop-contributing countries, a great deal has to come from the United Nations, including equipment to fill gaps in under-equipped national units. The United Nations has no standing stock of such equipment. Orders must be placed with manufacturers, which

creates a number of difficulties. A pre-positioned stock of basic peace-keeping equipment should be established, so that at least some vehicles, communications equipment, generators, etc., would be immediately available at the start of an operation. Alternatively, Governments should commit themselves to keeping certain equipment, specified by the Secretary-General, on stand-by for immediate sale, loan or donation to the United Nations when required.

54. Member States in a position to do so should make air- and sea-lift capacity available to the United Nations free of cost or at lower than commercial rates, as was the practice until recently.

VI. Post-conflict peace-building

55. Peacemaking and peace-keeping operations, to be truly successful, must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people. Through agreements ending civil strife, these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation.

56. In the aftermath of international war, post-conflict peace-building may take the form of concrete cooperative projects which link two or more countries in a mutually beneficial undertaking that can not only contribute to economic and social development but also enhance the confidence that is so fundamental to peace. I have in mind, for example, projects that bring States together to develop agriculture, improve transportation or utilize resources such as water or electricity that they need to share, or joint programmes through which barriers between nations are brought down by means of freer travel, cultural exchanges and mutually beneficial youth and educational projects. Reducing hostile perceptions through educational exchanges and curriculum reform may be essential to

forestall a re-emergence of cultural and national tensions which could spark renewed hostilities.

57. In surveying the range of efforts for peace, the concept of peace-building as the construction of a new environment should be viewed as the counterpart of preventive diplomacy, which seeks to avoid the breakdown of peaceful conditions. When conflict breaks out, mutually reinforcing efforts at peacemaking and peace-keeping come into play. Once these have achieved their objectives, only sustained, cooperative work to deal with underlying economic, social, cultural and humanitarian problems can place an achieved peace on a durable foundation. Preventive diplomacy is to avoid a crisis; post-conflict peace-building is to prevent a recurrence.

58. Increasingly it is evident that peace-building after civil or international strife must address the serious problem of land mines, many tens of millions of which remain scattered in present or former combat zones. De-mining should be emphasized in the terms of reference of peace-keeping operations and is crucially important in the restoration of activity when peace-building is under way: agriculture cannot be revived without de-mining and the restoration of transport may require the laying of hard surface roads to prevent re-mining. In such instances, the link becomes evident between peace-keeping and peace-building. Just as demilitarized zones may serve the cause of preventive diplomacy and preventive deployment to avoid conflict, so may demilitarization assist in keeping the peace or in post-conflict peace-building, as a measure for heightening the sense of security and encouraging the parties to turn their energies to the work of peaceful restoration of their societies.

59. There is a new requirement for technical assistance which the United Nations has an obligation to develop and provide when requested: support for the transformation of deficient national structures and capabilities, and for the strengthening of new democratic institutions. The authority of the United Nations system to act in this field would rest on the consensus that social peace is as important as strategic or political peace. There is an obvious connection between democratic practices - such as the rule of law and transparency in decision-making - and the achievement of true peace and security in any new and stable political

order. These elements of good governance need to be promoted at all levels of international and national political communities.

VII. Cooperation with regional arrangements and organizations

60. The Covenant of the League of Nations, in its Article 21, noted the validity of regional understandings for securing the maintenance of peace. The Charter devotes Chapter VIII to regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action and consistent with the Purposes and Principles of the United Nations. The cold war impaired the proper use of Chapter VIII and indeed, in that era, regional arrangements worked on occasion against resolving disputes in the manner foreseen in the Charter.

61. The Charter deliberately provides no precise definition of regional arrangements and agencies, thus allowing useful flexibility for undertakings by a group of States to deal with a matter appropriate for regional action which also could contribute to the maintenance of international peace and security. Such associations or entities could include treaty-based organizations, whether created before or after the founding of the United Nations, regional organizations for mutual security and defence, organizations for general regional development or for cooperation on a particular economic topic or function, and groups created to deal with a specific political, economic or social issue of current concern.

62. In this regard, the United Nations has recently encouraged a rich variety of complementary efforts. Just as no two regions or situations are the same, so the design of cooperative work and its division of labour must adapt to the realities of each case with flexibility and creativity. In Africa, three different regional groups _ the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference - joined efforts with the United Nations regarding Somalia. In the Asian context, the Association of South-East Asian Nations and individual States from several regions were brought together with the parties to the Cambodian conflict at an international conference in Paris, to work with the United Nations. For El Salvador, a unique arrangement - "The Friends of

the Secretary-General" - contributed to agreements reached through the mediation of the Secretary-General. The end of the war in Nicaragua involved a highly complex effort which was initiated by leaders of the region and conducted by individual States, groups of States and the Organization of American States. Efforts undertaken by the European Community and its member States, with the support of States participating in the Conference on Security and Cooperation in Europe, have been of central importance in dealing with the crisis in the Balkans and neighbouring areas.

63. In the past, regional arrangements often were created because of the absence of a universal system for collective security; thus their activities could on occasion work at cross-purposes with the sense of solidarity required for the effectiveness of the world Organization. But in this new era of opportunity, regional arrangements or agencies can render great service if their activities are undertaken in a manner consistent with the Purposes and Principles of the Charter, and if their relationship with the United Nations, and particularly the Security Council, is governed by Chapter VIII.

64. It is not the purpose of the present report to set forth any formal pattern of relationship between regional organizations and the United Nations, or to call for any specific division of labour. What is clear, however, is that regional arrangements or agencies in many cases possess a potential that should be utilized in serving the functions covered in this report: preventive diplomacy, peace-keeping, peacemaking and post-conflict peace-building. Under the Charter, the Security Council has and will continue to have primary responsibility for maintaining international peace and security, but regional action as a matter of decentralization, delegation and cooperation with United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus and democratization in international affairs.

65. Regional arrangements and agencies have not in recent decades been considered in this light, even when originally designed in part for a role in maintaining or restoring peace within their regions of the world. Today a new sense exists that they have contributions to make. Consultations between the United Nations and regional arrangements or agencies could do much to build

international consensus on the nature of a problem and the measures required to address it. Regional organizations participating in complementary efforts with the United Nations in joint undertakings would encourage States outside the region to act supportively. And should the Security Council choose specifically to authorize a regional arrangement or organization to take the lead in addressing a crisis within its region, it could serve to lend the weight of the United Nations to the validity of the regional effort. Carried forward in the spirit of the Charter, and as envisioned in Chapter VIII, the approach outlined here could strengthen a general sense that democratization is being encouraged at all levels in the task of maintaining international peace and security, it being essential to continue to recognize that the primary responsibility will continue to reside in the Security Council.

VIII. Safety of personnel

66. When United Nations personnel are deployed in conditions of strife, whether for preventive diplomacy, peacemaking, peace-keeping, peace-building or humanitarian purposes, the need arises to ensure their safety. There has been an unconscionable increase in the number of fatalities. Following the conclusion of a cease-fire and in order to prevent further outbreaks of violence, United Nations guards were called upon to assist in volatile conditions in Iraq. Their presence afforded a measure of security to United Nations personnel and supplies and, in addition, introduced an element of reassurance and stability that helped to prevent renewed conflict. Depending upon the nature of the situation, different configurations and compositions of security deployments will need to be considered. As the variety and scale of threat widens, innovative measures will be required to deal with the dangers facing United Nations personnel.

67. Experience has demonstrated that the presence of a United Nations operation has not always been sufficient to deter hostile action. Duty in areas of danger can never be risk-free; United Nations personnel must expect to go in harm's way at times. The courage, commitment and idealism shown by United Nations personnel should be respected by the entire international community. These men and women deserve to be properly recognized and rewarded for the perilous tasks

they undertake. Their interests and those of their families must be given due regard and protected.

68. Given the pressing need to afford adequate protection to United Nations personnel engaged in life-endangering circumstances, I recommend that the Security Council, unless it elects immediately to withdraw the United Nations presence in order to preserve the credibility of the Organization, gravely consider what action should be taken towards those who put United Nations personnel in danger. Before deployment takes place, the Council should keep open the option of considering in advance collective measures, possibly including those under Chapter VII when a threat to international peace and security is also involved, to come into effect should the purpose of the United Nations operation systematically be frustrated and hostilities occur.

IX. Financing

69. A chasm has developed between the tasks entrusted to this Organization and the financial means provided to it. The truth of the matter is that our vision cannot really extend to the prospect opening before us as long as our financing remains myopic. There are two main areas of concern: the ability of the Organization to function over the longer term; and immediate requirements to respond to a crisis.

70. To remedy the financial situation of the United Nations in all its aspects, my distinguished predecessor repeatedly drew the attention of Member States to the increasingly impossible situation that has arisen and, during the forty-sixth session of the General Assembly, made a number of proposals. Those proposals which remain before the Assembly, and with which I am in broad agreement, are the following:

- *Proposal one:* This suggested the adoption of a set of measures to deal with the cash flow problems caused by the exceptionally high level of unpaid contributions as well as with the problem of inadequate working capital reserves:
(a) Charging interest on the amounts of assessed contributions that are not paid on time;

- (b) Suspending certain financial regulations of the United Nations to permit the retention of budgetary surpluses;
- (c) Increasing the Working Capital Fund to a level of \$250 million and endorsing the principle that the level of the Fund should be approximately 25 per cent of the annual assessment under the regular budget;
- (d) Establishment of a temporary Peace-keeping Reserve Fund, at a level of \$50 million, to meet initial expenses of peace-keeping operations pending receipt of assessed contributions;
- (e) Authorization to the Secretary-General to borrow commercially, should other sources of cash be inadequate.

- *Proposal two:* This suggested the creation of a Humanitarian Revolving Fund in the order of \$50 million, to be used in emergency humanitarian situations. The proposal has since been implemented.

- *Proposal three:* This suggested the establishment of a United Nations Peace Endowment Fund, with an initial target of \$1 billion. The Fund would be created by a combination of assessed and voluntary contributions, with the latter being sought from Governments, the private sector as well as individuals. Once the Fund reached its target level, the proceeds from the investment of its principal would be used to finance the initial costs of authorized peace-keeping operations, other conflict resolution measures and related activities.

71. In addition to these proposals, others have been added in recent months in the course of public discussion. These ideas include: a levy on arms sales that could be related to maintaining an Arms Register by the United Nations; a levy on international air travel, which is dependent on the maintenance of peace; authorization for the United Nations to borrow from the World Bank and the International Monetary Fund _ for peace and development are interdependent; general tax exemption for contributions made to the United Nations by foundations, businesses and individuals; and changes in the formula for calculating the scale of assessments for peace-keeping operations.

72. As such ideas are debated, a stark fact remains: the financial foundations of the Organization daily grow weaker, debilitating its political will and practical capacity to undertake new and essential activities. This state of affairs must not

continue. Whatever decisions are taken on financing the Organization, there is one inescapable necessity: Member States must pay their assessed contributions in full and on time. Failure to do so puts them in breach of their obligations under the Charter.

73. In these circumstances and on the assumption that Member States will be ready to finance operations for peace in a manner commensurate with their present, and welcome, readiness to establish them, I recommend the following:

- (a) Immediate establishment of a revolving peace-keeping reserve fund of \$50 million;
- (b) Agreement that one third of the estimated cost of each new peace-keeping operation be appropriated by the General Assembly as soon as the Security Council decides to establish the operation; this would give the Secretary-General the necessary commitment authority and assure an adequate cash flow; the balance of the costs would be appropriated after the General Assembly approved the operation's budget;
- (c) Acknowledgement by Member States that, under exceptional circumstances, political and operational considerations may make it necessary for the Secretary-General to employ his authority to place contracts without competitive bidding.

74. Member States wish the Organization to be managed with the utmost efficiency and care. I am in full accord. I have taken important steps to streamline the Secretariat in order to avoid duplication and overlap while increasing its productivity. Additional changes and improvements will take place. As regards the United Nations system more widely, I continue to review the situation in consultation with my colleagues in the Administrative Committee on Coordination. The question of assuring financial security to the Organization over the long term is of such importance and complexity that public awareness and support must be heightened. I have therefore asked a select group of qualified persons of high international repute to examine this entire subject and to report to me. I intend to present their advice, together with my comments, for the consideration of the General Assembly, in full recognition of the special responsibility that the Assembly has, under the Charter, for financial and budgetary matters.

X. An Agenda for Peace

75. The nations and peoples of the United Nations are fortunate in a way that those of the League of Nations were not. We have been given a second chance to create the world of our Charter that they were denied. With the cold war ended we have drawn back from the brink of a confrontation that threatened the world and, too often, paralysed our Organization.

76. Even as we celebrate our restored possibilities, there is a need to ensure that the lessons of the past four decades are learned and that the errors, or variations of them, are not repeated. For there may not be a third opportunity for our planet which, now for different reasons, remains endangered.

77. The tasks ahead must engage the energy and attention of all components of the United Nations system - the General Assembly and other principal organs, the agencies and programmes. Each has, in a balanced scheme of things, a role and a responsibility.

78. Never again must the Security Council lose the collegiality that is essential to its proper functioning, an attribute that it has gained after such trial. A genuine sense of consensus deriving from shared interests must govern its work, not the threat of the veto or the power of any group of nations. And it follows that agreement among the permanent members must have the deeper support of the other members of the Council, and the membership more widely, if the Council's decisions are to be effective and endure.

79. The Summit Meeting of the Security Council of 31 January 1992 provided a unique forum for exchanging views and strengthening cooperation. I recommend that the Heads of State and Government of the members of the Council meet in alternate years, just before the general debate commences in the General Assembly. Such sessions would permit exchanges on the challenges and dangers of the moment and stimulate ideas on how the United Nations may best serve to steer change into peaceful courses. I propose in addition that the Security Council

continue to meet at the Foreign Minister level, as it has effectively done in recent years, whenever the situation warrants such meetings.

80. Power brings special responsibilities, and temptations. The powerful must resist the dual but opposite calls of unilateralism and isolationism if the United Nations is to succeed. For just as unilateralism at the global or regional level can shake the confidence of others, so can isolationism, whether it results from political choice or constitutional circumstance, enfeeble the global undertaking. Peace at home and the urgency of rebuilding and strengthening our individual societies necessitates peace abroad and cooperation among nations. The endeavours of the United Nations will require the fullest engagement of all of its Members, large and small, if the present renewed opportunity is to be seized.

81. Democracy within nations requires respect for human rights and fundamental freedoms, as set forth in the Charter. It requires as well a deeper understanding and respect for the rights of minorities and respect for the needs of the more vulnerable groups of society, especially women and children. This is not only a political matter. The social stability needed for productive growth is nurtured by conditions in which people can readily express their will. For this, strong domestic institutions of participation are essential. Promoting such institutions means promoting the empowerment of the unorganized, the poor, the marginalized. To this end, the focus of the United Nations should be on the "field", the locations where economic, social and political decisions take effect. In furtherance of this I am taking steps to rationalize and in certain cases integrate the various programmes and agencies of the United Nations within specific countries. The senior United Nations official in each country should be prepared to serve, when needed, and with the consent of the host authorities, as my Representative on matters of particular concern.

82. Democracy within the family of nations means the application of its principles within the world Organization itself. This requires the fullest consultation, participation and engagement of all States, large and small, in the work of the Organization. All organs of the United Nations must be accorded, and play, their full and proper role so that the trust of all nations and peoples will be retained and deserved. The principles of the Charter must be applied consistently, not

selectively, for if the perception should be of the latter, trust will wane and with it the moral authority which is the greatest and most unique quality of that instrument. Democracy at all levels is essential to attain peace for a new era of prosperity and justice.

83. Trust also requires a sense of confidence that the world Organization will react swiftly, surely and impartially and that it will not be debilitated by political opportunism or by administrative or financial inadequacy. This presupposes a strong, efficient and independent international civil service whose integrity is beyond question and an assured financial basis that lifts the Organization, once and for all, out of its present mendicancy.

84. Just as it is vital that each of the organs of the United Nations employ its capabilities in the balanced and harmonious fashion envisioned in the Charter, peace in the largest sense cannot be accomplished by the United Nations system or by Governments alone. Non-governmental organizations, academic institutions, parliamentarians, business and professional communities, the media and the public at large must all be involved. This will strengthen the world Organization's ability to reflect the concerns and interests of its widest constituency, and those who become more involved can carry the word of United Nations initiatives and build a deeper understanding of its work.

85. Reform is a continuing process, and improvement can have no limit. Yet there is an expectation, which I wish to see fulfilled, that the present phase in the renewal of this Organization should be complete by 1995, its Fiftieth Anniversary. The pace set must therefore be increased if the United Nations is to keep ahead of the acceleration of history that characterizes this age. We must be guided not by precedents alone, however wise these may be, but by the needs of the future and by the shape and content that we wish to give it.

86. I am committed to broad dialogue between the Member States and the Secretary-General. And I am committed to fostering a full and open interplay between all institutions and elements of the Organization so that the Charter's objectives may not only be better served, but that this Organization may emerge as greater than the sum of its parts. The United Nations was created with a great

and courageous vision. Now is the time, for its nations and peoples, and the men and women who serve it, to seize the moment for the sake of the future.

Anexo III

Resolution 713 (1991)

The Security Council,

- Conscious of the fact that Yugoslavia has welcomed the convening of a Security Council meeting through a letter conveyed by the Permanent Representative of Yugoslavia to the President of the Security Council (S/23069),
- Having heard the statement by the Foreign Minister of Yugoslavia,
- Deeply concerned by the fighting in Yugoslavia which is causing a heavy loss of human life and material damage, and by the consequences for the countries of the region, in particular in the border areas of neighbouring countries,
- Concerned that the continuation of this situation constitutes a threat to international peace and security,
- Recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,
- Recalling also the provisions of [Chapter VIII](#) of the Charter of the United Nations,
- Commending the efforts undertaken by the European Community and its member States, with the support of the States participating in the Conference on Security and Cooperation in Europe, to restore peace and dialogue in Yugoslavia, through, inter alia, the implementation of a cease-fire including the sending of observers, the convening of a Conference on Yugoslavia, including the mechanisms set forth within it, and the suspension of the delivery of all weapons and military equipment to Yugoslavia,
- Recalling the relevant principles enshrined in the [Chapter](#) of the United Nations and, in this context, noting the Declaration of 3 September 1991 of the States participating in the Conference on Security and Cooperation in Europe that no territorial gains or changes within Yugoslavia brought about by violence are acceptable,
- Noting also the agreement for a cease-fire concluded on 17 September 1991 in Igalo, and also that signed on 22 September 1991,

- Alarmed by the violations of the cease-fire and the continuation of the fighting,
- Taking note of the letter dated 19 September 1991 to the President of the Security Council from the Permanent Representative of Austria (S/23052),
- Taking note also of the letters dated 19 September 1991 and 20 September 1991 to the President of the Security Council from respectively the Permanent Representative of Canada (S/23053) and the Permanent Representative of Hungary (S/23057),
- Taking note also of the letters dated 5 July 1991 (S/22775), 12 July 1991 (S/22785), 22 July 1991 (S/22834), 6 August 1991 (S/22898), 7 August 1991 (S/22902), 7 August 1991 (S/22903), 21 August 1991 (S/22975), 29 August 1991 (S/22991), 4 September 1991 (S/23010), 19 September 1991 (S/23047), 20 September 1991 (S/23059) and 20 September 1991 (S/23060), from respectively the Permanent Representative of the Netherlands, the Permanent Representative of Czechoslovakia, the Permanent Representatives of Belgium, France and the United Kingdom of Great Britain and Northern Ireland, the Charge d'Affaires a.i. of Austria, and the Permanent Representative of Australia, Expresses its full support for the collective efforts for peace and dialogue in Yugoslavia undertaken under the auspices of the member States of the European Community with the support of the States participating in the Conference on Security and Cooperation in Europe consistent with the principles of that Conference;
- Supports fully all arrangements and measures resulting from such collective efforts as those described above, in particular of assistance and support to the cease-fire observers, to consolidate an effective end to hostilities in Yugoslavia and the smooth functioning of the process instituted within the framework of the Conference on Yugoslavia;
- Invites to this end the Secretary-General to offer his assistance without delay, in consultation with the Government of Yugoslavia and all those promoting the efforts referred to above, and to report as soon as possible to the Security Council;
- Strongly urges all parties to abide strictly by the cease-fire agreements of 17 September 1991 and 22 September 1991;

- Appeals urgently to and encourages all parties to settle their disputes peacefully and through negotiation at the Conference on Yugoslavia, including through the mechanisms set forth within it;
- Decides, under [Chapter VII](#) of the Charter of the United Nations, that all States shall, for the purposes of establishing peace and stability inYugoslavia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia until the Security Council decides otherwise following consultation between the Secretary-General and the Government of Yugoslavia;
- Calls on all States to refrain from any action which might contribute to increasing tension and to impeding or delaying a peaceful and negotiated outcome to the conflict in Yugoslavia, which would permit all Yugoslavs to decide upon and to construct their future in peace;

Decides to remain seized of the matter until a peaceful solution is achieved.

Anexo IV

Resolution 743 (1992)

The Security Council,

- Reaffirming its [resolutions 713](#) (1991) of 25 September 1991, [721](#) (1991) of 27 November 1991, [724](#) (1991) of 14 December 1991, [727](#) (1992) of 8 January 1992, and [740](#) (1992) of 7 February 1992,
- Noting the report of the Secretary-General of 15 February 1992 (S/23592) submitted pursuant to resolution 721 (1991), and the request of the Government of Yugoslavia (S/23240) for a peace-keeping operation referred to in that resolution,
- Noting in particular that the Secretary-General considers that the conditions permitting the early deployment of a United Nations Protection Force (UNPROFOR) are met and welcoming his recommendation that this Force should be established with immediate effect,
- Expressing its gratitude to the Secretary-General and his Personal Envoy for their contribution to the achievement of conditions facilitating the deployment of a United Nations Protection Force (UNPROFOR) and their continuing commitment to this effort,
- Concerned that the situation in Yugoslavia continues to constitute a threat to international peace and security, as determined in resolution 713 (1991),
- Recalling its primary responsibility under the [Charter](#) of the United Nations for the maintenance of international peace and security,
- Recalling also the provisions of Article 25, [Chapter VIII](#) of the Charter of the United Nations,
- Commending again the efforts undertaken by the European Community and its member States, with the support of the States participating in the Conference on Security and Cooperation in Europe, through the convening of a Conference on Yugoslavia, including the mechanisms set forth within it, to ensure a peaceful political settlement,

- Convinced that the implementation of the United Nations peace-keeping plan (S/23280, annex III) will assist the Conference on Yugoslavia in reaching a peaceful political settlement,

1. Approves the report of the Secretary-General of 15 February 1992 (S/23592);
2. Decides to establish, under its authority, a United Nations Protection Force (UNPROFOR) in accordance with the above-mentioned report and the United Nations peace-keeping plan and requests the Secretary-General to take the measures necessary to ensure its earliest possible deployment;
3. Decides that, in order to implement the recommendations in paragraph 30 of the report of the Secretary-General, the Force is established in accordance with paragraph 4 below, for an initial period of 12 months unless the Council subsequently decides otherwise;
4. Requests the Secretary-General immediately to deploy those elements of the Force which can assist in developing an implementation plan for the earliest possible full deployment of the force for approval by the Council and a budget which together will maximize the contribution of the Yugoslav parties to offsetting its costs and in all other ways secure the most efficient and cost-effective operation possible;
5. Recalls that, in accordance with paragraph 1 of the United Nations peace-keeping plan, the Force should be an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis;
6. Invites accordingly the Secretary-General to report as appropriate and not less than every six months on progress towards a peaceful political settlement and the situation on the ground, and to submit a first report on the establishment of the Force within two months of the adoption of this resolution;
7. Undertakes, in this connection, to examine without delay any recommendations that the Secretary-General may make in his reports concerning the Force, including the duration of its mission, and to adopt appropriate decisions;
8. Urges all parties and others concerned to comply strictly with the cease-fire arrangements signed at Geneva on 23 November 1991 and at Sarajevo on 2 January 1992, and to cooperate fully and unconditionally in the implementation of the peace-keeping plan;

9. Demands that all parties and others concerned take all the necessary measures to ensure the safety of the personnel sent by the United Nations and of the members of the European Community Monitoring Mission;
10. Calls again upon the Yugoslav parties to cooperate fully with the Conference on Yugoslavia in its aim of reaching a political settlement consistent with the principles of the Conference on Security and Cooperation in Europe and reaffirms that the United Nations peace-keeping plan and its implementation is in no way intended to prejudge the terms of a political settlement;
11. Decides within the same framework that the embargo imposed by paragraph 6 of Security Council resolution 713 (1991) shall not apply to weapons and military equipment destined for the sole use of UNPROFOR;
12. Requests all States to provide appropriate support to UNPROFOR, in particular to permit and facilitate the transit of its personnel and equipment;

Decides to remain actively seized of the matter until a peaceful solution is achieved.

Anexo V

Resolution 757

The Security Council,

- Reaffirming its [resolutions 713](#) (1991) of 25 September 1991, [721](#) (1991) of 27 November 1991, [724](#) (1991) of 14 December 1991, [727](#) (1992) of 8 January 1992, [740](#) (1992) of 7 February 1992, [743](#) (1992) of 21 February 1992, [749](#) (1992) of 7 April 1992, and [752](#) (1992) of 15 May 1992,
- Noting that in the very complex context of events in the former Socialist Federal Republic of Yugoslavia all parties bear some responsibility for the situation,
- Reaffirming its support for the Conference on Yugoslavia, including the efforts undertaken by the European Community in the framework of the discussions on constitutional arrangements for Bosnia and Herzegovina, and recalling that no territorial gains or changes brought about by violence are acceptable and that the borders of Bosnia and Herzegovina are inviolable,
- Deploing the fact that the demands in resolution 752 (1992) have not been complied with, including its demands:
 - that all parties and others concerned in Bosnia and Herzegovina stop the fighting immediately,
 - that all forms of interference from outside Bosnia and Herzegovina cease immediately,
 - that Bosnia and Herzegovina's neighbours take swift action to end all interference and respect the territorial integrity of Bosnia and Herzegovina,
 - that action be taken as regards units of the Yugoslav People's Army (JNA) in Bosnia and Herzegovina, including the disbanding and disarming with weapons placed under effective international monitoring of any units that are neither withdrawn nor placed under the authority of the Government of Bosnia and Herzegovina,
 - that all irregular forces in Bosnia and Herzegovina be disbanded and disarmed,
- Deploing further that its call for the immediate cessation of forcible expulsions and attempts to change the ethnic composition of that population has

not been heeded, and reaffirming in this context the need for the effective protection of human rights and fundamental freedoms, including those of ethnic minorities,

- Dismayed that conditions have not yet been established for the effective and unhindered delivery of humanitarian assistance, including safe and secure access to and from Sarajevo and other airports in Bosnia and Herzegovina,
- Deeply concerned that those United Nations Protection Force (UNPROFOR) personnel remaining in Sarajevo have been subjected to deliberate mortar and small-arms fire, and the United Nations Military Observers deployed in the Mostar region have had to be withdrawn,
- Deeply concerned also at developments in Croatia, including persistent cease-fire violations and the continued expulsion of non-Serb civilians, and at the obstruction of and lack of cooperation with UNPROFOR in other parts of Croatia,
- Deploing the tragic incident on 18 May 1992 which caused the death of a member of the ICRC team in Bosnia and Herzegovina,
- Noting that the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted,
- Expressing its appreciation for the report of the Secretary-General of 26 May 1992 (S/24000) pursuant to resolution 752 (1992),
- Recalling its primary responsibility under the [Charter](#) of the United Nations for the maintenance of international peace and security,
- Recalling also the provisions of [Chapter VIII](#) of the Charter of the United Nations, and the continuing role that the European Community is playing in working for a peaceful solution in Bosnia and Herzegovina, as well as in other republics of the former Socialist Federal Republic of Yugoslavia,
- Recalling its decision in resolution 752 (1992) to consider further steps to achieve a peaceful solution in conformity with relevant resolutions of the Council, and affirming its determination to take measures against any party or parties which fail to fulfil the requirements of resolution 752 (1992) and its other relevant resolutions,

- Determined in this context to adopt certain measures with the sole objective of achieving a peaceful solution and encouraging the efforts undertaken by the European Community and its member States,
- Recalling the right of States, under Article 50 of the Charter, to consult the Security Council where they find themselves confronted with special economic problems arising from the carrying out of preventive or enforcement measures,
- Determining that the situation in Bosnia and Herzegovina and in other parts of the Former Socialist Federal Republic of Yugoslavia constitutes a threat to international peace and security,
- Acting under [Chapter VII](#) of the Charter of the United Nations,

1. Condemns the failure of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Yugoslav People's Army (JNA), to take effective measures to fulfil the requirements of resolution 752 (1992);

2. Demands that any elements of the Croatian Army still present in Bosnia and Herzegovina act in accordance with [paragraph 4](#) of resolution 752 (1992) without further delay;

3. Decides that all States shall adopt the measures set out below, which shall apply until the Security Council decides that the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), including the Yugoslav People's Army (JNA), have taken effective measures to fulfil the requirements of resolution 752 (1992);

4. Decides that all States shall prevent:

a. The import into their territories of all commodities and products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) exported therefrom after the date of the present resolution;

b. Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro); and any dealings by their nationals or their flag vessels or aircraft or in their territories in any commodities or products originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) and exported there from after the date of the present resolution, including in particular any transfer of

funds to the Federal Republic of Yugoslavia (Serbia and Montenegro) for the purposes of such activities or dealings;

c. The sale or supply by their nationals or from their territories or using their flag vessels or aircraft of any commodities or products, whether or not originating in their territories, but not including supplies intended strictly for medical purposes and foodstuffs notified to the Committee established pursuant to resolution 724 (1991), to any person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any person or body for the purposes of any business carried on in or operated from the Federal Republic of Yugoslavia (Serbia and Montenegro), and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

5. Decides that all States shall not make available to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commercial, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro), any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to those authorities or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within the Federal Republic of Yugoslavia (Serbia and Montenegro), except payments exclusively for strictly medical or humanitarian purposes and foodstuffs;

6. Decides that the prohibitions in paragraphs 4 and 5 above shall not apply to the trans-shipment through the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities and products originating outside the Federal Republic of Yugoslavia (Serbia and Montenegro) and temporarily present in the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) only for the purpose of such trans-shipment, in accordance with guidelines approved by the Committee established by resolution 724 (1991);

7. Decides that all States shall:

a. Deny permission to any aircraft to take off from, land in or overfly their territory if it is destined to land in or had taken off from the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), unless the particular flight has been approved, for humanitarian or other purposes consistent with the

relevant resolutions of the Council, by the Committee established by resolution 724 (1991);

b. Prohibit, by their nationals or from their territory, the provision of engineering and maintenance servicing of aircraft registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or operated by or on behalf of entities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or components for such aircraft, the certification of airworthiness for such aircraft, and the payment of new claims against existing insurance contracts and the provision of new direct insurance for such aircraft;

8. Decides that all States shall:

a. Reduce the level of the staff at diplomatic missions and consular posts in the Federal Republic of Yugoslavia (Serbia and Montenegro);

b. Take the necessary steps to prevent the participation in sporting events on their territory of persons or groups representing the Federal Republic of Yugoslavia (Serbia and Montenegro);

c. Suspend scientific and technical cooperation and cultural exchanges and visits involving persons or groups officially sponsored by or representing the Federal Republic of Yugoslavia (Serbia and Montenegro).

9. Decides that all States, and the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), shall take the necessary measures to ensure that no claim shall lie at the instance of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), or of any person or body in the Federal Republic of Yugoslavia (Serbia and Montenegro), or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures imposed by this resolution and related resolutions;

10. Decides that the measures imposed by this resolution shall not apply to activities related to UNPROFOR, to the Conference on Yugoslavia or to the European Community Monitor Mission, and that States, parties and others concerned shall cooperate fully with UNPROFOR, the Conference on Yugoslavia and the European Community Monitor Mission and respect fully their freedom of movement and the safety of their personnel;

11. Calls upon all States, including States not members of the United Nations, and all international organizations, to act strictly in accordance with the provisions

of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the present resolution;

12. Requests all States to report to the Secretary-General by 22 June 1992 on the measures they have instituted for meeting the obligations set out in paragraphs 4 to 9 above;

13. Decides that the Committee established by resolution 724 (1991) shall undertake the following tasks additional to those in respect of the arms embargo established by resolutions 713 (1991) and 727 (1992):

- a. To examine the reports submitted pursuant to paragraph 12 above;
- b. To seek from all States further information regarding the action taken by them concerning the effective implementation of the measures imposed by paragraphs 4 to 9 above;
- c. To consider any information brought to its attention by States concerning violations of the measures imposed by paragraphs 4 to 9 above and, in that context, to make recommendations to the Council on ways to increase their effectiveness;
- d. To recommend appropriate measures in response to violations of the measures imposed by paragraphs 4 to 9 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;
- e. To consider and approve the guidelines referred to in paragraph 6 above;
- f. To consider and decide upon expeditiously any applications for the approval of flights for humanitarian or other purposes consistent with the relevant resolutions of the Council in accordance with paragraph 7 above;

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

15. Requests the Secretary-General to report to the Security Council, not later than 15 June 1992 and earlier if he considers it appropriate, on the implementation of resolution 752 (1992) by all parties and other concerned;

16. Decides to keep under continuous review the measures imposed by paragraphs 4 to 9 above with a view to considering whether such measures might

be suspended or terminated following compliance with the requirements of resolution 752 (1992);

17. Demands that all parties and others concerned create immediately the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina, including the establishment of a security zone encompassing Sarajevo and its airport and respecting the agreements signed in Geneva on 22 May 1992;

18. Requests the Secretary-General to continue to use his good offices in order to achieve the objectives contained in paragraph 17 above, and invites him to keep under continuous review any further measures that may become necessary to ensure unimpeded delivery of humanitarian supplies;

19. Urges all States to respond to the Revised Joint Appeal for humanitarian assistance of early May 1992 issued by the United Nations High Commissioner for Refugees, UNICEF and the World Health Organization;

20. Reiterates the call in paragraph 2 of resolution 752 (1992) that all parties continue their efforts in the framework of the Conference on Yugoslavia and that the three communities in Bosnia and Herzegovina resume their discussions on constitutional arrangements for Bosnia and Herzegovina;

Decides to remain actively seized of the matter and to consider immediately, whenever, necessary, further steps to achieve a peaceful solution in conformity with relevant resolutions of the Council.

Anexo VI

Resolution 770 (1992)
The Security Council,

- Reaffirming its [resolutions 713](#) (1991) of 25 September 1991, [721](#) (1991) of 27 November 1991, [724](#) (1991) of 14 December 1991, [727](#) (1992) of 8 January 1992, [740](#) (1992) of 7 February 1992, [743](#) (1992) of 21 February 1992, [749](#) (1992) of 7 April 1992, [752](#) (1992) of 15 May 1992, [757](#) (1992) of 30 May 1992, [758](#) (1992) of 8 June 1992, [760](#) (1992) of 18 June 1992, [761](#) (1992) of 29 June 1992, [762](#) (1992) of 30 June 1992, [764](#) (1992) of 13 July 1992, and [769](#) (1992) of 7 August 1992,
- Noting the letter dated 10 August 1992 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations (S/24401),
- Underlining once again the imperative need for an urgent negotiated political solution to the situation in the Republic of Bosnia and Herzegovina to enable that country to live in peace and security within its borders,
- Reaffirming the need to respect the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,
- Recognizing that the situation in Bosnia and Herzegovina constitutes a threat to international peace and security and that the provision of humanitarian assistance in Bosnia and Herzegovina is an important element in the Council's effort to restore international peace and security in the area,
- Commending the United Nations Protection Force (UNPROFOR) for its continuing action in support of the relief operation in Sarajevo and other parts of Bosnia and Herzegovina,
- Deeply disturbed by the situation that now prevails in Sarajevo, which has severely complicated UNPROFOR's efforts to fulfil its mandate to ensure the security and functioning of Sarajevo airport and the delivery of humanitarian assistance in Sarajevo and other parts of Bosnia and Herzegovina pursuant to resolutions 743 (1992), 749 (1992), 761 (1992) and 764 (1992) and the reports of the Secretary-General cited therein,
- Dismayed by the continuation of conditions that impede the delivery of humanitarian supplies to destinations within Bosnia and Herzegovina and the consequent suffering of the people of that country,

- Deeply concerned by reports of abuses against civilians imprisoned in camps, prisons and detention centres,
 - Determined to establish as soon as possible the necessary conditions for the delivery of humanitarian assistance wherever needed in Bosnia and Herzegovina, in conformity with resolution 764 (1992),
 - Acting under [Chapter VII](#) of the Charter of the United Nations,
1. Reaffirms its demand that all parties and others concerned in Bosnia and Herzegovina stop the fighting immediately;
 2. Calls upon States to take nationally or through regional agencies or arrangements all measures necessary to facilitate in coordination with the United Nations the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina;
 3. Demands that unimpeded and continuous access to all camps, prisons and detention centres be granted immediately to the International Committee of the Red Cross and other relevant humanitarian organizations and that all detainees therein receive humane treatment, including adequate food, shelter and medical care;
 4. Calls upon States to report to the Secretary-General on measures they are taking in coordination with the United Nations to carry out this resolution, and invites the Secretary-General to keep under continuous review any further measures that may be necessary to ensure unimpeded delivery of humanitarian supplies;
 5. Request all States to provide appropriate support for the actions undertaken in pursuance of this resolution;
 6. Demands that all parties and others concerned take the necessary measures to ensure the safety of United Nations and other personnel engaged in the delivery of humanitarian assistance;
 7. Requests the Secretary-General to report to the Council on a periodic basis on the implementation of this resolution;

Decides to remain actively seized of the matter.

Anexo VII

Resolution 786 (1992)
The Security Council,

- Reaffirming its [resolution 781](#) (1992) of 9 October 1992,
- Taking note of the report of the Secretary-General of 5 November 1992 (S/24767 and Add.1) and his subsequent letter of 6 November 1992 (S/24783) submitted pursuant to resolution 781 (1992),
- Considering that the establishment of a ban on military flights in the airspace of Bosnia and Herzegovina constitutes an essential element for the safety of the delivery of humanitarian assistance and a decisive step for the cessation of hostilities in Bosnia and Herzegovina,
- Taking into account the need for a speedy deployment of monitors on the ground for observation and verification purposes,
- Gravely concerned at the indication in the Secretary-General's letter of 6 November 1992 of possible violations of its resolution 781 (1992) and of the impossibility of corroborating the information on such violations by technical means presently available to the United Nations Protection Force,
- Determined to ensure the safety of humanitarian flights to Bosnia and Herzegovina,

1. Welcomes the current advance deployment of military observers of the United Nations Protection Force and the European Community Monitoring Mission at airfields in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. Reaffirms its ban on military flights in the airspace of Bosnia and Herzegovina, which applies to all flights, whether of fixed-wing or rotary-wing aircraft, subject to the exceptions contained in paragraph 1 of its resolution 781 (1992), and reiterates that all parties and others concerned must comply with this ban;

3. Endorses the general concept of operations described in the Secretary-General's report and calls on all parties and others concerned, including all Governments operating aircraft in the area, to cooperate fully with the United Nations Protection Force in its implementation;

4. Calls upon all parties and others concerned henceforth to direct all requests for authorizations of flights pursuant to paragraph 3 of its resolution 781 (1992) to the United Nations Protection Force, with special provisions being made for flights of the United Nations Protection Force, and all other flights in support of United Nations operations, including humanitarian assistance;
5. Approves the recommendation in paragraph 10 of the Secretary-General's report that the strength of the United Nations Protection Force be increased, as proposed in paragraph 5 of the report, in order to permit it to implement the concept of operations;
6. Reiterates its determination to consider urgently, in the case of violations when further reported to it in accordance with its resolution 781 (1992), the further measures necessary to enforce the ban on military flights in the airspace of Bosnia and Herzegovina;

Decides to remain actively seized of the matter.

Anexo VIII

Resolution 808 (1993)
The Security Council,

- Reaffirming its [resolutions 713](#) (1991) of 25 September 1991 and all subsequent relevant resolutions,
- Recalling [paragraph 10](#) of its resolution 764 (1992) of 13 July 1992, in which it reaffirmed that all parties are bound to comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches,
- Racalling also its [resolution 771](#) (1992) of 13 August 1992, in which, inter alia, it demanded that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, immediately cease and desist from all breaches of international humanitarian law,
- Recalling further its [resolution 780](#) (1992) of 6 October 1992, in which it requested the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse the information submitted pursuant to resolutions 771 (1992) and 780 (1992), together with such further information as the Commission of Experts may obtain, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia,
- Having considered the interim report of the Commission of Experts established by resolution 780 (1992) (S/25274), in which the Commission observed that a decision to establish an ad hoc international tribunal in relation to events in the territory of the former Yugoslavia would be consistent with the direction of its work,
- Expressing once again its grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia, including reports of mass killings and the continuance of the practice of "ethnic cleansing",

- Determining that this situation constitutes a threat to international peace and security,
- Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,
- Convinced that in the particular circumstances of the former Yugoslavia the establishment of an international tribunal would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,
- Noting in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal (S/25221),
- Noting also with grave concern the "report of the European Community investigative mission into the treatment of Muslim women in the former Yugoslavia" (S/25240, annex I),
- Noting further the report of the committee of jurists submitted by France (S/25266), the report the commission of jurists submitted by Italy (S/25300), and the report transmitted by the Permanent Representative of Sweden on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE) (S/25307),

1. Decides that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991;

2. Requests the Secretary-General to submit for consideration by the Council at the earliest possible date, and if possible no later than 60 days after the adoption of the present resolution, a report on all aspects of this matter, including specific proposals and where appropriate options for the effective and expeditious implementation of the decision contained in paragraph 1 above, taking into account suggestions put forward in this regard by Member States;

Decides to remain actively seized of the matter.

Anexo IX

Resolution 816 (1993)
The Security Council,

- Recalling its resolutions 781 (1992) of 9 October 1992 and 786 (1992) of 10 November 1992,
 - Racalling [paragraph 6](#) of resolution 781 (1992) and [paragraph 6](#) of resolution 786 (1992) in which the Council undertook to consider urgently, in the case of violations of the ban on military flights in the airspace of the Republic of Bosnia and Herzegovina, the further measures necessary to enforce the ban,
 - Deploring the failure of some parties concerned to cooperate fully with United Nations Protection Force (UNPROFOR) airfield monitors in the implementation of resolutions 781 (1992) and 786 (1992),
 - Deeply concerned by the various reports of the Secretary-General concerning violations of the ban on military flights in the airspace of the Republic of Bosnia and Herzegovina (S/24783, S/24810, S/24840, S/24870, S/24900 and Add.1 to 31),
 - Deeply concerned in particular by the Secretary-General's letters to the President of the Security Council of 12 and 16 March (S/25443 and S/25444) concerning new blatant violations of the ban on military flights in the airspace of the Republic of Bosnia and Herzegovina, and recalling in this regard the statement by the President of the Security Council of 17 March 1993 (S/25426), and in particular the reference to the bombing of villages in the Republic of Bosnia and Herzegovina,
 - Recalling the provisions of [Chapter VIII](#) of the Charter of the United Nations,
 - Determining that the grave situation in the Republic of Bosnia and Herzegovina continues to be a threat to international peace and security,
 - Acting under [Chapter VII](#) of the Charter of the United Nations,
1. Decides to extend the ban established by resolution 781 (1992) to cover flights by all fixed-wing and rotary-wing aircraft in the airspace of the Republic of Bosnia and Herzegovina, this ban not to apply to flights authorized by UNPROFOR in accordance with paragraph 2 below;

2. Requests UNPROFOR to modify the mechanism referred to in paragraph 3 of resolution 781 (1992) so as to provide for the authorization, in the airspace of the Republic of Bosnia and Herzegovina, of humanitarian flights and other flights consistent with relevant resolutions of the Council;
3. Requests UNPROFOR to continue to monitor compliance with the ban on flights in the airspace of the Republic of Bosnia and Herzegovina, and calls on all parties urgently to cooperate with UNPROFOR in making practical arrangements for the close monitoring of authorized flights and improving the notification procedures;
4. Authorizes Member States, seven days after the adoption of this resolution, acting nationally or through regional organizations or arrangements, to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures in the airspace of the Republic of Bosnia and Herzegovina, in the event of further violations to ensure compliance with the ban on flights referred to in paragraph 1 above, and proportionate to the specific circumstances and the nature of the flights;
5. Requests the Member States concerned, the Secretary-General and UNPROFOR to coordinate closely on the measures they are taking to implement paragraph 4 above, including the rules of engagement, and on the starting date of its implementation, which should be no later than seven days from the date when the authority conferred by paragraph 4 above takes effect, and to report the starting date to the Council through the Secretary-General;
6. Decides that, in the event of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia notifying the Council that all the Bosnian parties have accepted their proposals on a settlement before the starting date referred to in paragraph 5 above, the measures set forth in the present resolution will be subsumed into the measures for implementing that settlement;
7. Also requests the Member States concerned to inform the Secretary-General immediately of any actions they take in exercise of the authority conferred by paragraph 4 above;
8. Requests further the Secretary-General to report regularly to the Council on the matter and to inform it immediately of any actions taken by the Member States concerned in exercise of the authority conferred by paragraph 4 above;

Decides to remain actively seized of the matter.

Anexo X

Resolution 819 (1993)
The Security Council,

- Reaffirming its [resolutions 713](#) (1991) of 25 September 1991 and all of its subsequent relevant resolutions,
- Taking note that the International Court of Justice in its Order of 8 April 1993 in the case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)) unanimously indicated as a provisional measure that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent the commission of the crime of genocide,
- Reaffirming the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,
- Reaffirming its call on the parties and others concerned to observe immediately the cease-fire throughout the Republic of Bosnia and Herzegovina,
- Reaffirming its condemnation of all violations of international humanitarian law, including, in particular, the practice of "ethnic cleansing",
- Concerned by the pattern of hostilities by Bosnian Serb paramilitary units against towns and villages in eastern Bosnia and in this regard reaffirming that any taking or acquisition of territory by the threat or use of force, including through the practice of "ethnic cleansing", is unlawful and unacceptable,
- Deeply alarmed at the information provided by the Secretary-General to the Security Council on 16 April 1993 on the rapid deterioration of the situation in Srebrenica and its surrounding areas, as a result of the continued deliberate armed attacks and shelling of the innocent civilian population by Bosnian Serb paramilitary units,
- Strongly condemning the deliberate interdiction by Bosnian Serb paramilitary units of humanitarian assistance convoys,

- Also strongly condemning the actions taken by Bosnian Serb paramilitary units against UNPROFOR, in particular, their refusal to guarantee the safety and freedom of movement of UNPROFOR personnel,
- Aware that a tragic humanitarian emergency has already developed in Srebrenica and its surrounding areas as a direct consequence of the brutal actions of Bosnian Serb paramilitary units, forcing the large-scale displacement of civilians, in particular women, children and the elderly,
- Recalling the provisions of [resolution 815](#) (1993) on the mandate of UNPROFOR and in that context acting under [Chapter VII](#) of the Charter of the United Nations,

1.Demands that all parties and others concerned treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act;

2.Demands also to that effect the immediate cessation of armed attacks by Bosnian Serb paramilitary units against Srebrenica and their immediate withdrawal from the areas surrounding Srebrenica;

3.Demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to the Bosnian Serb paramilitary units in the Republic of Bosnia and Herzegovina;

4.Requests the Secretary-General, with a view to monitoring the humanitarian situation in the safe area, to take immediate steps to increase the presence of UNPROFOR in Srebrenica and its surroundings; demands that all parties and others concerned cooperate fully and promptly with UNPROFOR towards that end; and requests the Secretary-General to report urgently thereon to the Security Council;

5.Reaffirms that any taking or acquisition of territory by threat or use of force, including through the practice of "ethnic cleansing", is unlawful and unacceptable;

6.Condemns and rejects the deliberate actions of the Bosnian Serb party to force the evacuation of the civilian population from Srebrenica and its surrounding areas as well as from other parts of the Republic of Bosnia and Herzegovina as part of its overall abhorrent campaign of "ethnic cleansing";

7.Reaffirms its condemnation of all violations of international humanitarian law, in particular the practice of "ethnic cleansing" and reaffirms that those who

commit or order the commission of such acts shall be held individually responsible in respect of such acts;

8.Demands the unimpeded delivery of humanitarian assistance to all parts of the Republic of Bosnia and Herzegovina, in particular to the civilian population of Srebrenica and its surrounding areas and recalls that such impediments to the delivery of humanitarian assistance constitute a serious violation of international humanitarian law;

9.Urges the Secretary-General and the United Nations High Commissioner for Refugees to use all the resources at their disposal within the scope of the relevant resolutions of the Council to reinforce the existing humanitarian operations in the Republic of Bosnia and Herzegovina in particular Srebrenica and its surroundings;

10. Further demands that all parties guarantee the safety and full freedom of movement of UNPROFOR and of all other United Nations personnel as well as members of humanitarian organizations;

11. Further requests the Secretary-General, in consultation with UNHCR and UNPROFOR, to arrange for the safe transfer of the wounded and ill civilians from Srebrenica and its surrounding areas and to urgently report thereon to the Council;

12. Decides to send, as soon as possible, a mission of members of the Security Council to the Republic of Bosnia and Herzegovina to ascertain the situation and report thereon to the Security Council;

Decides to remain actively seized of the matter and to consider further steps to achieve a solution in conformity with relevant resolutions of the Council.

Anexo XI

Resolutio 824 (1993)
The Security Council,

- Reaffirming all its earlier relevant resolutions,
- Reaffirming also the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,
- Having considered the report of the Mission of the Security Council to the Republic of Bosnia and Herzegovina (S/25700) authorized by [resolution 819](#) (1993), and in particular, its recommendations that the concept of safe areas be extended to other towns in need of safety,
- Reaffirming again its condemnation of all violations of international humanitarian law, in particular, ethnic cleansing and all practices conducive thereto, as well as the denial or the obstruction of access of civilians to humanitarian aid and services such as medical assistance and basic utilities,
- Taking into consideration the urgent security and humanitarian needs faced by several towns in the Republic of Bosnia and Herzegovina as exacerbated by the constant influx of large numbers of displaced persons including, in particular, the sick and wounded,
- Taking also into consideration the formal request submitted by the Republic of Bosnia and Herzegovina (S/25718),
- Deeply concerned at the continuing armed hostilities by Bosnian Serb paramilitary units against several towns in the Republic of Bosnia and Herzegovina and determined to ensure peace and stability throughout the country, most immediately in the towns of Sarajevo, Tuzla, Zepa, Gorazde, Bihac, as well as Srebrenica,
- Convinced that the threatened towns and their surroundings should be treated as safe areas, free from armed attacks and from any other hostile acts which endanger the well-being and the safety of their inhabitants,
- Aware in this context of the unique character of the city of Sarajevo, as a multicultural, multi-ethnic and pluri-religious centre which exemplifies the viability of coexistence and interrelations between all the communities of the Republic of Bosnia and Herzegovina, and of the need to preserve it and avoid its further destruction,

- Affirming that nothing in the present resolution should be construed as contradicting or in any way departing from the spirit or the letter of the peace plan for the Republic of Bosnia and Herzegovina,
- Convinced that treating the towns referred to above as safe areas will contribute to the early implementation of the peace plan,
- Convinced also that further steps must be taken as necessary to achieve the security of all such safe areas,
- Recalling the provisions of [resolution 815](#) (1993) on the mandate of UNPROFOR and in that context acting under [Chapter VII](#) of the Charter of the United Nations,

1. Welcomes the report of the Mission of the Security Council established pursuant to resolution 819 (1993), and in particular its recommendations concerning safe areas;

2. Demands that any taking of territory by force cease immediately;

3. Declares that the capital city of the Republic of Bosnia and Herzegovina, Sarajevo, and other such threatened areas, in particular the towns of Tuzla, Zepa, Gorazde, Bihac, as well as Srebrenica, and their surroundings should be treated as safe areas by all the parties concerned and should be free from armed attacks and from any other hostile act;

4. Further declares that in these safe areas the following should be observed:

a. The immediate cessation of armed attacks or any hostile act against these safe areas, and the withdrawal of all Bosnian Serb military or paramilitary units from these towns to a distance wherefrom they cease to constitute a menace to their security and that of their inhabitants to be monitored by United Nations military observers;

b. Full respect by all parties of the rights of the United Nations Protection Force (UNPROFOR) and the international humanitarian agencies to free and unimpeded access to all safe-areas in the Republic of Bosnia and Herzegovina and full respect for the safety of the personnel engaged in these operations;

5. Demands to that end that all parties and others concerned cooperate fully with UNPROFOR and take any necessary measures to respect these safe areas;

6. Requests the Secretary-General to take appropriate measures with a view to monitoring the humanitarian situation in the safe areas and to that end, authorizes the strengthening of UNPROFOR by an additional 50 United Nations military observers, together with related equipment and logistical support; and in this connection, also demands that all parties and all others concerned cooperate fully and promptly with UNPROFOR;

7. Declares its readiness, in the event of the failure by any party to comply with the present resolution, to consider immediately the adoption of any additional measures necessary with a view to its full implementation, including to ensure respect for the safety of the United Nations personnel;

8. Declares also that arrangements pursuant to the present resolution shall remain in force up until the provisions for the cessation of hostilities, separation of forces and supervision of heavy weaponry as envisaged in the peace plan for the Republic of Bosnia and Herzegovina, are implemented;