

Bearing in mind the variety of mandates, scope and composition of regional arrangements or agencies,

Considering that action at the regional level can contribute to the maintenance of international peace and security,

Emphasizing that respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State is crucial to any common endeavour to promote international peace and security,

Emphasizing also that peace-keeping activities undertaken by regional arrangements or agencies should be conducted with the consent of the State in whose territory such activities are carried out,

Stressing the primary responsibility of the Security Council, under Article 24 of the Charter, for the maintenance of international peace and security,

Emphasizing further that the efforts made by regional arrangements or agencies, in their respective fields of competence, in cooperation with the United Nations can usefully complement the work of the Organization in the maintenance of international peace and security,

Stressing the need to enhance cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security,

Considering that such enhanced cooperation between the United Nations and regional arrangements or agencies would promote collective security in accordance with the Charter,

Solemnly declares that:

1. In accordance with the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular Chapter VIII of the Charter:

(a) The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council;

(b) The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Council;

(c) The above provisions in no way impair the application of Articles 34 and 35 of the Charter;

(d) The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority, but no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Council;

(e) The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security;

2. Regional arrangements or agencies can, in their fields of competence and in accordance with the Charter, make important contributions to the maintenance of international peace and security, including, where appropriate, through the peaceful settlement of disputes, preventive diplomacy, peacemaking, peace-keeping and post-conflict peace-building;

3. Cooperation between regional arrangements or agencies and the United Nations in the maintenance of international peace and security may take various forms, including, *inter alia*:

(a) Exchange of information and the holding of consultations at all levels;

(b) Participation as appropriate in the work of the United Nations organs, in accordance with the applicable rules of procedure and practices;

(c) Making available personnel, material and other assistance, where appropriate;

4. Cooperation between regional arrangements or agencies and the United Nations should be in accordance with their respective mandates, scope and composition and should take place in forms that are suited to each specific situation, in accordance with the Charter;

5. Regional efforts undertaken by regional arrangements or agencies in the area of the maintenance of international peace and security, within their respective fields of competence and in accordance with the purposes and principles of the Charter, should be encouraged and, where appropriate, supported by the Security Council;

6. States participating in regional arrangements or agencies are encouraged to consider the possibility of increasing efforts at the regional level for the maintenance of international peace and security in accordance with the Charter;

7. States participating in regional arrangements or agencies are encouraged to promote confidence-building at the regional level for the maintenance of international peace and security;

8. States participating in regional arrangements or agencies are encouraged to consider the possibility of using or, where appropriate, establishing or improving at the regional level procedures and mechanisms for the early detection, the prevention and the peaceful settlement of disputes, in close coordination with the preventive efforts of the United Nations;

9. Regional arrangements or agencies are encouraged to consider, as appropriate, in their fields of competence, ways and means for promoting closer cooperation and coordination with the United Nations with the aim of contributing to the fulfilment of the purposes and principles of the Charter, including in the fields of preventive diplomacy, peacemaking and post-conflict peace-building, and where appropriate, peace-keeping;

10. Regional arrangements or agencies are encouraged to consider, in their fields of competence, the possibility of establishing and training groups of military and civilian observers, fact-finding missions and contingents of peace-keeping forces, for use as appropriate, in coordination with the United Nations and, when necessary, under the authority or with the authorization of the Security Council, in accordance with the Charter;

11. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,¹⁴ the Manila Declaration on the Peaceful Settlement of International Disputes,³⁰ the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations,³¹ the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field³² and the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security³³ are hereby reaffirmed together with their provisions concerning the activities of regional arrangements or agencies in the maintenance of international peace and security;

12. Nothing in the present Declaration is to be construed as prejudicing in any manner the provisions of the Charter.

49/58. Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the

³⁰ Resolution 37/10, annex.

³¹ Resolution 42/22, annex.

³² Resolution 43/51, annex.

³³ Resolution 46/59, annex.

Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Welcoming the first report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council³⁴ that was established in accordance with General Assembly resolution 48/26 of 3 December 1993,

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh,³⁵ thirty-ninth,³⁶ fortieth,³⁷ forty-first,³⁸ forty-second,³⁹ forty-third,⁴⁰ forty-fourth,⁴¹ forty-fifth,⁴² forty-sixth,⁴³ forty-seventh,⁴⁴ forty-eighth,⁴⁵ and forty-ninth⁴⁶ sessions, as well as the views and comments expressed on them by Member States,

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Noting the discussions in the Security Council towards strengthening the consultative process in accordance with Article 50 of the Charter of the United Nations with a view to minimizing special economic problems of countries adversely affected as a result of their implementation of preventive or enforcement measures under Chapter VII of the Charter,

Mindful of the desirability for the Special Committee to carry out further work in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Bearing in mind various proposals submitted to the General Assembly at its forty-ninth session aimed at strengthening the role of the Organization, enhancing its effectiveness and achieving equitable representation in the Security Council and increasing its membership,

Having considered the report of the Special Committee on the work of its session held in 1994,²⁹

Expressing its appreciation to the Special Committee for its important contribution to the elaboration of the text of the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,⁴⁷

Recalling that the Charter contains references in Article 53 and Article 107 to particular security arrangements concerning certain States,

Noting that the States to which those references have been directed are members of the United Nations and represent a valuable asset in all the endeavours of the Organization,

Considering that the provisions of parts of Article 53 and the provisions of Article 107 have become obsolete,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;²⁹

2. *Decides* that the Special Committee will hold its next session from 27 February to 10 March 1995;

3. *Invites* the Secretary-General to submit, before the session of the Special Committee in 1995, a report on the question of the implementation of the provisions of the Charter, including Article 50, related to the special economic problems confronting States and arising from the carrying out of sanctions mandated under Chapter VII of the Charter, analysing the proposals and suggestions on this issue contained in the report of the Special Committee on its 1994 session, giving due attention to the possible practical ways and means of carrying any of them out;

4. *Requests* the Special Committee, at its session in 1995, in accordance with the provisions of paragraph 5 below:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context:

(i) To continue to consider on a priority basis proposals on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, including the working paper submitted in this regard to the Special Committee during its session in 1994;⁴⁸

(ii) To consider other specific proposals relating to the maintenance of international peace and security already submitted or which might be submitted to the Special Committee at its session in 1995, including the proposal on the strengthening of the role of the Organization and enhancement of its efficiency and the revised proposal submitted with a view to enhancing the effectiveness of the Security Council with regard to the maintenance of international peace and security;

(b) To continue its work on the question of the peaceful settlement of disputes between States, and in this context:

(i) To continue its consideration of the proposal on United Nations rules for the conciliation of disputes between States;

(ii) To continue its consideration of other specific proposals relating to the peaceful settlement of disputes between

³⁴ *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 47 (A/48/47).*

³⁵ *Ibid.*, *Thirty-seventh Session, Supplement No. 1 (A/37/1).*

³⁶ *Ibid.*, *Thirty-ninth Session, Supplement No. 1 (A/39/1).*

³⁷ *Ibid.*, *Fortieth Session, Supplement No. 1 (A/40/1).*

³⁸ *Ibid.*, *Forty-first Session, Supplement No. 1 (A/41/1).*

³⁹ *Ibid.*, *Forty-second Session, Supplement No. 1 (A/42/1).*

⁴⁰ *Ibid.*, *Forty-third Session, Supplement No. 1 (A/43/1).*

⁴¹ *Ibid.*, *Forty-fourth Session, Supplement No. 1 (A/44/1).*

⁴² *Ibid.*, *Forty-fifth Session, Supplement No. 1 (A/45/1).*

⁴³ *Ibid.*, *Forty-sixth Session, Supplement No. 1 (A/46/1).*

⁴⁴ *Ibid.*, *Forty-seventh Session, Supplement No. 1 (A/47/1).*

⁴⁵ *Ibid.*, *Forty-eighth Session, Supplement No. 1 (A/48/1).*

⁴⁶ *Ibid.*, *Forty-ninth Session, Supplement No. 1 (A/49/1).*

⁴⁷ Resolution 49/57, annex.

⁴⁸ *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33), para. 52.*

States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in a dispute and those proposals relating to the enhancement of the role of the International Court of Justice;

(c) To consider the question of the deletion of the "enemy State" clauses of the Charter, contained in Article 53, paragraphs 1 and 2, and Article 107, and to recommend to the General Assembly at its fiftieth session the most appropriate legal action to be taken on this question;

(d) To continue its consideration of the question of the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security;

5. *Also requests* the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;

6. *Decides* that the Special Committee shall continue to accept the participation of observers of Member States in its meetings, including those of its working group, and also decides that the Special Committee shall be authorized to invite other States or intergovernmental organizations to participate in the debate in its plenary meetings on specific items when it considers that such participation would assist its work;

7. *Requests* the Special Committee at its session in 1995 to continue its review of its membership, to consider in particular the proposal on the full participation of all Member States in its work and to report on this matter to the General Assembly at its fiftieth session;

8. *Also requests* the Special Committee to submit a report on its work to the General Assembly at its fiftieth session;

9. *Decides* to include in the provisional agenda of its fiftieth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

*84th plenary meeting
9 December 1994*

49/59. Convention on the Safety of United Nations and Associated Personnel

The General Assembly,

Considering that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Gravely concerned at the increasing number of attacks on United Nations and associated personnel that have caused death or serious injury,

Bearing in mind that United Nations operations may be conducted in situations that entail risk to the safety of United Nations and associated personnel,

Recognizing the need to strengthen and to keep under review arrangements for the protection of United Nations and associated personnel,

Recalling its resolution 48/37 of 9 December 1993, by which it established the Ad Hoc Committee on the Elaboration of an International Convention Dealing with the Safety and Security of United Nations and Associated Personnel, with particular reference to responsibility for attacks on such personnel,

Taking into account the report of the Ad Hoc Committee,⁴⁹ in particular the revised negotiating text resulting from the work of the Ad Hoc Committee,

Recalling its decision, in accordance with the recommendation of the Ad Hoc Committee, to re-establish, at its current session, a working group within the framework of the Sixth Committee to continue consideration of the revised negotiating text and of proposals relating thereto,

Having considered the text of the draft convention prepared by the working group⁵⁰ and submitted to the Sixth Committee for consideration with a view to its adoption,

1. *Adopts* and opens for signature and ratification, acceptance or approval, or for accession, the Convention on the Safety of United Nations and Associated Personnel, the text of which is annexed to the present resolution;

2. *Urges* States to take all appropriate measures to ensure the safety and security of United Nations and associated personnel within their territory;

3. *Recommends* that the safety and security of United Nations and associated personnel be kept under continuing review by all relevant bodies of the Organization;

4. *Underlines* the importance it attaches to the speedy conclusion of a comprehensive review of arrangements for compensation for death, disability, injury or illness attributable to peace-keeping service, with a view to developing equitable and appropriate arrangements and to ensuring expeditious reimbursement.

*84th plenary meeting
9 December 1994*

ANNEX

Convention on the Safety of United Nations and Associated Personnel

The States Parties to this Convention,

Deeply concerned over the growing number of deaths and injuries resulting from deliberate attacks against United Nations and associated personnel,

Bearing in mind that attacks against, or other mistreatment of, personnel who act on behalf of the United Nations are unjustifiable and unacceptable, by whomsoever committed,

Recognizing that United Nations operations are conducted in the common interest of the international community and in accordance with the principles and purposes of the Charter of the United Nations,

Acknowledging the important contribution that United Nations and associated personnel make in respect of United Nations efforts in the fields of preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian and other operations,

Conscious of the existing arrangements for ensuring the safety of United Nations and associated personnel, including the steps taken by the principal organs of the United Nations, in this regard,

Recognizing none the less that existing measures of protection for United Nations and associated personnel are inadequate,

Acknowledging that the effectiveness and safety of United Nations operations are enhanced where such operations are conducted with the consent and cooperation of the host State,

Appealing to all States in which United Nations and associated personnel are deployed and to all others on whom such personnel may rely,

⁴⁹ *Ibid.*, Supplement No. 22 (A/49/22).

⁵⁰ A/C.6/49/L.4, annex.