ASSEMBLY FOR PEACE:

A Digital Handbook on the UN General Assembly's Past Practice on Peace and Security

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A Digital Handbook on the UN General Assembly's Past Practice on Peace and Security

Produced by the United Nations University Centre for Policy Research

for the President of the United Nations General Assembly at its 78th session

with the support of Member States.

Preface

When I assumed the Presidency of the United Nations General Assembly at its seventy-eighth session, I selected four guiding watchwords to shape my vision for the session: peace, progress, prosperity and sustainability for all. These themes are deeply interconnected and mutually reinforcing, but among them, peace holds a special significance. Without peace, humanity cannot achieve any of its other aspirations.

Peace is therefore the cornerstone of our organization's mission – a mission born from the ashes of two world wars, with a solemn vow to "save succeeding generations from the scourge of war". Yet today, peace faces unprecedented challenges. Armed conflicts continue to rage, from the Gaza Strip to Ukraine, Sudan to the Democratic Republic of the Congo, and Haiti to Myanmar; with consequential disregard of international law and civilians enduring the worst of the suffering.

This raises critical questions, which we must seriously ponder and answer. What more can be done at the United Nations? What powers and functions does the General Assembly, as the most universally representative principal organ of the organization, have at its disposal to fulfil this mandate? And how has the General Assembly historically responded to threats to international peace and security?

While the United Nations Charter clearly assigns the primary responsibility for the maintenance of international peace and security to the Security Council, the General Assembly also plays a residual yet an increasingly significant role. This has been evident throughout the 78th session, with the General Assembly addressing peace and security on multiple fronts – from the resumption of the 10th emergency special session to numerous plenary debates on the use of the veto. But what underpins this authority, and how has it been exercised over time? How has it evolved?

This Digital Handbook has been compiled with these questions in mind, aiming to clarify why issues related to peace and security not only can, but indeed must remain a top priority within the General Assembly's agenda. Developed in response to the mandate set forth in General Assembly resolution 77/335, adopted by consensus, this Handbook is intended to offer valuable insights into the General Assembly's past practices, data, and recommendations on a range of issues related to international peace and security – from General Assembly-mandated peace operations to the deployment of mediators and the establishment of accountability mechanisms worldwide. I hope that, equipped with knowledge of past examples and precedents, Member States can be better prepared with ways and options to confront our world's most pressing challenges with both courage and confidence.

This resource is designed to inform both Member States, the United Nations system, and the public about the General Assembly's extensive, varied and ambitious actions over the past decades since the founding of the organization. It is intended to be informative rather than prescriptive – offering background, context and knowledge without directing Member States toward specific actions or conclusions. For those seeking further details, the Handbook includes information on all relevant General Assembly resolutions. I encourage users to consult these resolutions for specific language and precedents.

While the views expressed in this Handbook are those of the authors and do not necessarily reflect the positions of the Office of the President of the General Assembly, my team and I have endeavoured to contribute as best as we can to safeguard matters of fact and accuracy. I sincerely hope this resource enhances Member States' understanding of the General Assembly's vital role in advancing international peace and security since the United Nations' founding. I trust it will spark reflection and contribute to discussions on how the General Assembly can continue to fulfil this mandate and to deepen its cooperation with the Security Council on these matters.

Although this Handbook covers practices up to and including the 78th session, the challenge of safeguarding international peace and security is constantly evolving. Its digital format provides Member States, should they so decide, the flexibility to maintain, update, and expand its content with guidance from my successors for future sessions.

This Handbook would not have been possible without the generous financial contributions from several Member States. I express my deepest gratitude to the Permanent Missions of Austria, Ireland, Japan, Liechtenstein, the Netherlands, Portugal and Singapore for their invaluable support in this regard.

Additionally, I extend my deepest appreciation to the team of researchers from the United Nations University Centre for Policy Research who worked collaboratively with my office, with support from other relevant United Nations stakeholders, in producing this important resource. Their dedication, professionalism, and meticulous attention to detail have been instrumental in distilling seven decades of the General Assembly's work into this accessible and concise resource. Their efforts are truly commendable and embody the high standards expected of this great institution.

Dennis Francis
President of the General Assembly

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ASEAN	Association of Southeast Asian Nations
COIs	Commissions of inquiry
DPRK	Democratic People's Republic of Korea
ECCC	Extraordinary Chambers in the Courts of Cambodia
ECOWAS	The Economic Community of West African States
FFMs	Fact-finding missions
GA	General Assembly
HRC	Human Rights Council
ICC	International Criminal Court
ICJ	International Court of Justice
IHL	International Humanitarian Law
IIFFMM	Independent International Fact-Finding Mission for Myanmar
IIIM	International, Impartial and Independent Mechanism
ISIL	Islamic State in Iraq and the Levant
MCIVIH	International Civilian Mission in Haiti / *Mission Civile Internationale en Haïti*
MICAH	International Civilian Support Mission in Haiti
MINUGUA	United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala
NATO	North Atlantic Treaty Organization
NUG	National Unity Government
NWFZs	Nuclear-weapon-free zones
OAS	Organization of American States
OAU	Organization of African Unity
OHCHR	United Nations Office of the High Commissioner for Human Rights

ONUC	United Nations Operation in the Congo / *Opération des Nations Unies au Congo*
OPT	Occupied Palestinian Territory
PLO	Palestinian Liberation Organization
SC	Security Council
SWAPO	The South West Africa People's Organisation
UDI	Universal Declaration of Independence (of Southern Rhodesia)
UFP	Uniting for Peace
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMET	United Nations Mission in East Timor
UNEF	United Nations Emergency Force
UNMIH	United Nations Mission in Haiti
UNOGIL	United Nations Observation Group in Lebanon
UNOVER	United Nations Observer Mission to Verify the Referendum in Eritrea
UNSCIIP	United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
UNSCOB	United Nations Special Commission on the Balkans
UNSF	United Nations Security Force
UNSMA	United Nations Special Mission to Afghanistan
UNTAC	United Nations Transitional Authority in Cambodia
UNTEA	United Nations Temporary Executive Authority
US	United States
USSR	Union of Soviet Socialist Republics

Introduction

The Charter of the United Nations (UN) grants broad rights to the General Assembly (GA) to consider any issues within the scope of the Charter, and to make recommendations to both Member States and the Security Council (SC). While Article 12 of the Charter restricts the GA from making recommendations on settings that are on the SC's agenda (unless requested by the SC), the scope of potential GA action remains very broad. Indeed, Article 14 of the Charter allows the GA to recommend "measures for the peaceful adjustment" of any situation that may impair the general welfare or friendly relations among nations. As the International Court of Justice stated in its *Certain Expenses* case, the SC's jurisdiction is "not exclusive … the General Assembly is also to be concerned with international peace and security".[1]

Over the past 78 years, the GA has engaged in a wide range of activities under Chapter IV of the Charter that might be considered part of its peace and security practice, including the deployment of mediators, the establishment of peace operations, the mandating of special envoys, recommendations for the use of force or sanctions and the creation of accountability mechanisms such as fact-finding missions (FFMs) and commissions of inquiry (COIs). Some of this practice has taken place in connection with the Uniting for Peace (UFP) resolution, a special procedure created in 1950 by the GA to facilitate prompt GA consideration when there is a stalemate in the SC over a peace and security matter (A/RES/377(V)). Others have been part of resolutions passed in the course of the GA's regular work.

Much of this practice is relatively unknown, or difficult to access in a user-friendly fashion, leading to limited understanding of the potential courses of action available to the GA. Some past practices took place at very different geopolitical moments and may need to be revisited and adapted to today's dynamics. Other GA actions[2] have only been used in very limited cases, meaning there is insufficient understanding of how they might be employed more broadly.

In recent years, the role of the GA in addressing threats to international peace and security has come into greater focus, in part due to the recurrent inability of the SC to take action on major conflicts around the world. In its 77th session, the GA passed a resolution on the revitalization of its work, in which it, inter alia, recognized the need to foster interaction between the GA and SC, and for greater access by Member States to information and institutional memory about the GA's functions and powers. To that end, resolution 77/335 on the revitalization of the work of the GA called on the President of the General Assembly to provide a digital handbook on "past practices, data and recommendations for the fulfilment of the functions and powers of the General Assembly as outlined in Chapter IV of the Charter" (A/RES/77/335).

This Handbook responds to the GA's request and is designed as a resource for Member States and other stakeholders. It offers a review of the past practice of the GA in addressing issues of international peace and security, case studies of some of the most important examples of GA action, and recommendations on how Member States could foster deeper interaction with the SC in the future. Produced by the UN University Centre for Policy Research for the President of the General Assembly at its 78th session, this Handbook provides an impartial, user-friendly guide for Member States seeking information on the past practice of the General

[1] *Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter), Advisory Opinion, I.C.J. Reports 1962*, p. 151, p. 163.
[2] Where this Handbook adopts the term "GA action" it is used generally to describe recommendations, decisions or other actions taken through passage of a resolution. This is distinct from GA deliberation or consideration of a matter.

Assembly's fulfillment of its mandate under Chapter IV of the UN Charter. Although organized under the efforts of the Office of the President of the General Assembly, with the support of contributions from Member States, it is an independent product. Any views or statements represented are those of the authors.

The Handbook contains three main parts: (I) a brief overview of the Charter-based roles and responsibilities of the GA, including the divisions of responsibilities between the GA and the SC and developments in practice; (II) a compendium of GA practice under Chapter IV of the Charter, exploring the main tools and approaches that have been employed over the past 78 years; and (III) key lessons derived from past practice and options for fostering interaction between the GA and the SC on issues of international peace and security. A series of annexes provide abbreviated case studies to supplement specific practice areas.

It should be noted that this Handbook does not directly consider the work of GA committees or budgetary bodies. While these constitute important arenas of action with implications for peace and security, they were considered beyond the scope of the GA request.

How to use this Handbook

This is an interactive, digital handbook, designed to be user-friendly and easy to access. Although it follows UN style, certain deviations have been made to improve navigability and accessibility, including greater abbreviation of common terms, and hyperlinks for all GA and SC resolutions, and many other UN documents.

Because it was mandated and designed to be a *digital* handbook, there are hyperlinks throughout the Handbook connecting the main text with additional material and case studies in the annexes. Additionally, given that it is to serve as a reference material, each section has been designed to be read on its own, with links back to other sections to provide further information. If you would like to understand key issues and main trends, skim through the table of contents and click to the topic you would like to read about. If you want more detail on cases referenced in the summaries of practice, click on hyperlinks in the main text. These will take you to the relevant case studies in the annexes.

If you would like to comment on the Handbook or provide additional materials, you can write to comms-cpr@unu.edu.

I. The General Assembly's Charter-based roles and powers on peace and security

The Charter of the UN provides the SC with "primary responsibility" for international peace and security (Article 24); however, it also empowers the GA to play a significant role in the maintenance of peace and security. Three articles within Chapter IV of the UN Charter grant the GA substantial authority to deliberate and make recommendations with regard to peace and security matters:

- Article 10 authorizes the GA to "discuss any questions or any matters within the scope of the present Charter" and "except as provided in Article 12, … make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters".
- Article 11(2) empowers the GA to "discuss any questions relating to the maintenance of international peace and security" brought before it by a State or by the SC, and "except as provided in Article 12, … make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both". Article 11(3) specifically empowers the GA to "call the attention of the Security Council to situations which are likely to endanger international peace and security".
- Article 14 authorizes the GA to "recommend measures for the peaceful adjustment of any situation … which it deems likely to impair the general welfare or friendly relations among nations".

In addition to these three articles, the Charter sets out other powers and responsibilities for the GA that are relevant to the maintenance of peace, or to crisis response and conflict prevention efforts. Article 13 gives the GA responsibility for making recommendations towards the "realization of human rights and fundamental freedoms", issues that are implicated in many peace and security crises. The GA is also given certain functional responsibilities, many of which have been relied on to help develop multilateral responses to peace and security situations. This includes the authority to approve the UN's budget, admitting new members and suspending or limiting the participation of existing members, appointing Member States to non-permanent seats of the SC as well as other key councils and committees, and receiving reports from the SC and the UN Secretary-General. Article 22 of the UN Charter empowers the GA to establish "such subsidiary organs as it deems necessary for the performance of its functions" – an authority that has been relied on to create mechanisms or bodies that can help facilitate crisis management, including establishing peace operations (with the consent of the State whose territory is implicated), COIs, reconciliation committees or other subsidiary bodies.

While the GA's authority to consider issues of peace and security is very broad, its recommendations are understood as non-binding. The text of the Charter provides that the GA may discuss questions of international peace and security, consider principles of cooperation, and make recommendations for resolving them. However, there is no Charter-based mention of mandatory, coercive powers, which are explicitly given only to the SC and the International Court of Justice (ICJ) in Articles 25 and 94 of the Charter. The distinction that only the SC can engage in binding or mandatory, coercive action is further reinforced in two Charter-based limitations on GA authority. Article 11(2) of the Charter demands that the GA refer to the SC any question "on

which action is necessary". This provision was interpreted by the ICJ in a 1962 advisory opinion as referring to "coercive or enforcement action", which is exclusively within the powers of the SC.[3]

While ICJ advisory opinions are not binding, they help to clarify key rights and obligations under international law, including with respect to those laid out in the UN Charter. Several ICJ advisory opinions have considered the scope of the GA's authority under the Charter, including the *Certain Expenses* case, a 2004 advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory (OPT) (hereinafter the *Wall* case), as well as a 2010 advisory opinion related to the status of Kosovo (hereinafter the *Kosovo* case). These ICJ opinions are discussed in the boxed texts within this section.

The interpretation that the GA should refer matters requiring coercive action to the SC does not signify limitations on the scope of what the GA can *recommend* or consider for discussion, but simply reinforces that the GA recommendations are not binding in themselves. As illustrated in the examples of practice covered in part II, GA resolutions have covered a wide range of peace and security issues, including recommendations related to the use of force, imposition of sanctions or other measures that would require coercive authority to have a mandatory effect. In some instances, the GA has accompanied these recommendations with calls for the SC to take appropriate Chapter VII action.[4]

The *Certain Expenses* Case

On 20 December 1961, the GA requested (A/RES/1731(XVI)) the ICJ to offer an advisory opinion on whether expenses it had authorized to finance UN operations in the Middle East and the Congo constituted valid expenses of the Organization. Underlying this issue was whether the GA had overstepped its Charter powers in offering recommendations (including recommending "action") on peace and security matters, in particular those with which the SC was still seized. GA engagement in both cases took place in situations linked to the UFP resolution. The ICJ opined that Article 24 of the UN Charter granted "'primary', not exclusive" authority to the SC, and that while only the SC can impose "an obligation of compliance" through exercising its Chapter VII authority, "the Charter makes it abundantly clear that the General Assembly is also to be concerned with international peace and security". In considering whether the GA can take "action" – of the sort invoked by GA support to peace operations in Egypt or the Congo – the ICJ emphasized that Article 14 authorized the GA to "recommend measures for the peaceful adjustment of any situation" and that this can involve a broad range of measures short of coercive or enforcement action, which is reserved to the SC. The Court noted that the GA's Charter powers "are not confined to discussion, consideration, the initiation of studies and the making of recommendations; they are not merely hortatory" but can include recommendations that "have dispositive force and effect". Among these, the Court noted that Article 22 of the UN Charter enabled the GA to establish subsidiary organs, including commissions or other bodies that help maintain peace and security (although noting that consent of the Member States concerned was required). *All quotations are from the* Certain Expenses *case,* pp. 163-164.

[3] ICJ, *Certain Expenses*, p. 164.
[4] Examples of this type of provision in GA resolutions include: calling on the SC to take "appropriate" action in response to India-Pakistan hostilities in 1971 (A/RES/2793(XXVI)); to apply Chapter VII measures in a resolution recommending mandatory and comprehensive sanctions and the use of force with regard to Southern Rhodesia (A/RES/2262(XXII) (1968)); and to consider Chapter VII measures in the event of non-compliance by Israel with GA resolution (A/ES-7/2, para. 13).

The *Wall* Case

On 12 December 2003, the GA requested (A/RES/ES-10/14) an advisory opinion on the legal consequences of the construction of a wall in the OPT. In answering this question, the Court responded to arguments that the GA did not have the authority to pass resolution ES-10/14, given that the SC was still seized with the matter (A/ES-10/273, para. 27). The Court rejected this view, restating the *Certain Expenses* case findings that Article 24 confers "primary, but not necessarily exclusive, competence" to the SC on peace and security matters (ibid., para. 26). It detailed numerous GA resolutions on matters still being dealt with by the SC, and concluded that it has been the "increasing tendency over time" for the GA and SC to deal in parallel with the same peace and security matter (para. 12). It therefore concluded that in keeping with this past "accepted practice", which "as it has evolved, is consistent with Article 12, paragraph 1", the GA's adoption of Resolution ES-10/14 did not contravene the Charter (ibid., para. 28). The Court also described the UFP resolution as having a "substantive effect" on the relationship between the SC and the GA: "In actual practice the adoption of the Uniting for Peace resolution has contributed to the interpretation that, if a veto cast by a permanent member prevents the Security Council from taking a decision, the latter is no longer considered to be exercising its functions within the meaning of Article 12, paragraph 1" (ibid., para.16).

The second restriction arises in Article 12(1), which explicitly prohibits the GA from making a recommendation regarding a situation where the SC "is exercising … the functions assigned to it". In early practice, this provision was interpreted to mean that the GA was prohibited from making recommendations on any matter on the SC's agenda.[5] Indeed, in some early cases the SC removed items from its agenda in order to enable the GA to take action on it.[6] However, interpretation of Article 12's limitations has evolved over the course of practice so as to make such a removal unnecessary. In the ICJ's 2004 advisory opinion on the legal consequences of the construction of a wall in the OPT (hereinafter the *Wall* case), the Court observed "an increasing tendency over time" for the GA and the SC to consider matters in parallel, so much so that it might now be considered "accepted practice" and consistent with the UN Charter for the GA to take up matters still under consideration with the SC.[7] Throughout all of the practice sections in part II, most of the matters that were the subject of GA resolutions were being considered in parallel with the SC, very often generating complementarity in action that contributed to crisis management or conflict resolution.

[5] See, Larry D. Johnson, '"Uniting for Peace': does it still serve any useful purpose?", *American Journal of International Law Unbound,* vol. 108 (2014); Rebecca Barber, "A survey of the General Assembly's competence in matters of international peace and security: in law and practice", *Journal on the Use of Force and International Law*, vol. 8, No. 1 (2021); Eckart Klein and Stefanie Schmahl, "The General Assembly, functions and powers, Article 10", in *The Charter of the United Nations, vol. 1*, 3rd ed., Bruno Simma and others, eds. (Oxford, Oxford University Press, 2012), p. 463.

[6] Two early examples of this were when the SC made the decision in 1947 to remove from its agenda the alleged guerrilla activities supported by neighbouring States in Greek territory (S/RES/34/1947); and in 1951, the matter of a "complaint of aggression on the Republic of Korea" (S/RES/90/1951).

[7] A/ES-10/273, paras. 27, 28. The Court also observed a certain division of labour in which the "Security Council has tended to focus on the aspects of such matters related to international peace and security", while the GA has "taken a broader view, considering also their humanitarian, social and economic aspects", but suggested that this did not preclude the GA from engaging on peace and security matters. Ibid., para. 27.

The *Kosovo* Case

On 8 October 2008, the GA requested an advisory opinion from the ICJ on whether Kosovo's unilateral declaration of independence from Serbia in February 2008 was in accordance with international law (A/RES/63/3). In answering this question (discussed further in the case study in Annex 6*)*, the Court also considered the roles of the SC and the GA with regard to the maintenance of peace and security under the UN Charter. In its 22 July 2010 advisory opinion, the ICJ concluded that GA engagement with the situation, including this ICJ referral, was fully within its Charter powers. The Court noted that the SC had been seized with the situation in Kosovo for more than 10 years prior, but that the GA had also taken action on Kosovo in the prior period. In conclusion, it found that the fact that "the Council has exercised its Chapter VII powers in respect of that situation does not preclude the General Assembly from discussing any aspect of that situation" (A/64/881, paras. 37–40). The Court also rejected the contention that because the legal question significantly turned around the interpretation of SC resolution 1244, it should only have responded to a request for an opinion from the SC on the subject, not the GA (ibid., para. 39). Instead, the Court reasserted its findings in the *Wall* case that Article 24 provides the SC with "primary, but not exclusive" competence over matters relating to the maintenance of international peace and security (ibid., para. 40), and that the UFP resolution particularly provides for GA action "in any case where there appears to be a threat to the peace, breach of the peace or act of aggression and the Security Council is unable to act because of lack of unanimity of the permanent members" (ibid., para. 42).

Developments in procedure and practice

Over the past 78 years, the GA has acted under its Charter-based authority in a wide range of settings, and offered recommendations on a range of peace and security-related matters, including responses to outbreaks of conflict, incursions (or threats of incursions) on other Member States' territory, actions perceived as breaching the peace or threatening regional stability, unconstitutional transitions of power, or global threats such as those related to nuclear weapons or climate change. Although GA engagement on peace and security has occurred throughout the GA's regular sessions, committee work, budgetary responsibilities and other work, some of the most prominent examples of GA engagement on peace and security matters have occurred in connection with the UFP resolution. This section will first introduce the UFP resolution, and then other procedural developments and background relevant to understanding the practice discussed in this Handbook.

The UFP resolution was proposed in 1950 after split views among SC permanent members over military action on the Korean Peninsula highlighted the risk that a divided SC could block collective responses to critical peace and security issues. The key provision of the "Uniting for Peace" resolution is as follows:

> if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression

the use of armed force when necessary, to maintain or restore international peace and security (A/RES/377A(V)) (emphasis added).

The condition that there be "lack of unanimity" in the UFP resolution text has generally been understood to refer to either a negative vote by one of the permanent five members (a veto), or threat to do so.[8]

It is important to emphasize that the UFP resolution cannot create new powers for the GA beyond those expressly laid out in the UN Charter. As noted in the ICJ's *Wall* opinion, the UFP resolution provides a procedure, premised on certain conditions (those noted with emphasis above), by which the GA may exercise its Charter-based powers.[9] In that sense the process created by the UFP resolution might be seen as one procedural route among many by which the GA exercises its Charter-based powers.

While these conditions should be present for the UFP resolution to be exercised, they do not generate an automatic response. There have been many situations in which the conditions in the UFP resolution have seemingly been present – what was perceived as a threat to peace or act of aggression occurred, and the SC response was hampered by divisions – but neither the SC nor the GA have passed resolutions referencing the UFP resolution and requesting an emergency special session.[10] In some of these cases, the GA has gone on to deliberate on the matter, and passed resolutions with recommended responses, but without relying on the UFP resolution.[11]

In addition to laying out the above conditions, the UFP resolution created a special procedure to facilitate the GA's consideration of matters in the case of SC deadlock. It provides that if the GA is not in session at the time,[12] it may convene an emergency special session within 24 hours to consider the matter in question. This emergency special session can be requested by (i) the SC, on the vote of 9 members (not subject to veto);[13] or (ii) a majority of Member States in the GA. Of the 11 emergency special sessions (and 1 regular session) called with respect to the UFP resolution so far, 8 have been requested by the SC, versus 4 by the GA.[14] There has been one case so far – in 1971 – in which the conditions within the UFP resolution were met and the SC decided to refer a matter to the GA on that basis (explicitly referencing resolution 377A(V)), but it was not necessary to convene an emergency special session given that the GA was in session and the matter could be taken up

[8] General practice and the majority of scholarship discuss this condition as either the use or threat to use a veto. However, some scholars contend that it is limited only to the actual use of the veto (not merely the threat of it). See, for example, Johnson, '"Uniting for Peace'", p. 107.
[9] A/ES-10/273, para. 30. For the Court's further discussion on the GA's Charter-based authorities vis-à-vis the SC on peace and security matters, see paras. 25–29.
[10] Examples of such situations include lack of SC action with regard to the aerial campaign of the North Atlantic Treaty Organization (NATO) in the former Yugoslavia in 1999, following the intervention of the US in Iraq in 2003, or with regard to conflict in the Syrian Arab Republic since 2011.
[11] For example, the UFP has not been raised with regard to the conflict in the Syrian Arab Republic, despite multiple SC vetoes on draft resolutions since 2011. Nonetheless, the GA has considered the matter, and passed resolutions creating or recommending accountability mechanisms for the situation in the Syrian Arab Republic.
[12] The provision made for the GA to convene an emergency special session, and rapidly (within 24 hours), was important in the first three decades of the UN, when the GA only met from mid-September to mid-December and then adjourned for the next nine months.
[13] The original language stipulated that the SC could request an emergency special session on the vote of seven members (A/RES/377A(V), para. 1). This changed with the expansion of the SC, which took effect in 1965. In keeping with that expansion, the Charter provisions related to SC voting (Article 27) were amended, changing the affirmative votes required from seven to nine (A/RES/1991 (XVIII)). The decision to request an emergency special session is considered a procedural matter, and so under Article 27(2), it is not subject to a veto by the permanent members.
[14] The following seven emergency special sessions came at the request of the SC: 1st (1956), 2nd (1956), 3rd (1958), 4th (1960), 6th (1980), 9th (1982), 11th (2022); and these four at the request of the GA: 5th (1967), 7th (1980), 8th (1981), 10th (1997). As noted in the text, the SC decided to "refer the question" of India-Pakistan hostilities in 1971 to the GA (S/RES/303(1971)) in reference to the UFP resolution, which was then dealt with as a regular session agenda item.

immediately under an existing agenda item. This case, concerning India-Pakistan hostilities over East Pakistan (Bangladesh) is discussed in Annex 2.

The resolutions passed within these emergency special sessions have included a range of responses and recommendations, including establishing or extending peace operations, recommending sanctions, demanding cessation of hostilities or withdrawal of foreign troops, mandating or urging accountability measures, and providing for assistance to refugees. Each of the 11 emergency special sessions, and the single regular session item linked to the UFP resolution, are described further in Annex 2 and summarized in the table below, with shorthand titles in the left column linking to the full case studies. Abbreviations are also used for any peace operations mentioned; follow the hyperlink to the relevant case study for the full title.

Table 1: Summary of sessions linked to the UFP resolution

UFP-linked session	Overview of the resolutions passed
1st Emergency Special Session: Middle East (Suez Crisis) (1956)	In response to French, British and Israeli military action in Egypt during the Suez Crisis, the GA called for the withdrawal of foreign forces, and authorized the first ever deployment of a UN peacekeeping force (UNEF).
2nd Emergency Special Session: Hungary (1956)	Following Soviet military forces' intervention in Hungary in 1956, the GA passed five resolutions that condemned the "armed intervention" and "repression" of Hungarian rights, called for the withdrawal of Soviet troops, requested the Secretary-General to investigate (leading later to a GA-mandated COI), and called for humanitarian aid and support to refugees.
3rd Emergency Special Session: Middle East (Lebanon) (1958)	Following the deployment of American forces to Lebanon and British forces to Jordan, the SC was divided on how to respond to the situation in Lebanon, and extend support to the already SC-mandated peace operation there, UNOGIL. The GA requested the Secretary-General to facilitate the withdrawal of foreign forces, effectively extending the mandate of UNOGIL to include withdrawal of foreign forces.
4th Emergency Special Session: Question of Congo (1960)	Following divergent SC views over continued support to an SC-established peace operation, the UN operation in the Congo (ONUC), the GA reaffirmed ONUC's mandate and empowered it to respond to an escalating situation through more "vigorous action", while also calling on all States to refrain from action that might disturb law and order in the Congo.
5th Emergency Special Session: Middle East (Six-Day War) (1967)	Responding to the beginning of the Six-Day War, GA resolutions recommended the provision of humanitarian assistance, and called on Israel to rescind past actions and not take further action to alter the status of Jerusalem.
Regular Session: The situation in the India/Pakistan subcontinent (1971)	Following the outbreak of India-Pakistan hostilities, the SC passed a resolution requesting an emergency special session in accordance with the UFP; as a regular session item was available, the GA considered the matter in its 26th session, recommended an immediate ceasefire, urged cooperation to address the refugee crisis, and called upon the SC to take appropriate action.
6th Emergency Special Session: The situation in Afghanistan (1980)	Following Soviet armed intervention in Afghanistan in 1979, the GA called for the immediate withdrawal of foreign troops from Afghanistan, for Member States to

	support voluntary return and humanitarian relief, and for the SC to consider how it could implement the resolution.
7th Emergency Special Session: Question of Palestine (1980–1982)	Convened in two separate sessions, resolutions passed in the first session called for Israel to withdraw from Palestinian territories, affirmed Palestinian rights to self-determination, and requested the SC to consider Chapter VII action. Resolutions passed in the second session, after Israeli troops engaged in hostilities in Lebanon, called for a ceasefire and withdrawal of Israeli forces from Lebanese territory, and investigations into civilian harm.
8th Emergency Special Session: Question of Namibia (1981)	After repeated (since 1966) GA and SC denunciation of South Africa's continued control over Namibia, the GA in this emergency special session called for military support for the "liberation" of Namibia, and for the SC to impose mandatory sanctions under Chapter VII.
9th Emergency Special Session: situation in the occupied Arab territories (1982)	Convened after vetoes of SC draft resolutions that would have imposed sanctions in response to Israel's 1981 annexation of the Golan Heights, the GA passed a resolution condemning the Israeli annexation as an "act of aggression" and called for the severance of "diplomatic, trade and cultural relations with Israel" and other measures to sanction and isolate Israel.
10th Emergency Special Session (East Jerusalem and OPT) (1997–ongoing)	Convened over seven years (and still ongoing), the resolutions responded to outbreaks of violence and construction of a wall in the OPT, expansion of settlements in the West Bank and Jerusalem, and military operations in Gaza across two periods. GA resolutions condemned acts of violence and violations of international law, requested an ICJ opinion on the wall, and created a Register of Damage. Most recent sessions granted additional rights and privileges of participation to the State of Palestine beginning in the 79th session, and called for the SC to give "favourable consideration" to full Palestinian membership in the UN. The 10th emergency special session is ongoing and can be resumed at any point at the request of Member States.
11th Emergency Special Session (Ukraine) (2022–ongoing)	GA resolutions characterized the Russian Federation's 2022 invasion of Ukraine as an act of aggression in violation of the UN Charter and demanded complete and unconditional withdrawal, and an immediate halt to attacks on civilians. Additional resolutions called for accountability mechanisms and an international Register of Damage. The 11th emergency special session is ongoing and can be resumed at any point at the request of Member States.

Since the 7th emergency special session that commenced in 1980, there has been a trend for these sessions to occur on a rolling basis, temporarily adjourn and then reconvene at the request of Member States. The first emergency special session to do this – the 7th related to the matter of Palestine – was reconvened four times. The 9th, 10th and 11th emergency special sessions have followed this pattern, and the last two are ongoing. Although not initially foreseen in the discussions that led to the UFP resolution (in particular given the emphasis on "immediacy" within it), the ICJ in its *Wall* opinion found that there is nothing improper in reconvening these sessions, even in situations "when the regular session of the General Assembly was in progress" and that the "validity of resolutions or decisions" was never disputed.[15]

[15] A/ES-10/273, paras. 33–34.

It is important to distinguish these emergency special sessions from special sessions. Article 20 of the UN Charter provides for the GA to convene special sessions "as occasion may require", to be convoked by the Secretary-General at the request of the SC (9 of its 15 members) or the majority of the GA.[16] There have been 32 special sessions since 1950, with only the second session on Palestine (1948) requested by the SC. A notable distinction between emergency special sessions and special sessions relates to timing and the rapidity with which they are called. While there is no specific timing associated with special sessions, the UFP is explicit that emergency special sessions may be organized within 24 hours to consider the matter that was the subject of a permanent member's veto (or threat of). Not all emergency special sessions have taken place within 24 hours, but many have taken place rapidly following SC deadlock.

Many special sessions have dealt with topics related to peace and security, in some cases even directly overlapping with the matters at hand in emergency special sessions convened in relation to the UFP. For example, both preceding and following the 1981 8th emergency special session on Namibia, the GA convened special sessions on Namibia in 1967, 1978 and 1986. These took up many of the same issues and topics as in the 8th emergency special session. There also have been special sessions dealing with the financing of a (SC-authorized) peace operation (A/S-8/10), several dealing with issues of disarmament (A/S-15/6, A/S-12/6, A/S-10/4), as well as special sessions that resulted in resolutions related to withdrawal of foreign forces (A/RES/1622(S-III)) or other recommendations on peace and security matters.

These emergency special sessions can provide an important forum for GA consideration of peace and security matters because of the political focus that often accompanies the UFP resolution. However, these are certainly not the only venues through which the GA exercises its Charter-based authority on the maintenance of peace and security. In its regular sessions, the GA has regularly taken up matters related to threats or breaches of the peace, or acts of aggression, and has passed resolutions involving a range of peace and security responses, from recommendations related to the use of force, to the imposition of sanctions, to denouncement of unconstitutional transfers of power or other actions deemed a threat to regional or international peace. In some cases, GA resolutions within emergency special sessions have proposed that the matters in question be taken up further in regular sessions, leading to continuing consideration of the issues under regular agenda items in years to come (e.g. A/RES/1119(XI), A/RES/1008(ES-II)).

A final important procedural development to highlight is the so-called Veto Initiative, which was passed as resolution 76/262 on 26 April 2022. Initiated as a way to encourage greater accountability over permanent members' use of the veto in the SC, it provides that every time a veto is used in the SC, the GA will meet within 10 working days and "hold a debate on the situation as to which the veto was cast" (A/RES/76/262). Introduced in 2022, the initiative has thus far prompted 10 debates in the GA, including with regard to the Panels of Experts and/or sanctions regimes on the Democratic People's Republic of Korea (DPRK) and Mali, humanitarian assistance in the Syrian Arab Republic, and the situation in the Middle East (see Annex 1 for further descriptions). While the Veto Initiative does not directly trigger GA action beyond the debate about the veto, it constitutes an important evolution in the GA's practice, and an opportunity to deepen the relationship between the SC and GA on matters of peace and security.

[16] For further discussion of the procedures involved in a special session, see the General Assembly Rules of Procedure, rules 16 to 19.

II. The General Assembly's practice on peace and security

Over the past 78 years, the GA has acted under its Charter-based authority in a wide range of settings, and offered recommendations covering a range of peace and security responses. This includes recommendations to create or extend peace operations, to cease hostilities, to provide or refrain from providing military support, to impose sanctions, to mandate envoys and mediators, and to undertake other diplomatic actions. In response to some peace and security situations, the GA has played more of an accountability role, offering its determination on whether certain actions constitute violations of international law or the UN Charter, establishing FFMs, COIs or other bodies linked to investigation or adjudication, or referring matters to the ICJ or other judicial bodies. In many situations, the GA has not only recommended some of the above actions, but specifically called the SC's attention to the matter, noted past SC failure to address the situation, and/or requested that it take further action in response to GA recommendations.

This part summarizes this past practice, clustered into five thematic sections:

- Mandating or supporting extension of **peace operations**.
- Recommendations related to the **use of force** (statements or determinations on hostilities or violations, withdrawal of forces, ceasefires or military assistance or support).
- Recommending adoption or restraint with regard to **sanctions** or sanctioning measures.
- Establishment or encouragement of **accountability mechanisms**, including referrals to judicial bodies.
- Establishment or support of **good offices** mechanisms or initiatives (envoys, mediators, representatives).

Each section will discuss general trends in GA practice, including how these related to SC deliberations or decisions on the same matters. Each of the practice areas considers deliberations and resolutions passed both in the context of the UFP resolution and through other procedural routes. Because this Handbook is designed as a reference material, each section will offer a brief repeat of the key Charter-based powers relevant to that section, with a hyperlink back to the fuller discussion of these powers in part I. There are additional case studies for each practice section in annexes 1 to 7, with hyperlinks to the relevant case embedded in the discussions of practice in each section.

The table on the subsequent page highlights GA responses to some key events over the last several decades. It is not intended to be exhaustive but to provide a sense of the scope of GA responses where key peace and security issues arise.

Table 2: Timeline of General Assembly responses to key events since 1947

Hyperlinked phrases within the timeline link to case studies in the annexes or relevant parts of the practice discussion. The full titles for peace operations or accountability bodies mentioned in the table are provided in the body text and the hyperlinked case studies.

Year(s)	Key event	GA response
1940s		
1947	Guerrilla fighters in Greece	Mandated a political mission (UNSCOB) to mediate between parties.
1950s		
1951	Fighting on the Korean Peninsula	Characterized Chinese intervention as aggression, called for ceasefire, withdrawal of foreign forces; supported UN forces to continue enforcement action; requested sanctions (arms embargo); mandated Repatriation Commission to enable prisoner returns.
1954	Chinese nationalist forces enter Burma	Supported good offices, and called for disarmament and withdrawal of foreign forces.
1956	Suez Crisis	Called for ceasefire and withdrawal of foreign forces; mandated UN peacekeeping mission (UNEF).
1956	Soviet intervention in Hungary	Condemned intervention as contrary to the UN Charter; called for cessation of attacks and withdrawal of foreign forces; later supported special investigatory committee.
1958	Infiltration of arms and foreign forces in Lebanon	Called for and facilitated withdrawal of foreign forces through expanding tasks of SC-created peace operation (UNOGIL); supported good offices.
1960s		
1960	The Congo crisis	Called on MS to refrain from military support to conflict parties; supported good offices; helped sustain and extend mandate of SC-created peace operation (ONUC).
1962	Naval clash highlights tension over West New Guinea	Supported good offices contributing to Netherlands-Indonesia treaty; mandated UN administrative body to oversee territory in transition (UNTEA / UNSF).
1963	Rights violations in South Vietnam	Called for and supported FFM to investigate reported persecution of Buddhists.
1967	Six-Day War	Emphasized obligations under the Geneva Convention, recommended humanitarian support; created an investigatory body (Special Committee) (1968).
1961–1973	Self-determination and violations within Portuguese territories	Determined territories to be non-self-governing in 1960; from 1961–1973 recommended range of sanctions on Portugal, military assistance to independence movements; (in 1973) mandated COI on violations in Mozambique; supported good offices.

1970s		
1969–1987	South African activities in Namibia and southern Africa	Condemned "illegal occupation", militarization in Namibia and attacks in southern Africa; called for self-determination for Namibia and military assistance to armed liberation movement; requested mandatory sanctions on South Africa, and for the SC to take enforcement action; referred several matters to the ICJ.
1969–1987	Apartheid in South Africa	Denounced South Africa's racial policies; recommended mandatory, comprehensive and multi-track sanctions by the SC, Member States and other private companies and institutions.
1971	India-Pakistan hostilities	Called for cessation of hostilities, urged cooperation on refugees and called on the SC to take appropriate action.
1974	Turkish intervention in Cyprus	Called for withdrawal of foreign forces and cessation of foreign intervention in affairs of Cyprus; supported good offices and humanitarian efforts.
1978	Vietnamese invasion of Kampuchea	(In 1979) Called for withdrawal of foreign forces, and for Member States to refrain from threats or acts of aggression and interference; supported good offices.
1979	Soviet intervention in Afghanistan	(In 1980) Deplored the armed intervention and called for withdrawal of foreign forces, Member State support for humanitarian aid, and for SC action.
1980s		
1981	Israel attack on Iraqi nuclear installation	Condemned the attack; recommended sanctioning measures (including limits on arms); and SC enforcement.
1981	Israeli annexation of the Golan Heights	Declared the annexation to be aggression and demanded that it be rescinded.
1982	Israeli hostilities in Lebanon	Called for a ceasefire and withdrawal of Israeli forces; called for accountability mechanisms and investigations into civilian harm.
1983	US-led intervention in Grenada	Deplored the intervention as violation of international law, called for its cessation and withdrawal of foreign forces.
1986	US attacks on Libyan Arab Jamahiriya	Condemned the attack, called on the US to refrain from use of force; and critiqued unilateral sanctions on Libyan Arab Jamahiriya.
1989	US attacks in Panama	Deplored invasion as a violation of international law, demanded its cessation, and withdrawal of US forces.
1990s		
1991	Military coup in Haiti	Condemned the coup; supported good offices and SC and regional action (including sanctions) to restore democratic Government; created peace operations (in 1993, 1999) to monitor human rights.
1992	Moves toward Eritrean independence	Created peace operation to oversee referendum (UNOVER); supported good offices.

1992–1995	Conflict in Bosnia and Herzegovina (B.H.)	Condemned the aggression, and IHL and human rights violations; urged support for accountability mechanisms and for Member States to support defense of B.H. defense, and SC sanctions.
1993–1996	Internal conflict in Afghanistan	Created a special political mission, (UNSMA), enabling good offices and humanitarian efforts.
1994	Peace talks in Guatemala	Created a special political mission (MINUGUA), enabling mediation and agreement on permanent ceasefire.
1996–2001	Taliban takeover in Afghanistan	From 1996 to 1999, calls for cessation of hostilities, for Member States not to support parties to the conflict; expanded mandate of GA-created peace operation; created investigatory team.
2000s		
2002–2004	Israel building a separation wall in OPT	Denounced wall and demanded that Israel stop construction; condemned legal violations and called for an end to military incursions and violence in the OPT; requested an ICJ advisory opinion on the wall (2003); created Register of Damage (2004).
2008	Kosovo declares independence	Requested ICJ advisory opinion on the status of Kosovo; supported good offices and diplomatic engagement.
2008	Israels operations in the Gaza strip	(In 2009) Condemned the operations, called for ceasefire and withdrawal of Israeli forces; humanitarian support for Palestinians.
2010s to present		
2011	Arab Spring uprising in Libya	Suspended the membership of the Libyan Arab Jamahiriya from the Human Rights Council, following threats and attacks on civilians.
2014	Russian Federation annexation of Crimea	Reinforced Charter and international law obligations to refrain from threat or use of force and with respect to territorial integrity; declared referendum illegal.
2014	Islamic State active in Syria and Iraq	(In 2016) Condemned the violence, urged cultural preservation and supported SC imposition of sanctions.
2016	Conflict in Syria escalates	Called attention to legal violations (including chemical weapons use), human rights violations and humanitarian suffering; in 2016 suggested the SC take accountability measures (referencing the ICC), mandated investigatory body (IIIM).
2018	Russian intervention in Moldova	Expressed concern and urges withdrawal of Russian forces from Moldova; supported good offices.
2021	Myanmar "state of emergency" declared	Called upon the Myanmar military to respect democratic processes; denounced rights violations; called for MS-imposed arms embargo.
2022 (continuing)	Russian Federation aggression in Ukraine	Characterized invasion as aggression and violation of the UN Charter; demanded withdrawal of foreign forces and halt to attacks; called for accountability mechanisms.
2023 (continuing)	Hamas attack and kidnappings; Israeli military operations in Gaza	Called for a humanitarian truce or ceasefire, release of hostages, protection of civilians and compliance with international humanitarian law, for secure humanitarian access, and granted participation rights to State of Palestine.

A. Peace operations

Although in recent years the vast majority of peace operations have been authorized by the SC, the GA has a long history of engagement with peace operations, both directly authorizing their establishment and passing resolutions that enabled an extension of their mandate or functions.

The authority for the GA to engage with peace operations rests in the broad remit given to it to offer recommendations that contribute to the maintenance of peace and security in the UN Charter, inter alia, Article 11(2)'s provision that the GA may discuss questions related to the "maintenance of international peace and security", and Article 14's provision that the GA may "recommend measures for the peaceful adjustment of any situation". Another important Charter authority is Article 22, which empowers the GA to establish any "subsidiary organs" necessary for carrying out its mandate. As affirmed in the ICJ's Certain Expenses case, this is the authority that has enabled the GA to create peace operations, with these missions considered a subsidiary body.[17] The GA's primary authority over budgetary matters under Article 17 has also in some situations enabled them to extend peace operations authorized by other bodies.[18] The primary limitation established in the Charter, and reinforced in subsequent practice and ICJ advisory opinions, is that GA recommendations are non-binding and would have to be taken up and adopted by the SC to have any coercive effect. As a result, the GA can only authorize a peace operation **with the consent of the host country**.[19] For more on these powers and provisions, revisit the discussion of Charter-based authorities in part I.

The following text summarizes trends in GA engagement with peace operations. Annex 3 contains a number of case studies of GA engagement with peace operations, which are also hyperlinked by their case name or other descriptive phrases in the summary of practice below.

Establishing, extending and supporting peace operations

Although less active in its engagement with peace operations since 2000, the GA has a long history of establishing, extending the mandate or functions of, or otherwise supporting peace operations. In 1956 the GA established what is now considered the **first UN peacekeeping operation**, the UN Emergency Force (UNEF), which was authorized in response to the Suez Crisis. The GA was called to consider the matter following a veto of proposed responses to the Suez Crisis in the SC, leading the SC to request an emergency special session in reference to the UFP resolution. In its first resolution in the 1st emergency special session that followed, the GA called for a ceasefire and the withdrawal of all forces; however, following concerns that a UN monitoring or policing force would be necessary to see through these measures a subsequent resolution set up "an emergency international United Nations Force to secure and supervise the cessation of hostilities" (A/RES/1000(ES-I)). It was tasked to monitor the ceasefire and later to oversee the withdrawal of foreign forces from the territory. Egypt, on whose territory UNEF operated, consented to the force.

The GA also provided the authority for the **first UN peace operation to administer a territory** (in 1962) and authorized the **first example of a joint peace operation with a regional body** (in 1993):

[17] ICJ, *Certain Expenses*, pp. 163–164.
[18] This authority was affirmed in the *Certain Expenses case*. Ibid., pp. 163–164.
[19] Ibid.

- In 1962, the GA provided the authority (A/RES/1752(XVII)) for the UN Temporary Executive Authority (UNTEA) and a related security force, the United Nations Security Force (UNSF), which assumed direct administrative responsibility for the territory of West New Guinea (now part of Indonesia).[20] This set a precedent for subsequent SC-authorized administrative authorities in East Timor and in Kosovo.[21]
- In April 1993, the GA authorized (A/RES/47/20B) the deployment of UN personnel for the newly created monitoring mission, International Civilian Mission in Haiti, known as MCIVIH for its acronym in French,[22] the first fully integrated mission between a regional organization (the Organization of American States, OAS) and the UN.

In addition to these precedent-setting examples, the GA has mandated many other peace operations, whether those involving armed peacekeepers or those whose tasks and functions are more analogous to the current profile of special political missions (see Table 1). These have recurred nearly every decade up until 2000.

Equally important, the GA has lent critical **support to peace operations established by the SC**, enabling them to continue at difficult moments (for example, when the SC was divided over forward action), supporting them budgetarily, or in some cases, expanding their functions and tasks. During the 3rd emergency special session in 1958, the GA requested the Secretary-General to facilitate the withdrawal of foreign troops from Lebanon and Jordan, effectively expanding the mandate of the SC-authorized peace operation, the UN Observation Group in Lebanon (UNOGIL), to allow it to oversee the withdrawal of forces deployed by the United States of America (US) in Lebanon — an issue that had triggered deadlock in the SC over future UNOGIL operations.

Beginning in 1960, the GA helped extend and amplify the SC-authorized UN Operation in the Congo / *Opération des Nations Unies au Congo* (ONUC). During the 4th emergency special session in 1960, GA resolutions helped maintain ONUC and enable it to respond to an escalating security situation in the Congo, notwithstanding SC deadlock over the matter (A/RES/1474(ES-IV)). It then later (outside of the context of an emergency special session) extended ONUC's operations for a period of time by providing additional budgetary support. ONUC was the second case considered within the *Certain Expenses* ICJ advisory opinion. In ratifying GA actions with respect to ONUC as permissible under the UN Charter, the ICJ affirmed that **the GA is within its Charter authority to both create and to extend peace operations**, including those created by the SC.

A unique case involved GA resolutions supporting UN forces in the Korean Peninsula in 1951. In late 1950, Chinese forces intervened on behalf of North Korea, attacking the position of US and UN forces authorized by the SC to defend South Korea's territorial integrity. With deadlock in the SC over the matter, the GA stepped in and passed resolution 498(V), which affirmed UN "action in Korea to meet the aggression", called upon all States and authorities to "continue to lend every assistance to the United Nations action in Korea", and called upon Member States not to give assistance to the "aggressors in Korea" (A/RES/498(V)). While this case concerns an enforcement action rather than peacekeeping forces, it features a case where GA resolutions were seen to extend the activities of UN forces where SC political divisions prevented it from doing so.

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[20] The provisions related to the creation of UNTEA are stipulated in the Agreement; the GA resolution (A/RES/1752(XVII)) does not enumerate these, but in acknowledging the Agreement, authorizes the Secretary-General to carry out the tasks therein.
[21] On 25 October 1999, the SC established the UN Transitional Administration in East Timor, which was granted comprehensive authority over East Timor, including all legislative and executive powers, as well as the administration of justice (S/RES/1272). On 10 June 1999, the SC established the UN Interim Administration Mission in Kosovo, tasked with providing an interim administration for Kosovo (S/RES/1244).
[22] In keeping with GA-mandated missions, this was at the request of the Government of Jean-Bertrand Aristide, despite the fact that he was at the time outside of Haiti due to a 1991 coup. The title in French was: *Mission Civile Internationale en Haïti*.

There have also been cases where the GA **indirectly supported the creation of peace operations**, as illustrated with the UN Transitional Authority in Cambodia (UNTAC). Although UNTAC was established by the SC, GA support for good offices helped lead to the 1991 Paris Conference on Cambodia, which provided for the creation of UNTAC. The GA endorsed the Paris Agreements in November 1991, including explicit support for UNTAC (A/RES/46/18, para. 2). Other examples include the 1999 creation of the UN Mission in East Timor (UNAMET), which was authorized by the SC (S/RES/1246), but was influenced by a range of GA resolutions calling for peaceful resolution of the conflict;[23] and the UN Mission in Haiti (UNMIH),[24] created by the SC in 1993 (S/RES/867), but following multiple GA resolutions[25] calling for restoration of the democratically elected Government following the 1991 coup. It worked with the GA-created mission MCIVIH noted above.

Lastly, although more commonly the GA has provided support to peace operations initially created by the SC, the inverse has also happened. Following the signing of a more definitive ceasefire in Guatemala, the SC expanded the UN Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), the political mission originally created by the GA, providing it with a contingent of military observers. This example helps reinforce the complementarity between SC and GA action on peace operations.

The table below offers a summary of GA engagement with peace operations, distinguishing between cases of GA authorization versus extension or provision of additional support.

Table 3: Examples of General Assembly engagement with peace operations

Peace operation *Full titles in hyperlinked case studies*	**Location of deployment**	**Relevant GA resolution(s)**	**Nature of GA engagement**
UNSCOB	Greece	A/RES/109(II) (1947)	Mandating peace operation
UN Forces on the Korean Peninsula	Korea	A/RES/498(V) (1951)	Extending support for UN forces
Repatriation Commission	Korea	A/RES/610(VII) (1952)	Mandating a body with tasks common to peace operations
UNEF	Egypt	A/RES/1000(ES-I) (1956)	Mandating peace operation
UNOGIL	Lebanon	A/RES/1237(ES-III) (1958)	Extending / supporting peace operation
ONUC	Congo	A/RES/1474(ES-IV) (1960) A/RES/1885(XVIII) (1963)	Extending / supporting peace operation
UNTEA ; UNSF	West New Guinea	A/RES/1752(XVII) (1962)	Providing authority for peace operation

[23] A/RES/3485(XXX) (1976); A/RES/31/53 (1977); A/RES/32/34 (1977); A/RES/33/39 (1978); A/RES/34/40 (1979); A/RES/35/27 (1980); A/RES/36/50 (1981); A/RES/37/30 (1982).
[24] United Nations, "Haiti Mandat", backgrounder.
[25] A/RES/46/138 (1991); A/RES/47/20A (1992); A/RES/47/143 (1992); A/RES/47/20B (1993).

UNOVER	Eritrea	A/47/544 (1992)	Mandating peace operation
UNSMA	Afghanistan	A/RES/48/208 (1993) A/RES/53/203A-B (1999) A/RES/54/189A-B (2000)	Mandating peace operation; expanding peace operation
UNTAC	Cambodia	A/RES/46/18 (1991)	Indirect support for peace operation
MCIVIH; MICAH	Haiti	A/RES/47/20B (1993) A/RES/54/193 (1999)	Mandating peace operation
MINUGUA	Guatemala	A/RES/48/267 (1994)	Mandating peace operation

Range of functions in peace operations supported by the General Assembly

The peace operations that the GA has mandated in the past have taken on a range of functions and roles in peace and security situations, mirroring the full range of activities currently undertaken by peacekeeping missions or special political missions. These include:

- **Facilitating transfer of prisoners of war and returnees, and supporting disarmament and demobilization**: In December 1952 following the conclusion of the Korean War, the GA established a Repatriation Commission in Korea which was mandated to facilitate the return of prisoners of war and other returnees (A/RES/610(VII)). Over the course of its mandate, UNEF also took on some functions related to disarmament and demobilization, as part of facilitating foreign forces' withdrawal.
- **Supporting transition processes, including elections or referenda**: In 1992, the GA established the UN Observer Mission to Verify the Referendum in Eritrea (UNOVER) which helped oversee the 1993 referendum that led to Eritrean independence (A/47/544). In December 1999, the GA created the International Civilian Support Mission in Haiti (known by the acronym MICAH) (A/RES/54/193). Following on the heels of a critical transition moment in Haiti,[26] MICAH was mandated to assist in the development of democratic institutions, justice reform efforts, police professionalization and the organization of democratic elections.
- **Monitoring human rights or other conditions related to conflict resolution**: The GA-mandated mission in Haiti known as MCIVIH was tasked with verifying "compliance with Haiti's international human rights obligations" and to make further recommendations that would lead to "re-establishment of democracy in Haiti" (A/RES/47/20B).[27] The subsequent GA-mandated peace operation in Haiti, MICAH, incorporated part of the MCIVIH mission, retaining the mandate to monitor and support the observance of human rights and fundamental freedoms (A/RES/54/193).
- **Peacemaking, mediation and good offices to defuse internal and/or cross-border tensions**: In October 1947 the GA created the UN Special Commission on the Balkans (UNSCOB) to help mediate between parties following a situation in which Albania, Bulgaria and Yugoslavia were alleged to be

[26] This followed a 1991 military coup, and then the restoration of the democratically elected Government of Jean-Bertrand Aristide via a SC-sanctioned international military intervention.
[27] This was at the request of the Government of Jean-Bertrand Aristide, despite that he was outside of Haiti due to a 1991 coup.

supporting communist guerrilla fighters against the Greek Government (A/RES/109(II)). In 1993, the GA requested the Secretary-General to establish what became known as the UN Special Mission to Afghanistan (UNSMA) to assist with political "rapprochement" and reconstruction in Afghanistan (A/RES/48/208). The GA later expanded its mandate to include facilitation and monitoring of a ceasefire and leading "UN peacemaking" both in Afghanistan and with regard to the engagement of neighboring countries (Pakistan) (A/RES/53/203A-B; A/RES/54/189A-B).

- **Facilitating and monitoring compliance with peace agreements**: In September 1994, the GA established MINUGUA (A/RES/48/267) at the request of the parties involved – which was notable because the mission was instituted midway through the negotiation process, before a ceasefire had been agreed. Its mandate was both to facilitate efforts toward a peace agreement, and then to monitor compliance with the agreement in question.
- **Maintaining ceasefires and supporting law and order**: GA-mandated peace operations have frequently been authorized to help maintain ceasefires, including UNEF, ONUC, UNTEA/UNSF, UNSMA and MINUGUA. ONUC in the Congo – initially a SC-created force – was mandated by the GA to support the Congolese Government in "the restoration and maintenance of law and order", a task that was in line with the original SC mandate for the force, but much stronger (A/RES/1474(ES-IV), para. 2). UNTEA and its associated security forces under UNSF had an explicit mandate to support law and order in West New Guinea (A/RES/1752(XVII)). The MICAH mission in Haiti had a substantial focus on police reform, professionalization and other related security-support tasks.

Key trends and conclusions on General Assembly engagement with peace operations

1. **Situations referencing the UFP are an important prompt, but not sole route for GA engagement on peace operations.**

Some of the most forward-leaning action by the GA with regard to peace operations and peace enforcement have drawn on the UFP resolution or (in the two cases preceding the UFP) situations with similar political dynamics. These include: GA support for the first major UN peace enforcement action (the ratification of UN forces in Korea), the first armed peacekeeping mission (UNEF, in response to the Suez Crisis), the first case of the GA expanding and sustaining a SC-authorized force (UNOGIL), and a significant expansion and sustaining of an important early peacekeeping force in the Congo. However, there have been equally significant examples of GA engagement with peace operations outside of a UFP context. Deliberation over and passage of the resolution creating UNSMA arose under a regular agenda item. GA engagement with the peace operations described above in Haiti, Cambodia, Guatemala, and others, also arose during regular sessions, not in reference to the UFP resolution. This underlines that while situations recalling the UFP resolution can provide an important political prompt, the GA's engagement in peace operations need not be limited to these contexts.

2. **GA and SC action on peace operations have often been complementary.**

The examples of peace operations illustrate the frequency of parallel – and complementary – action between the SC and GA. In several of the above cases, GA action on peace operations has helped advance responses to a crisis where the SC was not able to act. Three cases that arose in connection with the UFP resolution illustrate this: GA recommendations for creating UNEF, for expanding the tasks and mandate of UNOGIL, or enabling continuance of peace operations in the case of ONUC allowed the UN to help address crisis

situations even in the face of SC divisions. The GA's creation of UNSCOB in 1947 took place before the UFP resolution but represented similar dynamics, with the SC passing the situation on to the GA (S/RES/34) so that some response could go forward notwithstanding SC divisions.

The follow-on actions in each of these cases also illustrates complementarity and cooperation between the GA and SC. Initially, the SC could not reach a consensus on responding to the 1947 crisis surrounding foreign support for guerrillas in Greece. But once the GA did develop a response, establishing UNSCOB, the SC could then cooperate with and support this initiative. UNSCOB's committee members were staffed by representatives of SC members, lending their credibility to the good offices to be undertaken by the Committee. In the case of ONUC, the GA stepped in at a crucial moment of SC division to enable ONUC to be sustained, and even to expand its remit and scope to deal with an escalating situation. Subsequent to this GA action, the SC again took up the matter, and further extended ONUC's mandate and tasks, which the GA subsequently ratified in follow-on GA resolutions. This back-and-forth between the SC and GA enabled the mission to continue a robust response at key moments.

The GA's role in establishing UNSMA in Afghanistan offers another strong example of complementarity. While Afghanistan was regularly on the SC agenda throughout the 1990s, the SC appeared to welcome GA action, noting its support for UNSMA activities in several presidential statements. Other examples of complementarity include both the GA and the SC creating parallel missions, operating alongside each other, in the 1990s in Haiti; the SC's expansion of the GA-created MINUGUA political mission in Guatemala; and cooperative and complementary actions by the GA that lent support to the SC-created missions in Cambodia and East Timor.

3. The GA role in peace operations has declined over time, but the authority to engage remains.

Most GA engagement with missions involving armed peacekeepers took place in the early years of the UN. There was continued GA mandating of, and significant engagement with political missions in the 1990s, but even that level of engagement has fallen off since 2000. No recent peacekeeping or special political missions have been authorized by the GA. This does not suggest a legal limitation on GA action in this realm, but may reflect shifting preferences or political dynamics within the GA, including vis-à-vis the SC.

Going forward, when considering recommendations regarding peace operations, this summary of practice suggests the following key considerations for Member States:

- **Concurrence**: the GA is clearly permitted under the UN Charter and ICJ rulings to make recommendations on peace operations concurrently with the matter being on the SC agenda.
- **Consent**: consent of the host country is required for the GA to play a direct role in mandating or shaping a peace operation.
- **Synergies**: Member States might seek to support GA action on peace operations in areas where the SC is unable to find consensus. In the past, this has tended to lead to productive synergies and cooperation with the SC over the missions and operations in question.

B. Use of force

GA resolutions in response to perceived acts of aggression, changes or transitions in government, or other peace and security situations have frequently included recommendations that relate to the use of force. These include: a) statements or declarations characterizing the acts in question as legal or Charter violations (e.g. declaring the acts in question to be "acts of aggression" or engagement in "hostilities" or a threat to peace and security); b) urging a cessation of hostilities or ceasefire; c) requesting a withdrawal of forces; d) recommending that military assistance either be provided or halted by other Member States; and e) recommending that the SC or other Member States take enforcement action or other security measures. Examples of each are provided in the subsections below.

The authority for the GA to make these recommendations rests in the broad remit given to it to offer recommendations on peace and security in the UN Charter. Under the Charter, the GA is empowered to discuss any matter relevant to the Charter (Article 10), in particular questions related to the "maintenance of international peace and security" (Article 11(2)). It is also empowered to call the SC's attention to "situations which are likely to endanger international peace and security" (Article 11(3)); and to "recommend measures for the peaceful adjustment of any situation" (Article 14). The primary limitation established in the Charter, and reinforced in subsequent practice and ICJ advisory opinions, is that GA recommendations are non-binding and would have to be taken up and adopted by the SC to have any coercive effect. For more on these powers and provisions, revisit the discussion of Charter-based authorities in part I.

The most prominent, early case of GA recommendations on the use of force followed the deployment of Chinese forces on the Korean Peninsula, on behalf of North Korea and fighting against US and UN forces that had been previously authorized by the SC to support South Korea. Following deadlock in the SC, the issue was passed to the GA, which found that Chinese forces had "engaged in aggression in Korea", and called upon Chinese forces to cease hostilities and withdraw. Further, the GA called upon Member States to "continue to lend every assistance to the United Nations action in Korea", confirming and lending support to the previous UN enforcement action that had been authorized by the SC (A/RES/498(V), paras. 3–5). Scholars remain divided on whether these GA resolutions were simply ratifying the prior SC decision on the matter or going further than it, in terms of recommending the use of force.[28] Notwithstanding these differing interpretations, the GA action on Korea set an important precedent confirming the GA's authority to issue recommendations related to the use of force and to offer its determination on acts of aggression or hostilities.

Some of the most prominent instances of the GA offering recommendations related to the use of force (or cessation of it) have happened in emergency special sessions convened in reference to the UFP resolution, including GA resolutions in response to the Suez Crisis (1956), the Soviet invasion of Hungary (1956), United Arab Republic intervention and deployment of US forces in Lebanon (1958); the Soviet invasion of Afghanistan (1979); Belgian and mercenary interference in the Congo (1960); the South African "occupation" of Namibia (1981); and several of the emergency special sessions related to Palestine (1982). However, there have been as many instances of GA resolutions with findings or recommendations related to the use of force arising in

[28] For further discussion and sources summarized see Barber, "A Survey of the General Assembly's Competence in Matters of International Peace and Security: in Law and Practice", notes 164–166.

regular sessions.[29] For example, the GA resolution passed in response to the Russian Federation's actions in Ukraine in 2014 (A/RES/68/262) came under the regular agenda item "prevention of armed conflict" (A/68/PV.80).

GA recommendations related to the use of force have also arisen in special sessions, including those related to specific peace and security situations – for example, urging military support to those fighting for independence in Namibia (A/RES/S-14/1), or urging French withdrawal from Tunisia following armed clashes (A/RES/1622(S-III)) – as well as those related to global threats, notably three special sessions on disarmament (A/S-15/6, A/S-12/6, A/S-10/4). Annex 4 contains a number of case studies of GA engagement with use-of-force situations, or proscribing measures related to the use of force, each of which are also hyperlinked by their case name or geographic location in the text below.

Statements and decisions offering a position on legal or Charter violations

Throughout its history, the GA has regularly offered statements in response to armed attacks, military deployments or incursions on other Member States' territory or situations of internal conflict, in some cases characterizing these as acts of aggression or engagement in hostilities, or declaring an action to be a breach of the peace or a violation of international law or the UN Charter. The GA has even sought to offer specific guidance to the SC on its determinations of acts of aggression. In its 1974 resolution on the definition of aggression it explicitly called the SC's attention to its determination of the "existence of an act of aggression", namely: "the use of armed force by one state against the sovereignty, territorial integrity, or political independence of another state, or in any other way that goes against the principles outlined in the United Nations Charter" (A/RES/3314(XXIX)). GA resolutions offering statements in response to military action or intervention frequently reference this resolution and its definition of aggression.

Examples of these statements include:

- Recalling the principles of territorial integrity and of non-interference in the affairs of another Member State, following attacks or intervention in Lebanon, Burma, the Congo, Grenada, Panama, Ukraine, Afghanistan and Kampuchea (Cambodia).
- Determining that China had engaged in aggression in its deployment of troops on behalf of North Korea in 1950 and 1951 (A/RES/498(V), para.1).
- Condemning the "use of Soviet military forces" in Hungary in 1956 as contrary to specific peace treaties and the fundamental rights and freedoms embedded in the UN Charter (A/RES/1004 (ES-II)).
- Condemning the presence and "hostile acts" of Kuomintang Chinese forces in Burma in 1953 (A/RES/34/22).
- Denouncing US intervention in Panama in 1989 (A/RES/44/240), and US (and Caribbean Member States') intervention in Grenada in 1983 as a "flagrant violation of international law" (A/RES/38/7).

[29] These include the example cases in Annex 4 of Vietnamese (and later Chinese) intervention in Kampuchea (Cambodia), Israel's strike on Iraq's nuclear reactor, US intervention in Grenada, the Libyan Arab Jamahiriya and Panama. Also, although not in the case studies, GA responses to Serbian aggression in Bosnia and Herzegovina arose in regular sessions. See, e.g., A/RES/49/10.

- Declaring the apartheid system to be a "threat to peace and security" and the "illegal occupation" of Namibia to be an "act of aggression" (referencing the definition in resolution 3314(XXIX)); also condemning South African "acts of aggression" against other parts of southern Africa.[30]
- Declaring the Soviet invasion of Afghanistan in 1979 to be a violation of the UN Charter (A/ES-6/2).
- Characterizing Israel's attack on Iraqi nuclear installations in 1981 as a "premeditated and unprecedented act of aggression", as a violation of the UN Charter and international norms, and an "escalation in the threat to international peace and security" (A/RES/36/27).
- Characterizing the Israeli annexation of the Golan Heights in 1981 as an act of aggression and a threat to international peace and security (A/ES-9/7).
- Denouncing the declaration of a "state of emergency" in Myanmar (effectively a military coup) in (A/RES/75/287).

It is notable that statements on acts of aggression appeared to be relatively less common from 2000 on, save for the more recent exception of the characterization of the Russian Federation's intervention in Ukraine in 2022 as an act of aggression.

In addition to characterizing certain actions as an act of aggression or a threat to peace and security, the GA has also frequently issued **statements related to legal violations in the course of war**, in particular as relates to the impact on civilians and violations of international humanitarian law (IHL) and human rights, and those deemed responsible (by the GA) for those violations. Examples of this are provided in the practice section below on accountability mechanisms and initiatives.

GA declarations on acts of aggression or the use of force have also frequently been accompanied by recommendations that Member States take **measures to help those affected by conflict**, including assistance with refugees or those displaced in the conflict or hostilities in: Hungary, following Soviet intervention beginning in 1956; Cyprus, following Turkish intervention and escalation of internal conflict in 1974; Afghanistan, following the Soviet invasion in 1979; in and from the territory that would become Bangladesh as a result of the India-Pakistan conflict in 1971; the former Yugoslavia, as a result of Serbian attacks, including ethnic cleansing, in the 1990s (A/RES/49/10, paras. 9–10); and in and from Ukraine following the Russian Federation's military incursion in 2022.

Cessation of hostilities and ceasefires

GA resolutions passed in response to outbreaks of conflict have frequently called for a cessation of hostilities, often accompanied by proposed ceasefire mechanisms or processes. Examples include resolutions:

- Calling for cessation of hostilities in the Korean crisis of 1950–1951 and following Vietnamese military incursions into Kampuchea (Cambodia) in 1979 (A/RES/34/22).
- Calling upon the Government of the Union of Soviet Socialist Republics (USSR) to "desist forthwith from all armed attack on the people of Hungary" and from "armed intervention, in the internal affairs of Hungary" (A/RES/1004(ES-II)).

[30] See, e.g., A/RES/40/97 (1985); A/RES/35/227 (1981); A/RES/42/14 (1987).

- Calling for a ceasefire and establishing a ceasefire process in the Suez crisis in 1956; and in its ratification of the agreement settling the status of the territory of West Irian, which led to the creation of UNTEA and associated ceasefire processes.
- Calling for a ceasefire in response to hostilities between India and Pakistan (over what would become Bangladesh) in 1971.
- Calling for the "immediate cessation" of armed intervention by the US and Caribbean countries in Grenada in 1983.
- Calling for a halt to all hostilities in the civil conflict in Afghanistan at multiple points during internal conflict in the 1990s (e.g. A/RES/53/203A-B; A/RES/54/189A-B).
- Calling upon the US to "refrain from the threat or use of force in the settlement of disputes and differences with the Libyan Arab Jamahiriya", following the 1986 US attack on Libyan cities in response to acts of terrorism allegedly led by the Qaddafi regime (A/RES/41/38).
- Demanding the immediate cessation of the military activities of Serbian forces and paramilitary units in the territories of Croatia and Bosnia and Herzegovina (A/RES/49/10).

Withdrawal of foreign forces

In cases where it has responded to an instance of external intervention, the GA has almost invariably called for withdrawal of foreign forces. This has often been recommended jointly with a call for cessation of hostilities and statements reinforcing the principles of territorial integrity and of non-interference in the affairs of another Member State. For example, GA resolutions called for foreign forces to withdraw:

- Following Chinese intervention in the Korean Peninsula in 1950 (A/RES/498(V)).
- In the case of Kuomintang Chinese (Taiwan-linked) forces present in Burma in 1953 (to withdraw or agree to internment) (A/RES/707(VII)).
- From Egypt in the midst of the Suez crisis in 1956 (French, British and Israeli forces) (A/RES/997(ES-I)).
- From Hungary following the Soviet invasion in 1956 (A/RES/1004(ES-II), paras. 1, 2).
- From Lebanon and Jordan in 1958 (US and British forces, respectively) (A/RES/1237(ES-III)).
- From Tunisia in 1961, following a clash between Tunisian and French forces, with the latter maintaining a military base on Tunisian territory (A/RES/1622(S-III)).[31]
- From Cyprus in 1974 (Turkish forces) (A/RES/3212(XXIX)).
- From Cambodia (Kampuchea) in 1979 (Vietnamese forces) (A/RES/34/22).
- From Afghanistan following the Soviet invasion in 1979 (A/ES-6/2).
- From Grenada in 1983 (forces from the US and Caribbean nations) (A/RES/38/7).
- From the Baltic States of Estonia, Latvia and Lithuania from 1992 to 1994 (former Soviet forces).[32]

[31] The matter was considered in a special session on Tunisia, held from 21–26 August 1961, with the sole resulting resolution calling for the "withdrawal of all French armed forces" from Tunisian territory, and for both Governments to enter negotiations toward this (A/RES/1622(S-III)). The SC had already passed a resolution (adopted 10 to 0, with France present but not voting) in July 1961 calling for "an immediate ceasefire and a return of all armed forces to their original position" (S/RES/164(1961)), but this side-stepped the question of French withdrawal, given that the French forces' "original position" in this situation was the Tunisian territory of Bizerte, where the French had retained a military base following Tunisian independence.
[32] See, e.g., A/RES/47/21; A/RES/48/18.

- From the Republic of Moldova in 2018 (Russian forces) (A/RES/72/282).
- From Ukraine in 2022 (Russian forces) (A/ES-11/L.1).

Military support or assistance

Recommendations to Member States or other entities to provide or refrain from military support or assistance appear in GA responses both to external intervention or acts of aggression, and to sources of violence within some internal armed conflicts.

The GA has sometimes urged Member States or other entities to provide military support, defensive means or other assistance **to State(s) coming under attack**. For example:

- **Bosnia and Herzegovina**: in response to "armed hostilities and continued aggression" by Serbian forces, the GA in 1994 called for all Member States to lend support to Bosnia and Herzegovina in defending itself and – laying the groundwork for this to include military support – called upon the SC to exempt Bosnia and Herzegovina from the previously established (1991) arms embargo (A/RES/49/10, paras. 22–23).
- **Southern African States**: in 1978, the GA condemned the "acts of aggression against Botswana, Mozambique and Zambia by the illegal regime in Southern Rhodesia" (A/RES/33/38[A]) and requested that all Member States give "immediate and substantial material assistance" to these three Governments "to strengthen their defence capability" and defend their own territories (ibid., para. 16).

The GA has also called on Member States to provide military personnel and support to multilateral operations designed **to assist Member States in quelling internal sources of violence**. For example, at several points between 2002 and 2014, the GA called upon Member States to contribute "personnel, equipment and other resources" to the stabilization force established in Afghanistan (under the leadership of the North Atlantic Treaty Organization, NATO), the International Security Assistance Force (see, e.g. A/RES/59/112A-B, para. 3; A/RES/60/32A-B, para. 7).

The GA has not limited itself to recommending military support or assistance only to Member States. In certain **post-colonial independence struggles or cases of occupation**, the GA has recommended military support or other assistance **to those working for the "liberation" of the territory**, including (armed) resistance movements or the population more generally:

- **Namibia**: in multiple resolutions related to South Africa's "occupation" of Namibia, the GA called on Member States to provide moral, material and military assistance to those seeking to "liberate" it, including explicit reference to military support to a resistance movement (the South West Africa People's Organisation, SWAPO) (A/ES-8/2, para. 6).
- **Southern Rhodesia**: in many of the near-annual resolutions related to Southern Rhodesia between 1967 and 1979, the GA recommended that States provide moral and material support to those seeking self-determination, including those engaged in armed resistance. For example, in 1978, the GA called for Member States to provide the "moral, material, political and humanitarian assistance necessary" to support the people of Zimbabwe and the Patriotic Front (an armed resistance movement) in resisting the white-dominated Government of Southern Rhodesia (which it had deemed to be illegitimate) (A/RES/33/38[A], para. 17).

The GA has also called for Member States **to refrain from providing military support to the "aggressors"** in some situations, for example, following Chinese forces' deployment on the Korean Peninsula in 1950 (A/RES/498(V), para. 5), and following Israel's 1981 attack on the Osirak nuclear reactor in Iraq (A/RES/36/27, paras. 4,5).

The GA has commonly urged Member States to **refrain from providing support or assistance to the parties involved in internal armed conflicts**. During the First Congo civil war, the GA called upon Member States to exercise restraint and refrain from contributing to the escalation of violence by providing arms, military personnel or any form of military assistance to parties involved in the conflict (A/RES/1474(ES-IV), para. 6). In the context of the civil conflict and fighting in Afghanistan in the late 1990s (during a period of de facto Taliban control and governance), the GA on several occasions called on Member States to cease external military support.[33] Calls for restraint from arming parties to internal conflicts has included not only provision of military equipment or financing, but in examples in the Congo, Southern Rhodesia and other cases in southern Africa, the GA has called for Member States to refrain from supporting or to actively prevent recruitment, training and transit of mercenaries involved in those conflicts.[34]

Use of force or enforcement action

Although not frequent, the GA has sometimes recommended use of force or enforcement action **following acts of aggression or external intervention**. As noted in the introduction, the support to UN action and for other Member States to help defend Korea in several 1951 GA resolutions has been interpreted as support for the use of force. In November 1994, following continued Serbian attacks on Bosnia and Herzegovina, the GA called upon Member States to "extend their cooperation to the Republic of Bosnia and Herzegovina in exercise of its inherent right of individual and collective self-defence in accordance with Article 51 of the Charter" (A/RES/49/10, paras. 22–23).

The GA has also implicitly or explicitly exhorted the use of force or enforcement action by other external Member States, especially those on the SC, in response to oppressive or illegitimate governments, especially **in relation to decolonization or situations of racial oppression**. In more than one of its resolutions responding to the declaration of independence by the (white-dominated) Government in Southern Rhodesia (now Zimbabwe), the GA recommended that the former colonial power, the United Kingdom of Great Britain and Northern Ireland (UK), reject the declaration and "put an end to the rebellion" through "use of force" (A/RES/2024(XX), paras. 1,3; A/RES/2138(XXI), para. 5; A/RES/2262(XXII), para. 6). Subsequent resolutions ratified the right of the people of Zimbabwe to use "all means at their disposal" to liberate themselves – seemingly a call for the use of force not by other Member States but by the population at large (A/RES/33/38[A]). Also facing a situation of what it deemed to be illegitimate governance (by South Africa) in Namibia, the GA both called for military assistance for those fighting for independence and for Member States, and in particular "Western permanent members" of the SC, to take "enforcement action".[35]

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[33] Resolution 2013 of 1999, for example, explicitly exhorted Member States to "end the supply of arms, ammunition, military equipment, training or any other military support to all parties to the conflict in Afghanistan, including the presence and involvement of any foreign military, paramilitary or secret service personnel" (A/RES/53/203 A-B, para 6). Resolution 189A-B of 2000 (A/RES/54/189A-B) offered similar recommendations.

[34] An example of this is a 1978 resolution with regard to Southern Rhodesia, which was adopted by a vote of 130-0-11: A/RES/33/38[A], paras. 14, 15.

[35] A/RES/38/36 (1983–1984); A/RES/41/39A (1986).

Rarer still, the GA has sometimes responded to **seizures of power through unconstitutional means** (i.e. following coups), with calls for Chapter VII action by the SC or recommendations to support coercive measures by regional organizations or Member States. For example, following a 1991 military coup in Haiti, the GA condemned the coup, affirmed its support for the (overthrown) constitutional Government of Jean-Bertrand Aristide and demanded its restoration.[36] This led not only to the SC's subsequent passing of a resolution mandating a naval blockade, arms and oil embargo, and other sanctions in 1993 (S/RES/841), but also mandating enforcement action under Chapter VII of the UN Charter in 1994 (S/RES/940), which subsequently supported the intervention of a US-led multinational force to restore Aristide's Government. Further examples of other types of Chapter VII action following GA recommendations are provided in the subsequent practice section on sanctions.

As detailed in the practice section on peace operations, the GA has directly and indirectly supported the establishment of armed peacekeeping missions. The GA has also supported military action organized **in response to internal conflicts or terrorism threats**, implicitly an endorsement of uses of force to maintain or restore peace and security. For example, it offered its endorsement of both the NATO-led stabilization force, the International Security Assistance Force, established in Afghanistan after 2001 (see, e.g. A/RES/59/112A-B, para. 3; A/RES/60/32A-B, para. 7), and the parallel counter-terrorism mission in Afghanistan led by the US, known as Operation Enduring Freedom (A/RES/59/112A-B, para. 6; A/RES/60/32A-B, para. 11).

Key trends and conclusions on General Assembly practice with regard to the use of force

1. GA action tends to be concurrent with, but following that of the SC.

GA practice with regard to the use of force has almost invariably dealt with matters with which the SC was concurrently seized. In two early cases – alleged guerrilla activities supported by neighbouring States in Greek territory in 1947 (S/RES/34) and allegations of aggression in the Korean Peninsula – the SC affirmatively set these matters aside in order for the GA to engage (S/RES/34; S/RES/90). In the other cases discussed above, there was continued SC engagement, and consideration and follow-on resolutions related to the matters in question.

Although GA action has been concurrent, it has tended to follow SC action on an issue. Rebecca Barber examined 19 cases of foreign intervention or military deployments (most overlapping with those discussed in this subsection) and found that in only one of these cases had the SC not taken up the issue prior to GA action – that of Chinese Kuomintang forces in Burma in 1953–1954.[37] In all other cases, the SC had already passed resolutions on the issue before the GA addressed the question.

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[36] A/RES/46/7 (1991), A/RES/46/138 (1991); A/RES/47/20A (1992); A/RES/47/143 (1992); A/RES/47/20B (1993).

[37] The cases analysed are "Albanian, Yugoslav and Bulgarian support for communist guerrillas in Greece (1947); the Chinese intervention in Korea (1951); the presence of foreign forces in Burma (1953–54); the Suez crisis (1956); the Soviet invasion of Hungary (1956); the intervention by the United Arab Republic in Lebanon (1958); Portugal's occupation of Guinea-Bissau (1973); Vietnam's intervention in Kampuchea (1979–1989); South Africa's occupation of Namibia (1980–1989) and invasion of Angola (1981); the Soviet invasion of Afghanistan (1980–1988); Israel's attack on Iraqi nuclear installations (1981); Israel's occupation of the Palestinian Territories (from 1967 and continuing); foreign aggression against Central American countries (1983); the US interventions in Grenada (1983) and Panama (1989); US aggression against the Libyan Arab Jamahiriya (1986); Serbia's aggression in Bosnia and Herzegovina (1992–1994); and Russia's occupation of Ukraine (2014)." See, Barber, "A survey of the General Assembly's competence in matters of international peace and security: in law and practice". Barber does not claim that this list is exhaustive.

2. GA responses can be rapid, which can be important in use of force contexts.

The ability to respond promptly can be important when hostilities arise, and equally when recommendations related to use of force might form part of a crisis management response. GA responses to use-of-force situations have often been quite rapid. The first GA resolutions passed in response to the Russian Federation's February 2022 intervention in Ukraine came only days after Russian forces crossed the border. The GA passed resolutions responding to the Soviet intervention in Hungary (1956) and US interventions in Grenada (1983) and Panama (1989) just over a week after they had begun. The GA responded to the Soviet intervention in Afghanistan in 1979 within a matter of weeks. As these examples illustrate, the procedural vehicle does not necessarily affect the speed of response – the GA has been able to respond rapidly both in the context of emergency special sessions (which are designed to enable a rapid, within 24 hours, response) as well as with matters taken up in regular sessions. While the Ukraine, Hungary and Afghanistan resolutions were passed in emergency special sessions, those related to Grenada and Panama were not.

Where GA responses have come later – for example, months after the outbreak of a crisis – they have often been more in the vein of the GA's accountability role vis-à-vis the SC. They tend to identify ways that the SC has not fully addressed the issue, or not with the seriousness or strength of response that the GA deemed appropriate to the situation. Examples include the repeated GA resolutions related to what it deemed as South African "aggression" in Namibia and southern Africa, and its response several months after the fact to Israel's attack on Iraq's nuclear installation.

3. The GA's concurrent action is often complementary and reinforcing.

In many situations, concurrent SC and GA action has been complementary, with GA and SC resolutions reinforcing each other in recommending cessation of hostilities or the establishment of ceasefire mechanisms, in encouraging the active provision of military assistance or cooperation or recommending restraint from it. For example, in responses to Israel's attack on Iraqi nuclear installations (1981), in dealing with escalating conflict in the Congo in the 1960s, and in responses to a coup d'état and then Turkish military intervention in Cyprus in 1974, SC and GA resolutions offered similar (in some cases identical) and mutually reinforcing recommendations. In some of these cases, SC or GA resolutions have explicitly referenced and seconded the others' conclusions.[38]

Complementarity can also be seen in the way that GA engagement enabled forward action or more concerted responses in situations of SC divisions and standoff. In many of these cases, although the SC had taken some action, it had not succeeded in settling the matter, and so the GA's taking up the issue helped defuse the crisis or bring about its resolution. For example, the GA's resolutions passed in response to the Suez crisis (1956) came after the SC had already called for a settlement of the crisis. However, vetoes by permanent members prevented the SC from calling for withdrawal of foreign forces, recommending a ceasefire or other more significant responses. The GA's action – which came in the form of several resolutions passed during the 1st emergency special session – immediately sent a strong message on the need for immediate ceasefire and withdrawal, and also facilitated this by authorizing the Secretary-General to follow-through on these

[38] Examples include: GA endorsement of SC decisions on peace operations in the Congo in 1961 (A/RES/1599(XV); A/RES/1600(XV)); SC endorsement of the GA resolution on Cyprus in 1974 (S/RES/365(1974)).

recommendations via the creation of UNEF. It was this timely and robust GA response that helped enable the crisis to be defused.

Another example was the crisis sparked by United Arab Republic infiltration of personnel and arms in Lebanon in 1958. While the SC had already taken action on the issue and authorized UNOGIL, its operations were then hamstrung by a limited mandate and the aggravating situation of US deployment of forces in Lebanon, the latter of which created a standoff in the SC over any forward action. The GA's intervention in this case (during the 3rd emergency special session) thus helped move towards resolution of the crisis by facilitating the withdrawal of foreign forces.

4. GA concurrent action can also function as a check.

In other cases, concurrent GA action has functioned more as a check on the SC – calling attention to issues where there had been inaction due to SC divisions[39] – or a prod, urging the SC to take stronger enforcement action.[40] Several of the resolutions making use-of-force recommendations made clear they were doing so because SC action was viewed as insufficient to addressing the peace and security issues in question, including in response to South African aggression in Namibia; and following US attacks in Grenada and the Libyan Arab Jamahiriya.

5. GA recommendations on the use of force or in response to acts of aggression have declined.

While this overall record suggests strong precedents for the GA to offer recommendations on the use of force and in response to acts of aggression, there is also an overall trend of this type of GA action declining over time – across all the different types of use-of-force recommendations. While a relatively regular part of GA responses to peace and security crises in the first 50 years of its history, it is more difficult to find examples of these sorts of recommendations since 2000. The major exception to this trend has been statements on violations of IHL and violence against civilians. These have continued with some regularity up to the present, even in more controversial cases that have not been able to garner enough Member State support for other recommendations to be passed.

The decline in GA engagement over time does not suggest a particular change in the legal scope for the GA to take up such recommendations in the future. The GA is fully in compliance with its Charter obligations and mandate to offer observations and recommendations with regard to the use of force. Moreover, as illustrated by these examples, GA recommendations with regard to the use of force have been important in catalysing responses to significant crises or have provided a measure of accountability for reinforcing Charter provisions and international norms of territorial integrity and respect for national sovereignty, particularly in cases where lack of unanimity among permanent members of the SC prevents an SC response.

[39] See, for example, with regard to Korea in 1950 (A/RES/498(V)); Grenada in 1983 (A/RES/38/7); and the attacks on Libyan Arab Jamahiriya in 1986 (A/RES/41/38).
[40] See, for example, with regard to Namibia (A/RES/38/36; A/RES/41/39A) and Israel (A/RES/36/27).

C. Sanctions

The term "sanctions" is not mentioned in the UN Charter and lacks a clear definition under international law. In narrow terms, a sanction tends to refer to punitive measures taken against members of an organization for violating its rules. Over time, the term "sanction" has come to mean a wider range of coercive acts, mainly economic in nature, but also including other acts of proscription like arms embargoes and travel bans. In the UN context, sanctions typically refer to the exclusive power of the SC to issue binding measures under Articles 41 and 42 of the Charter. It is widely recognized that the SC has the sole authority to issue binding multilateral sanctions within the UN system. However, on many occasions over the past 78 years, the GA has recommended that the SC impose sanctions, including mandatory sanctions, and has also recommended that Member States adopt a range of sanctioning measures.

The GA is fully within its Charter authorities to discuss matters related to sanctions: under Article 10 the GA may discuss any matter relevant to the Charter; under Article 11(2), it is specifically envisioned that the GA may discuss matters related to the "maintenance of international peace and security"; and under Article 14 it can make recommendations of any "measures" that would result in "the peaceful adjustment of any situation". These could include sanctions or related measures, either by the SC or other Member States, where the GA deems it appropriate. GA resolutions calling on the SC to impose mandatory sanctions are given additional backing by Article 11(2), which calls the SC's attention to "situations which are likely to endanger international peace and security" and offer recommendations. Lastly, the GA's authority under Article 22 to create "subsidiary bodies" has also enabled it to create monitoring committees or other fact-finding bodies, including those that might monitor Member State compliance with sanctions or boycotts, the effects of those measures, and then report back to the GA on their results. For more on these powers and provisions, revisit the discussion of Charter-based authorities in part I.

GA practice related to sanctions can broadly be separated into two phases: (1) an early period, until 1980, in which the GA was willing to issue far-reaching recommendations on sanctions; and (2) a much more restricted practice since 1980, characterized by greater GA skepticism toward sanctions, but with some willingness to support multilateral sanctions in certain situations. Annex 5 contains several case studies of GA engagement with sanctioning measures from both periods.

Table 4: Examples of General Assembly recommendations related to sanctioning measures

Activating event / subject	Key or illustrative GA resolution(s)	Nature of GA sanctions recommendations
Hostilities on the Korean Peninsula	A/RES/500(V) (1951)	Recommended Member States to impose comprehensive arms embargo on areas under control of North Korean and Chinese forces; also created Additional Measures Committee with follow-up responsibilities similar to a Sanctions Committee.
Portuguese territories, decolonization of	Near-annual resolutions 1961 to 1973, including: A/RES/1699(XVI) (1961) A/RES/1807(XVII) (1962) A/RES/2708(XXV) (1970)	Recommended wide-ranging sanctions measures, including for Member States (specifically NATO members) to deny support to Portugal, limit military sales and nationals' economic activities, introduce trade boycotts and cease diplomatic relations.

South West Africa (Namibia), South African "illegal" governance of	Near-annual resolutions 1963 to 1988, including: A/RES/1899(XVIII) (1963) A/RES/2372(XXII) (1968)	Recommended comprehensive mandatory sanctions, and for Member States to cease all dealings with South Africa, to be monitored by the UN Council of Namibia (with similar functions to a panel of experts).
Southern Rhodesia, repression of self-determination and racial oppression	Near-annual resolutions 1967 to 1979, including: A/RES/2262(XXII) (1967) A/RES/2383(XXIII) (1968)	Recommended that the SC impose "comprehensive and mandatory sanctions backed by force" on Southern Rhodesia, and later, to extend them to countries that continued relations and assistance with Southern Rhodesia (South Africa and Portugal).
Apartheid policies in South Africa	Near-annual resolutions 1962 to 1993, including A/RES/1761(XVII) (1962) A/RES/31/6 (1976) A/RES/40/64 (1985)	Recommended wide-ranging sanctioning measures, including SC mandatory sanctions on South Africa; all Member States to cease military, economic and diplomatic engagement; and boycotts in business, trade, sports and cultural activities. Special Committee created to monitor boycotts.
Israeli strike on Iraqi nuclear reactor	A/RES/36/27 (1981)	Recommended that Member States cease providing any forms of "arms and related material" to Israel.
Israeli annexation of the Golan Heights	A/ES-9/1 (1982)	Recommended that Member States sever diplomatic, trade and cultural relations with Israel.
Coup in Haiti (1991)	A/RES/47/20B (1993) A/RES/48/27B (1994)	Resolutions supported SC and regional organizations' efforts to restore democratically elected Government, which included arms and oil embargoes, and transit and asset freezes on de facto authorities in Haiti.
Taliban and terrorist activities in Afghanistan	Near-annual resolutions 2012 to 2020, including: A/RES/66/13 (2012) A/RES/71/9 (2016) A/RES/74/9 (2019)	Resolutions supported SC-mandated 1988 sanctions regime (Taliban and Al Qaeda).
Islamic State actions in Iraq	A/RES/69/281 (2016)	Resolution gave support to SC sanctions regime against ISIL.
Myanmar "state of emergency"	A/RES/75/287 (2021)	Recommended that Member States "prevent the flow of arms" into Myanmar.

Early practice: 1945–1980

The earliest example of sanctions involved a 1951 GA resolution recommending an arms embargo following military intervention by the People's Republic of China on behalf of North Korean forces in the Korean War. Resolution 500 (V) recommended that "every State: (a) apply an embargo on the shipment to areas under the control of the Central People's Government of the People's Republic of China and of the North Korean authorities of arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition, and implements of war"

(A/RES/500(V)). A Member State-enforced arms embargo was one of many measures the GA recommended in response to the situation on the Korean Peninsula; others included offering support for the (previously SC-authorized) UN forces acting in defence of South Korea, and calling on States to lend assistance to Korea and to deny any assistance to the "aggressors in Korea" (A/RES/498(V)).

This early example illustrates a broader point: **where the GA recommends sanctions, it is usually not the sole or even leading recommendation**. The GA usually recommends sanctioning measures in concert with other recommendations, including statements condemning the actions in question, recommendations for cessation of hostilities or of other actions deemed a threat to peace and security, or broader recommendations related to provision or cessation of assistance or support by other Member States (going beyond the sanctions themselves).

In the GA's early practice, recommendations for **sanctioning measures have been prominent in situations of post-colonial transitions and/or situations of racial oppression**. This includes GA recommendations for sanctioning measures linked to its calls to respect the self-determination of the people of Southern Rhodesia (now Zimbabwe), the Portuguese Territories (now Angola, Mozambique and Guinea-Bissau), and South West Africa (now Namibia). An overlapping issue in many of these situations, and also in the GA recommendations to sanction South Africa in the context of apartheid, was that of racial oppression. Similar to the example with Korea, in each of these situations, GA recommendations were not limited to sanctions, and in fact were usually preceded by a number of other measures first. In these four cases, the pattern was for the GA to declare the governing authorities to be invalid and to call for them to step down or withdraw,[41] but then also to recommend that Member States cut off relations, cease economic or military support or use other means of censure.

Calls for stricter, mandatory or all-encompassing sanctions measures have tended to increase the longer that non-compliance continued. The GA almost immediately condemned the 1965 declaration of independence (from the UK) by the "racialist minority" Government in Southern Rhodesia (A/RES/2024(XX)). SC resolutions calling for States to cease support followed quickly in 1965 (S/RES/216), and then, in 1966, in the form of Chapter VII mandatory sanctions on most trade, transportation and diplomatic relations (S/RES/232). When these resolutions did not appear to lead to compliance, the GA called for stricter sanctions in 1967, calling for "comprehensive and mandatory sanctions backed by force" and condemning those States and financial companies and interests still operating in Southern Rhodesia (A/RES/2262(XXII)). Subsequent resolutions repeated calls for stricter, mandatory sanctions (and extending them to other States viewed as supporting Southern Rhodesia) and other Chapter VII measures (A/RES/2383(XXIII)).

Sanctions and other punitive measures with regard to the Portuguese Territories offer another example of this. Portugal's refusal to defer to GA resolutions urging it to comply with Chapter XI of the UN Charter, and associated decolonization processes, with regard to its overseas territories led the GA to first call in 1961 for Member States to limit assistance to Portugal, including military sales (A/RES/1807(XVII)). The SC would reiterate many of the GA's recommendations in two 1963 resolutions (S/5380; S/5481), including the request that States refrain from assistance and military sales. However, Portugal continued not to comply with Chapter XI, nor to take action in support of moves toward the self-determination of its colonial territories. In response the GA adopted near annual resolutions on the subject from 1963 to 1973, with increasingly urgent language and recommendations for more specific and broader sanctions. This included recommendations that Member

[41] See, for example, on Southern Rhodesia (A/RES/2024(XX); A/RES/2138(XXI), para. 1); on South West Africa (A/RES/2145(XXI), paras. 4–5); on the Portuguese Territories (A/RES/1542(XV)).

States "separately or collectively" break off diplomatic relations with Portugal, close their ports to Portuguese vessels, boycott all trade with Portugal, prevent nationals from engaging in foreign financing or other economic activities in these territories, and that members of NATO refuse to provide assistance or engage in military support and cooperation (A/RES/2107(XX)). These resolutions also demanded greater SC attention to the matter with ever greater urgency, calling on the Security Council to make sanctions mandatory, and to take other "appropriate measures laid down in the Charter", which might include Chapter VII action.[42]

As the above two examples illustrate, **there was frequently an interactive effect: GA calls for sanctions were subsequently taken up by the SC in many cases**. Another powerful example of this concerns the sanctions on South Africa. In 1962, with the passage of resolution 1761(XVII), the GA was among the first to call for Member States to break diplomatic relations and adopt other economic restrictions or boycotts in response to South Africa's racial policies (A/RES/1761(XVII)).[43] The resolution also requested the SC to "take appropriate measures, including sanctions, to secure South Africa's compliance" with GA and SC resolutions on the subject and "if necessary, to consider action under Article 6 of the UN Charter" (ibid., para. 8). The SC took up this recommendation in 1963, explicitly noting that "world public opinion has been reflected in General Assembly resolution 1761(XVII)"; it called for States to cease arms and military sales and shipment to South Africa (S/RES/181). Following calls for broader and mandatory sanctions in numerous GA resolutions in subsequent years, these SC sanctions were then made mandatory in 1977, when the SC, acting under the authority of Chapter VII, decided that all States should cease providing arms, materiel, weapons, ammunition, military vehicles or other related equipment and manufacturing licenses to South Africa (S/RES/418, para. 2).

While the SC has taken up some GA recommendations for sanctioning measures in the past, the SC has not always been in agreement with the GA in terms of the timing and severity of the sanctions in question, as best illustrated by the case of sanctions related to Namibia (formerly South West Africa). In 1963, the GA first urged that all States refrain from supplying arms, military equipment or petroleum to South Africa due to its continued governance of Namibia (A/RES/1899(XVIII)). These calls strengthened after the GA declared South Africa's mandate to be illegal in 1966 (A/RES/2145(XXI)). Following this, the GA called for South Africa to withdraw from Namibia (A/RES/2372(XXII)). To further induce this, the GA called upon States to refrain from any political, economic or military cooperation with South Africa until they withdrew, and for the SC to "take all appropriate steps" to secure South Africa's compliance (ibid.). Such "appropriate" measures were not immediately forthcoming: in 1969 and 1970 the SC passed four resolutions with regard to Namibia that discussed "necessary measures" to compel compliance, but none went so far as to introduce sanctions.

Following a failed diplomatic effort to implement a SC-approved plan for elections and a transition in Namibia, the GA in March 1981 called upon the SC to "impose comprehensive mandatory sanctions against South Africa, as provided for under Chapter VII" (A/RES/35/227 (J)). However, although four draft resolutions recommending mandatory sanctions were put before the SC the following month, these were vetoed by the US, the UK and France. These vetoes led to an exercise of the UFP resolution and the convening of the 8th emergency special session when the GA again urged the SC to impose comprehensive mandatory sanctions against South Africa, and for Member States to cease all dealings with the country (A/RES/ES-8/2). The SC did not make sanctions mandatory beyond a 1977 arms embargo (S/RES/418). The GA continued to pass annual

[42] A more detailed summary of the GA resolutions and their sanctions-related recommendations is included in the case study on the Portuguese Territories. Three such resolutions were: A/RES/2107(XX); A/RES/2184(XXI); A/RES/2270(XXII).
[43] Reinforcing the above point about non-compliance associated with calls for sanctions, resolution 1761 (XVII) appeared to justify the call for sanctioning measures because South Africa's racial policies were framed as a violation of the UN Charter, and because of South Africa's failure to comply with past GA and SC resolutions in this regard (A/RES/1761(XVII), paras. 2–3).

resolutions calling for more comprehensive, stronger and more stringently enforced sanctions, up until South Africa agreed in December 1988 to take steps toward Namibian independence.[44]

GA recommendations for sanctions with regard to South Africa (both due to its internal policies of apartheid and due to its actions in Namibia and other parts of southern Africa) are also notable because they illustrate that **sanctions recommendations frequently go beyond purely economic measures**. In the case of South Africa, GA recommendations and actions included recommending that Member States cut diplomatic ties (A/RES/2372(XXII)); limits on South African representatives' participation in the GA[45]; limitations on arms sales, material or manufacturing support to South Africa (A/RES/3151(XXVIII), para. (G)6; A/RES/3324(XXIX); A/RES/3411(XXX)); and suspending cultural, educational and sporting exchanges (A/RES/2396(XXIII), para. 10). The case study on sanctions measures with regard to South Africa includes a summary of these wide-ranging sanctions recommendations from some 16 GA resolutions passed between 1969 and 1985.

A final important point to highlight from this early period is that **GA resolutions often established committees with sanctions monitoring, reporting and follow-up responsibilities** analogous to the modern practice of establishing sanctions committees or associated panels of experts (which tend to be associated with SC-mandated sanctions regimes). After the GA in 1951 recommended an arms embargo against those deemed aggressors in the Korean Peninsula (A/RES/500(V)), it established a monitoring process to be implemented by a GA-created body, the Additional Measures Committee.[46] It was to gather information on how Member States had taken steps to limit military and economic support to those "forces opposing the United Nations in Korea", and report back on the effectiveness of the embargo recommended within that resolution, whether to extend or relax it, and to continue to report back on "additional measures" to be deployed (ibid., para. 2).

In the case of sanctions related to Namibia, after recommending that the SC impose mandatory sanctions, and that Member States cease all relations and trade with South Africa due to its continued governance of Namibia, the GA mandated the UN Council for Namibia to monitor the boycott and report back on compliance (A/RES/ES-8/2). Additional committees were created in the context of GA action with regard to South Africa (A/RES/1761(XVII)) and the Portuguese Territories (A/RES/1699(XVI)). While not explicitly mandated to follow whether there was compliance with sanctions recommendations, these bodies were tasked with monitoring the degree to which those Governments complied with prior GA (and in some cases SC) resolutions, which could inform the application of further sanctions.

Modern practice: 1980–present

The dominant position of the GA in the modern era has been to urge Member States not to impose unilateral sanctions on others, or in some cases to denounce sanctions as an economic intervention in the affairs of States (e.g. the GA's 1986 resolution critiquing sanctions on the Libyan Arab Jamahiriya). This shift is captured

[44] See, for example, A/RES/41/39A-E (1986); A/RES/43/26A-E (1988); A/RES/43/29 (1988).
[45] The GA in 1965 voted not to accept South African representatives' credentials before the 19th and 20th sessions of the GA (A/RES/2113(XX); A/PV.1407). A subsequent GA resolution in 1970 continued to reinforce this decision (A/RES/2636(XXV)[A]), and then in 1973, the GA position went from refusing to accept the credentials of the representatives to "reject[ing] the credentials of the representatives of South Africa" (A/PV.2141, p. 7; A/RES/3181(XXVIII)). In consequence of these decisions, in 1974, the President of the General Assembly no longer allowed provisional participation, preventing the delegation from South Africa from participating in the 29th session, and this decision was put to a vote and upheld 91-22-19 (A/PV.2281, pp. 855–856).
[46] It was mandated to consider "additional measures to be employed to meet this aggression" (referencing the hostilities in the Korean Peninsula) and "to report thereon to the General Assembly" (A/RES/498(V)).

by GA resolutions and declarations on the Inadmissibility of Intervention in the Domestic Affairs of States (A/RES/2131(XX)), the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States (A/RES/2625(XXV)), and the Charter on the Economic Rights and Duties of States (A/RES/3281(XXIX)) – all of which generally assert the principle that States should not use economic, political or any other measures to coerce another State. In 1991, the GA passed a resolution condemning the imposition of economic sanctions by other Member States and urging "the international community to adopt urgent and effective measures to eliminate the use by some developed countries of unilateral economic coercive measures against developing countries" (A/RES/46/210). A subsequent 1996 resolution reiterated the same language and observed that such measures were in violation of the UN Charter (A/RES/50/96).

Nonetheless, even in this modern period, situations of **serious and widespread gross violations of human rights have still sometimes generated GA recommendations for sanctions**. The GA continued to recommend sanctions measures in relation to Namibia up until 1988 and with respect to racial apartheid in South Africa until 1993. More recently, since 2014, GA resolutions with regard to the situation in the DPRK have recommended that the SC consider "the scope for effective targeted sanctions" against those responsible for extreme human rights violations in the DPRK (A/RES/69/188; A/RES/70/172; A/RES/78/218).

Calls for sanctions related to transgressions of sovereignty or acts of aggression have been rare in the modern period, but not completely absent. Following Israel's 1981 aerial attack on Iraq's Osirak reactor, in November 1981, the GA passed resolution 36/27, which not only condemned the attack but also called on Member States to "cease forthwith any provision to Israel of arms and related material of all types which enable it to commit acts of aggression against other States" (A/RES/36/27, para. 3).[47] In relation to Israel's annexation of the Golan Heights in 1981, the GA passed a resolution during the 9th emergency special session that called for the severance of "diplomatic, trade and cultural relations with Israel" and asked Member States to refrain from "all dealings with Israel in order totally to isolate it in all fields" (A/ES-9/1, paras. 1, 12 and 13). In both of these cases, the GA not only condemned the actions in question as violations of international law and/or the UN Charter, but also cited Israel's non-compliance with previous SC resolutions as a justification.

In the context of Serbian aggression and hostilities against Bosnia and Herzegovina in the 1990s, the GA at least one case, the GA commended all States for complying with Security Council sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) and also encouraged the Security Council to support the defense of Bosnia and Herzegovina by granting an exemption from an existing arms embargo (A/RES/49/10, paras. 20–23).

The GA has sometimes lent support to sanctions regimes mandated by the SC or other regional bodies as part of conflict resolution or counter-terrorism efforts in the last three decades. The GA's annual resolutions on Afghanistan for many years cited the importance of full compliance with the SC-mandated sanctions regime related to the Taliban and Al-Qaida (the so-called "1988 regime").[48] In 2015, the GA passed resolution 69/281, in response to the takeover of large parts of Iraqi territory by the Islamic State in Iraq and the Levant (ISIL) in 2014 (A/RES/69/281). Within this resolution, the GA welcomed the adoption of SC resolution

[47] There were also other resolutions in the 1980s calling on States not to provide military assistance to Israel. See, for example, A/RES/41/35 and A/RES/42/209[B].

[48] Examples include: A/RES/66/13 (2012); A/RES/67/16 (2013); A/RES/71/9 (2016); A/RES/74/9 (2019). In some years, GA resolutions even highlighted elements that it found important to the Afghan security or political context within the listing criteria, for example, the linkage between terrorist activities, organized crime and illicit trafficking (A/RES/74/9, paras. 10, 47). See also S/RES/1988 (2011).

2199 (S/RES/2199), which created additional sanctions against ISIL and the Al-Nusrah Front.[49] While not common, this has included support for sanctioning measures adopted by the SC or other regional bodies **in response to unconstitutional takeovers of power**; however, in these cases, GA resolutions have often held back from directly referencing and condoning the sanctions in question.

The response of the GA to dynamics in Haiti following a military coup in 1991 illustrates this more indirect or restrained support for sanctions measures in such situations. Following the initial coup, the GA issued a number of resolutions between 1991 and 1993 that strongly condemned the coup and demanded the restoration of the democratically elected President, Jean-Bertrand Aristide.[50] These resolutions also lent support to the OAS in its efforts to enable this restoration, which among other measures, included OAS recommendations for sanctions (travel bans and asset freezes). One GA resolution from 1993 even implicitly supported the use of sanctions as a means of putting economic pressure on the de facto authorities in Haiti, by suggesting that any relaxation of "economic measures" recommended by an ad hoc consortium of States and the OAS should happen "according to progress in the observance of human rights and in the solution of the political crisis" leading to Aristide's restoration (A/RES/47/20B, para. 6). The SC then imposed (and later re-imposed) mandatory sanctions (initially, arms and oil embargoes and asset freezes, later more comprehensive sanctions) in 1993 and 1994 (S/RES/841; S/RES/917). Although GA resolutions during this time period recalled these SC resolutions, the recommendations and provisions did not suggest approval for these sanctions measures, and instead reinforced the importance of diplomatic negotiations, lent support to a GA-mandated peace operation, and continued to call for the restoration of the democratic Government (e.g. A/RES/48/27B; A/RES/48/27A). The emphasis in these resolutions was on economic and political support to Haiti after the restoration of Aristide's Government, rather than on economic restrictions.

There was a similar level of indirect support for the SC and regional sanctions that were instituted in response to a military coup in Sierra Leone in May 1997. In 1998, in resolution 52/14, the GA condemned the unconstitutional seizure of power by the military junta in Sierra Leone, and called upon "the international community to lend its support to" previous recommendations and initiatives by the SC and the Economic Community of West African States (ECOWAS) by "faithfully implementing the various measures adopted in order to accelerate the return to peace" (A/RES/52/14). Although not referenced in the GA resolution explicitly, these past recommendations and efforts had included a series of sanctions, including travel bans on members of the military junta and their families and an oil, arms and travel embargo (S/RES/1132(1997)).[51]

Among the most significant recent actions related to sanctions, in 2021, in the face of SC deadlock over the situation in Myanmar, the GA passed a resolution that expressed concern at the military-imposed state of emergency and called upon the "Myanmar armed forces to respect the will of the people … to end the state of emergency, to respect human rights, … and to allow the sustained democratic transition of Myanmar" (A/RES/75/287). It also called upon Member States "to prevent the flow of arms into Myanmar" (ibid., para. 7).

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[49] In particular, the GA resolution highlighted the ways that SC resolution 2199 aimed to counter terrorism financing, and recalled the obligations of all States to provide information pertaining to violations of the sanctions regime to the SC Sanctions Committee (A/RES/69/281, para. 11).

[50] A/RES/46/7, A/RES/46/138 (1991); A/RES/47/20A (1992); A/RES/47/143 (1992); A/RES/47/20B (1993).

[51] These sanctioning measures devolved over nearly a year following the coup and were combined with diplomatic efforts and dialogue. For some discussion of these measures, including requests from ECOWAS for support from the SC in reinforcing sanctions, see S/1997/695; ECOWAS Committee of Foreign Ministers, "Final Communiqué," 26 June 1997, para 9(iii).

Key trends and conclusions on General Assembly recommendations on sanctions

1. **Throughout its history, the GA has been willing to recommend sanctioning measures in cases of extreme violations of human rights or of the UN Charter.**

This survey of past practice illustrates a wide range of situations in which the GA has been willing to consider sanctioning measures. From 1951 up to 2021, the GA passed resolutions supporting arms embargoes, where it might prevent further acts of aggression or acceleration of a conflict. While not frequent, the GA has sometimes supported sanctions regimes mandated by the SC or other regional bodies as part of conflict resolution efforts (for example, following unconstitutional transfers of power) or as counter-terrorism measures. More commonly, in keeping with its role in assisting with the realization of human rights (under Article 13), the GA has recommended or supported the use of sanctions in response to serious, widespread and systematic violations of human rights, including those taking place in situations of post-colonial transitions and/or situations of racial oppression. GA sanctions recommendations related to serious rights violations have often coincided with situations in which the GA is fulfilling its accountability role, keeping attention on a situation of serious violations but also in the sense of holding the SC to account. In situations such as those in Namibia, South Africa, the Portuguese Territories, as well as more recently with regard to the DPRK, GA resolutions calling for sanctioning measures also called for greater SC attention to the matters in question, and for the SC to use its Charter authorities to encourage greater compliance.

2. **GA sanctions recommendations frequently go beyond purely military or economic measures.**

In situations where the GA has considered sanctions-related recommendations, it has frequently urged mandatory measures by the SC, often in relation to military and arms sales and transfers or other key economic measures; however, its recommendations have not been limited to these classic arenas. GA sanctions recommendations have encouraged the boycotts of key goods, cultural and sporting events, limitations on engagement by private citizens and companies, limitations in the participation of Member States in key international fora or other diplomatic freezes or isolating measures. In addition, the GA has often relied on its position representing the voice of many nations to urge action not just by the SC or key Member States but by society at large. The GA's persistent attention to situations of racial apartheid in South Africa and Namibia, and its calls for sanctioning measures not just by the SC but by Member States and societies at large, were instrumental in galvanizing a global response to those situations. This illustrates the powerful role that GA recommendations can play, even if not binding or mandatory.

3. **GA practice on sanctions has included attention to follow-on measures, including committees or panels to monitor and follow-up on sanctions.**

Where the GA has recommended sanctioning measures, it has often given attention to means of following up on them and increasing their effectiveness. This may be through organizing conferences that garner wider public attention toward the underlying issues (e.g. in the cases of South Africa and Namibia), keeping attention on compliance (or lack thereof) through annual resolutions on the subject (e.g. in the cases of South Africa, Namibia, the Portuguese Territories, Southern Rhodesia, and the DPRK), or creating committees or bodies charged with monitoring or reporting on compliance with recommended boycotts or sanctioning measures, and recommending follow-on action (e.g. in the cases of Korea, Namibia, the Portuguese Territories, and South

Africa). The last, which were more common in the GA's early practice, might be considered precedents for the modern practice of sanctions committees and panels of experts mandated by the SC.

4. **GA recommendations to apply sanctioning measures have typically been issued only after other measures have failed or not been taken up.**

While the GA has considered recommendations for sanctions throughout its history, these have often featured as a secondary, if not a last-resort action, following repeated non-compliance by the Member States in question, or perceived lack of sufficient attention by the SC. Where the GA has recommended sanctions, it has usually not been the sole or even leading recommendation, but has accompanied other recommended measures, such as requests to cease the use of force or continued occupation of a territory, to withdraw forces or to hold accountable those responsible for human rights violations. Calls for stricter, mandatory or all-encompassing sanctions measures have tended to arise only after years of non-compliance with these other recommendations.

5. **GA willingness to recommend sanctions has declined in the modern era, but has not disappeared, especially in situations of grave violations.**

The modern practice of the GA has more commonly been to oppose imposition of unilateral economic sanctions. From a normative viewpoint, the GA has played an important role in urging States not to impose sanctions that may violate sovereignty, but also where measures may violate international humanitarian and human rights law. Nonetheless, even in this more limited modern practice, there have been cases where the GA has recommended sanctions or supported their use by the SC or other regional organizations, in response to violations of sovereignty, unconstitutional transfers of power, and especially in cases of serious human rights violations.

Going forward, this summary of practice suggests a wide range of potential areas of action for the GA with regard to sanctions, including:

- GA resolutions calling for restraint on sanctions measures that may violate international humanitarian and/or human rights law or exacerbate civilian suffering (e.g. blockades, prevention of humanitarian assistance).
- GA resolutions calling for sanctions on the basis of violations of the UN Charter and/or international law (e.g. human rights abuses).
- GA recommendations for the SC to issue binding multilateral sanctions where there is repeated non-compliance with GA or SC recommendations related to the maintenance of peace and security.
- GA resolutions creating or mandating committees or bodies (similar to sanctions panels or panels of experts) that through their monitoring and reporting may enhance the effectiveness of sanctions regimes or reinforce other legal principles and accountability measures (i.e. where such monitoring identifies actions in violation of the UN Charter or international law).

D. Accountability mechanisms and initiatives

Article 13 of the UN Charter tasks the GA with primary responsibility for making recommendations towards the "realization of human rights". This, together with Article 10's provision that the GA may consider and make recommendations related to any matters within the scope of the Charter, have created a natural accountability role for the GA, which comes to the fore in many peace and security situations. GA resolutions in response to instances of the use of force, unconstitutional transfers of power, and systemic or persistent threats to regional or international peace and security have frequently called attention to human rights and humanitarian law obligations implicated within these situations.

Articles 14 and 22 of the Charter offer key tools for instrumentalizing this accountability role, with Article 14 enabling the GA to "recommend measures" that would address situations "likely to impair the general welfare or friendly relations among nations" and Article 22 enabling it to create "subsidiary bodies". These authorities have provided the GA with substantial scope to recommend, mandate and establish a range of accountability mechanisms in response to peace and security issues. These include FFMs, COIs and other investigative bodies, as well as the ability to establish judicial bodies or quasi-judicial bodies. The GA is also empowered to refer questions to the ICJ under Article 96 of the Charter, and has recommended referral to or consideration of matters by other judicial bodies (such as the International Criminal Court, ICC) in its resolutions. For more on these powers and provisions, revisit the discussion of Charter-based authorities in part I.

The text below provides an overview of the GA's past practice with regard to accountability measures and initiatives. Annex 6 contains a number of case studies related to these accountability measures, each of which are also hyperlinked by their case name or geographic location in the text below. It also contains a summary table of the matters that the GA has referred to the ICJ.

Statements and determinations with regard to legal violations

The most common way that the GA has exercised its accountability role is in its own declarations and observations on a given situation. GA resolutions have frequently called attention to legal violations arising during conflict, situations of domestic repression and crimes against humanity, and other violations of human rights. These have been particularly pronounced in situations in which lack of unanimity in the SC has led to an absence of SC statements on the matter, and thus many statements not only identify violations but also urge further SC responses and action, including under Chapter VII.

Statements of this nature recur through most of the case studies. Select examples include:

- **Palestinian territories**: in several of the sessions and resolutions related to conduct in the Palestinian territories, the GA has raised the question of violations of the Geneva Conventions, and called for the SC to consider Chapter VII action (see examples in the case studies on the 7th and 10th emergency special sessions).
- **Bosnia and Herzegovina**: GA resolutions related to the Balkan wars during the 1990s frequently identified violations of IHL and human rights, identified the perpetrators, and urged cooperation with a range of accountability measures. Among these, the GA in a resolution (A/RES/49/196) passed in 1994, condemned IHL and human rights violations, including ethnic cleansing (attributing primary responsibility to Serbian leadership and paramilitary forces), and urged cooperation and Member

State support for accountability mechanisms, including the International Criminal Tribunal for the former Yugoslavia (ibid.).

- **Syrian Arab Republic**: among several GA resolutions that relate to the conflict in the Syrian Arab Republic since 2011, the GA in 2013 (by a vote of 107-12-58) condemned Syrian authorities' "violations of international humanitarian law and the continued widespread and systematic gross violations of human rights" and encouraged the SC to take appropriate measures in response (A/RES/67/262). Subsequently, in 2016, the GA expressed its "outrage at the escalation of violence" in Syria, particularly Aleppo, and the "extensive and persistent violations of international humanitarian law" and human rights; it called for an immediate and complete cessation of all attacks on civilians and civilian infrastructure, as well as an end to all sieges (A/RES/71/130).
- **Ukraine**: following Russian activities in Crimea in 2014, the GA issued multiple resolutions calling for the Russian Federation to cease human rights violations and abuses against residents of Crimea (A/RES/71/205; A/RES/72/190; A/RES/73/263). In its response to the 2022 Russian aggression in Ukraine, the GA condemned all violations of IHL and attacks on the civilian population (A/ES-11/L.1, paras. 5, 11, 12).
- **Myanmar**: in 2021, the GA strongly condemned "the use of lethal force and violence" against "peaceful demonstrators" and civilians; called on the Myanmar military to stop the violence; and lent further support for several accountability mechanisms and inquiries (A/RES/75/287).

In addition to providing a measure of record – and thus a form of accountability – for these violations, GA resolutions or declarations calling attention to violations of international law have sometimes provided the spur or basis for accountability measures to be taken up in other bodies.[52]

Although rare, GA determinations that the government of a Member State has engaged in severe violations of international law or of the UN Charter has sometimes led it to take the accountability measure of limiting participation before international bodies. As a measure of censure for its racial policies in connection with apartheid, the GA in 1965 declined to accept and then in 1973 voted to reject the credentials of the representative of South Africa before the GA, and from 1974 limited provisional participation of South African's representatives before the GA.[53] Following the Qaddafi regime's "gross and systematic" violations of human rights following Arab Spring protests in Libya, the GA took the step of suspending Libya from the Human Rights Council (HRC) on 1 March 2011 (A/RES/65/265) (adopted without vote).[54] Soon after the Russian invasion of Ukraine in 2022, in April 2022, the GA suspended the Russian Federation's membership in the HRC due to concerns regarding human rights violations (A/RES/ES-11/3, para. 1) (by a vote of 93-24-58).

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[52] For example, in response to the "significant persistent deterioration of the human rights situation in the Democratic People's Republic of Korea despite the succession of leadership" in 2012, the GA strongly urged the Government of the DPRK "to protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary," though it did not specify which mandating authority should do so (A/RES/67/181). Shortly after, the HRC established the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea to "investigate the systematic, widespread and grave violations of human rights" in the DPRK (A/HRC/RES/22/13).

[53] This is discussed further in the part II discussion on sanctions (note 45 and surrounding text), and in the sanctions case study on South Africa.

[54] Libya's membership in the HRC was restored in November 2011, following the removal of Qaddafi and establishment of a transitional Government, the credentials of which were accepted in the GA in September 2011 (A/RES/66/11).

Fact-finding missions, commissions of inquiry and other investigatory bodies

The GA's authority to create FFMs and COIs is grounded in Article 22 of the UN Charter, which empowers the GA to establish "such subsidiary organs as it deems necessary for the performance of its functions". In 1991, the GA explicitly laid out its competence to establish FFMs in resolution 46/59, as a part of "exercising effectively its responsibilities under the Charter for the maintenance of international peace and security" (A/RES/46/59, para. 11).[55]

The mandates of FFMs and COIs are determined on a case-by-case basis, but they most commonly engage in two broad spheres of action: (1) the investigation of violations of IHL and occasionally international criminal law; and (2) the articulation of transitional justice reform proposals. In the last decade, these bodies have also engaged in identifying perpetrators,[56] generally following the standards laid out by the UN Office of the High Commissioner for Human Rights (OHCHR).[57]

While FFMs and COIs are often referred to interchangeably (and tend to have similar procedures for their establishment in the GA), they differ in two important ways. First, FFMs tend to be more immediate and narrowly focused, responding to a direct risk on the ground. In contrast, COIs may have a broader scope and a more detailed mandate to investigate violations of international human rights and humanitarian law over a longer period of time. Second, FFMs tend to generate factual information quickly and may provide few recommendations, whereas COIs tend to explore deeper, systemic causes of conflict and may include a broader range of recommendations.

Since 1945, the GA has mandated and established a number of FFMs and COIs to investigate violations of IHL and human rights. Six are included as case studies in Annex 6, including three FFMs: South Vietnam (1963), Cambodia (1998), Afghanistan (1999); and three COIs: Hungary (1956), OPT (1968), Mozambique (1973). The issue of host State consent is important in this context, though it is worth noting that FFMs and COIs have been created without the consent of the Governments of the Syrian Arab Republic, Myanmar and the DPRK. This practice demonstrates that the GA has an independent and Charter-based authority to form its own investigative bodies. While that practice has diminished since the creation of the HRC in 2006, it remains within the scope of GA authorities to establish such bodies.

While each case differs in its detail, the process for forming an FFM and a COI is similar and includes the following steps:

1. A GA resolution identifies the need for an investigation, typically the presence of widespread human rights violations and/or violations of IHL. The resolution typically outlines the FFM or COI's recommended mandate, objectives and scope.

2. Drawing on that GA resolution, the Secretary-General then appoints members to the body, which are presented to the GA via a letter.

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[55] The resolution also observed that the GA should "wherever appropriate, consider the possibility of providing for recourse to fact-finding in its resolutions relevant to the maintenance of international peace and security".
[56] See Larissa Van Den Herik, "An inquiry into the role of commissions of inquiry in international law: navigating the tensions between fact-finding and application of international law", *Chinese Journal of International Law,* vol. 13, No. 3 (2014), p. 508.
[57] United Nations Office of the High Commissioner for Human Rights, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice* (New York and Geneva, OHCHR, 2015).

3. The team deploys to the affected area and prepares a report, which is submitted to the GA (typically via a letter from the Secretary-General, but also sometimes via direct briefings).
4. Based on the team's report, the GA may take further action.

There are also **other accountability mechanisms and investigatory or repository bodies** that the GA has created that do not exactly fit into the model of FFMs and COIs but share similar aims. On 20 July 2004, the GA adopted a resolution that acknowledged the ICJ advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and laid out recommendations for responding to its findings (A/RES/ES-10/15). In its advisory opinion, the ICJ had determined that the construction of the wall was contrary to international law and recommended reparations for damage caused.[58] Resolution ES-10/15 thus requested the Secretary-General to establish a Register of Damage caused by the wall (ibid., para. 4). Following this, during one of the convenings of the 10th emergency special session, the GA adopted a resolution on 15 December 2006 that reaffirmed the demands of resolution ES-10/15 and formally established the **UN Register of Damage** (A/RES/ES-10/17, para. 3) as a record-keeping entity that would document and preserve evidence of harm caused by the wall's construction.[59]

Another example is the GA's establishment in 2016 of the **International, Impartial and Independent Mechanism** to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic (known as the International, Impartial and Independent Mechanism, IIIM). Between 2011 and 2016, the conflict in the Syrian Arab Republic was characterized by widespread violence and allegations of war crimes and crimes against humanity. The situation also remained deadlocked in the SC, which was unable to issue resolutions or refer the situation to the ICC due to vetoes by some of its permanent members.[60] On 21 December 2016, the GA adopted a resolution establishing the IIIM (A/RES/71/248). The resolution passed with 105 votes in favour, 15 against and 52 abstentions, reflecting strong but far from unanimous support. The resolution provided the IIIM with a mandate to assist in the investigation and prosecution of those responsible for the most serious crimes under international law in the Syrian Arab Republic from 2011 to 2016. This included collecting, consolidating, preserving and analysing evidence of violations of IHL and human rights violations. The IIIM works alongside the COI established in 2011 by the HRC (A/HRC/S-17/1). In simplified terms, the IIIM acts as a judicial preparation body, preserving evidence for eventual trials, while the COI gathers and reports information.

One interesting difference in GA-established COIs, FFMs and other investigatory bodies is that they have tended to be comprised of representatives of Member States, whereas investigatory bodies mandated by the HRC or the SC have tended to be manned by professional staff. The exception to this is the decision to have the IIIM staffed by professional staff members, independent of any Member State or other body. Given that this is the most recent example of the GA creating an accountability mechanism, this could be a reflection of GA

[58] A/ES-10/273, paras. 152–153.
[59] The UN Register of Damage is a subsidiary organ of the GA operating under the SG's administrative authority and established at the UN Office at Vienna. It is composed of a three-member board and a small secretariat, headed by an Executive Director (all appointed by the Secretary-General). In 2022, the Secretary-General appointed three international experts as board members. For the latest progress report of the UN Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory, see A/ES-10/1004.
[60] Between October 2011 and the GA resolution of 2016 establishing the IIIM (A/71/248), seven SC resolutions relating to Syria were vetoed, including one in 2014 intended to refer the situation in the Syrian Arab Republic since March 2011 to the Prosecutor of the ICC (S/2014/348).

practice keeping pace with those of other bodies. The table below summarizes information about investigatory bodies created by the GA, including with reference to this last feature of their staffing or composition.

Table 5: Investigatory and fact-finding bodies established by the General Assembly

Fact-finding or investigatory mechanism, year authorized, and country concerned		
Authorizing resolution or other authority	**Purpose**	**Staffed by**
2016 - International, Impartial and Independent Mechanism for the Syrian Arab Republic		
A/RES/71/248	To support investigation and prosecution of serious crimes under IHL committed in the Syrian Arab Republic since March 2011.	Professional, independent staff
1999 - Investigative team in Afghanistan		
A/RES/54/185	To continue investigation into reports of mass killings of prisoners of war and civilians, rape and cruel treatment in Afghanistan.	OHCHR investigatory team
1998 - Group of Experts for Cambodia		
A/RES/52/135	To examine past serious violations of Cambodian and international law in the years 1975–1979, including alleged human rights violations.	Representatives of Member States
1973 - Commission of Inquiry: Mozambique		
A/RES/3114 (XXVIII)	To investigate reported massacres in Mozambique (prior to full decolonization from Portugal, and independence).	Representatives of Member States
1968 - Special Committee: OPT		
A/RES/2443(XXIII)	To investigate Israeli policies and practices affecting the human rights of persons under occupation since June 1967.	Representatives of Member States
1963 - Fact-Finding Mission to South Vietnam		
Government invitation, with GA approval* A/PV.1239	To ascertain the facts surrounding allegations of persecution of Buddhist community.	Representatives of Member States
1956 - Special Committee: Hungary		
A/RES/1132(XI)	To collect evidence and information related to the situation in Hungary following Soviet intervention, including violations of human rights.	Representatives of Member States

** Although initially a draft resolution was proposed with regard to the situation in Vietnam, it was withdrawn after the Government of Vietnam invited Member States to visit and collect information, and this was used as the basis for authorization, following no objections to this proposal during GA deliberations. See more in the case study in annex 6.*

GA resolutions have also contributed to the **creation of FFMs by other bodies**. Three recent examples illustrate this:

- **COI on the DPRK** (2012): in response to the "significant persistent deterioration of the human rights situation in the Democratic People's Republic of Korea despite the succession of leadership" in 2012, the GA strongly urged the Government of the DPRK "to protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary", though it did not specify which mandating authority should do so (A/RE/67/181). Shortly after, the HRC established the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea to "investigate the systematic, widespread and grave violations of human rights" in the DPRK (A/HRC/RES/22/13).
- **FFM on Myanmar** (2017): more recently, in 2017, the HRC established the Independent International Fact-Finding Mission for Myanmar (IIFFMM) on its own authority, but after several GA resolutions calling attention to the human rights situation in Myanmar and urging accountability mechanisms (A/HRC/RES/34/22). Among others, GA resolution 70/233 adopted in December 2015, raised "serious concern about the situation of the Rohingya in Rakhine State" and called for "full, transparent and independent investigations into all reports of human rights violations and abuses" (A/RES/70/233). This created an important reference point for the HRC's eventual establishment of the IIFFMM in 2017.
- **FFM on the Beit Hanoun incident in the OPT** (2006): the GA expressed its deep concern over the deteriorating situation in the OPT (A/RES/ES-10/6), specifically condemning a deadly attack in Beit Hanoun on 8 November 2006. Among other recommendations, the GA called for the establishment of an FFM to investigate the Beit Hanoun incident and for a report to be submitted to the GA within 30 days (ibid., para. 3). The HRC established an FFM on this matter through a resolution (A/HRC/S-3/L.1), resulting in a report in 2008 (A/HRC/9/26).

Establishment of judicial bodies or courts

The authority under Article 22 to establish subsidiary bodies could also include establishment of ad hoc courts or tribunals.[61] Considering the 1949 GA creation of a UN Administrative Tribunal in 1949, the ICJ affirmed the GA's competency to establish such a tribunal, explicitly stating that the GA "had the legal capacity under the Charter" to "establish a judicial body", although the Charter does not "confer judicial functions on the General Assembly".[62] In 1973, the ICJ again found the GA competent to establish the Committee on Applications for Review of Administrative Tribunal Judgments.[63]

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[61] Rebecca Barber, *The Powers of the UN General Assembly to Prevent and Respond to Atrocity Crimes: A Guidance Document* (St Lucia Brisbane: Asia-Pacific Centre for the Responsibility to Protect, 2021), p. 29. See also Carsten Stahn, "From 'Uniting for Peace' to 'Uniting for Justice?': reflections on the power of the UN General Assembly to create criminal tribunals or make referrals to the ICC," *Case Western Reserve Journal of International Law,* vol. 55, Nos. 1 & 2 (2023). Stahn identifies three models in which the GA may become involved in the creation of a criminal tribunal: treaty approval, establishment of a criminal tribunal with consent of the territorial state and creation of a tribunal without such consent.

[62] International Court of Justice, *Effect of Awards of Compensation Made by the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Reports 1954*, p. 18. Available at https://www.icj-cij.org/sites/default/files/case-related/21/2125.pdf. The ICJ's advisory opinion was used by the International Criminal Tribunal for the Former Yugoslavia to affirm the SC's competence to establish an international criminal tribunal. Further, Article 29 of the UN Charter allows the SC to establish "such subsidiary organs as it deems necessary for the performance of its functions", in identical terms to Article 22 relating to the GA.

[63] International Court of Justice, *Application for Review of Judgment No. 158 of the United Nations Administrative, Advisory Opinion, I.C.J. Reports 1973*, p. 172. Available at https://www.icj-cij.org/sites/default/files/case-related/57/6028.pdf.

One example of the GA at least indirectly exercising this authority was its role in the creation of the Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal. In 1999, the Group of Experts in Cambodia recommended that the GA create an ad hoc international tribunal to prosecute Khmer Rouge officials for crimes against humanity and genocide committed between 1975 and 1979, under its "recommendatory powers under Chapter VI of the Charter, especially Articles 11(2) and 13", if the SC failed to do so (A/53/850-S/1999/231).[64] The GA held dozens of debates and issued several resolutions on the need to hold the Khmer Rouge accountable; a GA resolution authorized the UN Secretary-General to negotiate with the Cambodian Government on the establishment of a tribunal; a GA resolution endorsed the draft agreement between the UN and the Cambodian Government on the court (A/RES/57/228 B); and GA resolutions facilitated international funding and logistical support to the Extraordinary Chambers (A/RES/73/279; A/RES/71/272 A; A/RES/70/248 (IV); A/RES/68/247B).

A range of FFMs and COIs have recommended that the GA might directly establish judicial bodies, such as international criminal tribunals to adjudicate international law violations in a range of peace and security contexts.[65] However, this has not yet been tested in practice. Instead, the GA has used its budgetary authorities to support the establishment of judicial bodies by other actors. For example, in 2004 the GA approved a subvention grant to the SC-established Special Court of Sierra Leone (A/RES/58/284). The GA has also allocated funds to the ICC, supporting cases referred to it by the SC.[66]

Referral to judicial bodies

The GA is empowered under Article 96 of the Charter to "request the International Court of Justice to give an advisory opinion on any legal question". Such requests must be approved by a simple majority of the GA. Over the past 78 years, the GA has made 18 requests for advisory opinions from the ICJ (see summary table of these requests in Annex 6).[67] The ICJ has never failed to provide an advisory opinion requested by the GA and, while not binding on States, these opinions help to clarify key rights and obligations under international law, and may carry "legal and moral authority" in ways that influence responses to peace and security situations.[68] As has

[64] The report argued that the establishment of an ad hoc international tribunal by the UN represented "the best possibility for fair accountability of the Khmer Rouge leaders and responds in the most effective way to the 1997 request of the Cambodian Government for international assistance".
[65] Creation of such judicial bodies has been directly suggested or implied by the UN Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48 (2009), p. 425); the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (A/HRC/25/CRP.1 (2014), para. 1201); and by the Independent International Fact-Finding Mission on Myanmar (A/HRC/42/50 (2019), para. 106).
[66] The GA has financially supported the Special Court for Sierra Leone, the Special Tribunal for Lebanon, and the ECCC through voluntary contributions. In 2005, via resolution 59/294 (A/RES/59/294, para. 3), the GA allocated a total of $20 million to the Special Court for Sierra Leone for the first half of 2005. Additionally, the Secretary-General was authorized to commit up to $13 million for the second half of 2005, with the understanding that any regular budget funds used would be refunded if sufficient voluntary contributions were received before the Court's closure (ibid., para. 9). In 2022, the GA similarly contributed to the Residual Special Court for Sierra Leone, authorizing the Secretary-General to commit up to $2,773,300 to supplement its voluntary financial resources (A/RES/76/246, para. (XI)10). In 2021, via resolution 75/253B, the GA appropriated an amount of $15.5 million to supplement the voluntary financial resources of the Special Tribunal for Lebanon for the period from 1 January to 31 December 2021 (A/RES/75/253B, para. (IV)9). In 2022, via resolution 76/246A, the GA authorized the Secretary-General to commit up to $7 million to supplement the voluntary resources for the international component of the ECCC (A/RES/76/246, para. (XII)10). For a broader discussion on GA involvement in ICC funding see Jennifer Trahan, "The relationship Between the International Criminal Court and the U.N. Security Council: parameters. Best practices", *Criminal Law Forum*, vol. 24 (2013), pp. 450–454.
[67] For a full list of the GA's requests for advisory opinions from the ICJ, see International Court of Justice, "Organs and agencies authorized to request advisory opinions". Available at https://www.icj-cij.org/organs-agencies-authorized (accessed 2 August 2024).
[68] International Court of Justice, "Advisory jurisdiction". Available at https://www.icj-cij.org/advisory-jurisdiction (accessed 2 August 2024).

been deemed permissible by the ICJ in the *Wall* case, the GA has referred matters to the ICJ even when the SC was still seized with them.

GA referrals to the ICJ can function as an important accountability measure. In keeping with the GA's Article 13 responsibilities to make recommendations that assist in the "realization of human rights" and the "progressive development of international law", many of the legal questions that the GA has referred to the ICJ have a **linkage with humanitarian law or human rights violations**. These have included the GA's 2003 request for an advisory opinion on the legal consequences of the construction of a wall in the OPT. In its advisory opinion, the ICJ concluded that Israel's construction of the wall and its associated measures had violated a number of principles and provisions of international law, including the principle of self-determination enshrined in the UN Charter, the Hague Regulations of 1907, the Fourth Geneva Conventions and other provisions of human rights institute (A/ES-10/273). In 2022 the GA referred issues connected to Israeli policies and practices in the OPT, including East Jerusalem, to the ICJ. In the resolution requesting the ICJ advisory opinion (A/RES/77/247) the GA expressed "grave concern about the continuing systematic violation of the human rights of the Palestinian people", as well as the "tensions and violence in the recent period throughout the Occupied Palestinian Territory, including East Jerusalem".[69] In July 2024, the Court released its advisory opinion, finding that a number of policies and practices had violated international law, including the Fourth Geneva Conventions and the Hague Conventions pertaining to occupied territories, and identifying a responsibility for the SC and the GA, in cooperation with other Member States, to help hold these to account and prevent further violations.[70]

The GA has also referred questions to the ICJ that concern what might be framed as **systemic or global threats to peace and security**. These have often served an accountability function vis-à-vis the SC because they tend to concern issues that the GA had previously raised (often over many years) as critical to the maintenance of peace and security, and/or critiqued the SC for failing to take sufficient action on. In that sense, these referrals might be seen as carrying forward the GA's responsibilities under Article 11(3) to "call the attention of the Security Council to situations which are likely to endanger international peace and security". For example, for many years, the GA had consistently raised issues of disarmament (A/S-15/6; A/S-12/6; A/S-10/4), in particular nuclear disarmament, and declared the use of nuclear weapons as a violation of the UN Charter and a crime against humanity.[71] In 1994, the GA requested the ICJ to consider the legality of the threat or use of nuclear weapons. While the Court could not "reach a definitive conclusion as to the legality or illegality of the use of nuclear weapons" (A/51/28), it affirmed an obligation to pursue nuclear disarmament in good faith" (ibid.). A more recent example is the 2023 GA request for an ICJ opinion on the obligations of States in respect of climate change, which the Court has not yet rendered an opinion on at the time of publication.

GA referrals to the ICJ have also frequently been combined with other GA recommendations for action to address ongoing disputes or threats to regional or global stability. Several of the cases where the GA has referred an issue to the ICJ have related to ongoing disputes over the **status or governance of a territory**. Some of these have related to disputes over decolonization, for example:[72]

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[69] The GA had previously been active in passing resolutions related to human rights and humanitarian conditions in these territories for many years, including in many resolutions passed in the context of the 10th emergency special session.
[70] *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, *Advisory Opinion, I.C.J. Reports 2024*.
[71] A/RES/1653(XVI); A/RES/33/71 B; A/RES/34/83 G; A/RES/35/152 D; A/RES/36/92 I; A/RES/45/59 B; A/RES/46/37 D.
[72] Another example is the GA's 1949 request for the ICJ to advise on the legal status of the territory of South West Africa (now Namibia) (A/RES/338(IV)). See *International Status of South-West Africa, I.C.J. Reports 1950*.

- **Western Sahara**: from 1965 to 1973, GA resolutions had supported good offices and diplomatic efforts to help settle the longstanding territorial dispute over Western Sahara, generally offering its support for self-determination in Western Sahara and arguing for Spain to release its colonial claim on the territory. In 1974, the GA observed that the "persistence of a colonial situation in Western Sahara jeopardizes stability and harmony in the north-west African region", and referred the matter to the ICJ, asking it to offer its advisory opinion on a legal question that was at the heart of the territorial dispute (A/RES/3292(XXIX), para. 1).
- **Mauritius**: in 2017, the GA requested an ICJ advisory opinion related to whether Mauritius had been completely decolonized in 1965 (A/RES/71/292), an issue material to a dispute over continued British administration of the Chagos Archipelago. After the ICJ determined that full decolonization had not occurred and concluded that the UK had an obligation to end its administration, the GA followed up with a 2019 resolution welcoming the ICJ's advisory opinion and demanding that the UK unconditionally withdraw within six months (A/RES/73/295).

In 2008, the GA also referred to the ICJ the question of whether Kosovo's declaration of independence violated international law (A/RES/63/3). The GA's decision to refer the matter followed stalemate in the SC over this issue in the months prior, and thus could be seen as both an accountability measure and an effort to advance resolution of the dispute under the circumstance of a divided SC. The ICJ's 2010 opinion found that the independence declaration did not violate international law, and the GA subsequently acknowledged the Court's opinion and urged further diplomatic engagement by the European Union to promote dialogue, and peace, security and stability in the region (A/RES/64/298).

Recommending referrals to the International Criminal Court

The Charter-based right of the GA to refer matters to bodies other than the ICJ is less clear, though in past practice GA resolutions have been instrumental in supporting the consideration of matters before other bodies like the ICC, other international courts or hybrid courts. Under Article 13 of the Rome Statute of the International Criminal Court, the ICC envisages the referral of crimes committed on the territory of a non-party State only by the SC.[73] The SC has referred two situations to the ICC in the past: its 2005 referral of the situation in Darfur (S/RES/1593), and in 2011 of the situation in the Libyan Arab Jamahiriya (S/RES/1970).

The GA has recommended that the SC refer matters to the ICC. In the case of the DPRK, from 2014 on, the GA passed multiple resolutions calling for the situation to be referred to the ICC. With regards to the Syrian Arab Republic, the GA in 2016 encouraged the SC "to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play" (A/RES/71/203). While neither effort resulted in a referral per se, the GA's resolution on the DPRK contributed to placing the matter on the SC's agenda in 2014 (A/RES/69/188). In 2014, a draft resolution was put before the SC proposing to refer the situation in the Syrian Arab Republic to the ICC, but it was vetoed by China and the Russian Federation (S/2014/348).[74]

[73] The International Law Commission also issued an opinion on the matter. In its 1994 report on its 46th session (A/49/10, p. 44), the Commission considered whether "the power to refer cases to the court under Article 23, paragraph 1, should also be conferred on the General Assembly, particularly in cases in which the Security Council might be hampered in its actions by the veto" but ultimately concluded that this was not within the scope of the GA's Charter powers.

[74] China and the Russian Federation argued that the resolution was politically motivated and risked exacerbating the conflict (S/PV.7180).

Key trends and conclusions on accountability mechanisms and initiatives

1. **The GA has often played an important role in mandating and shaping accountability processes.**

The GA's declarations and observations, identifying violations of international law, the UN Charter and other human rights violations (in keeping with its Article 13 responsibilities) can represent accountability measures in themselves, or may lead to accountability measures being taken up by other bodies. In addition, the GA has established impartial, fact-finding teams that generate information about ongoing conflicts, often alongside or working in cooperation with accountability mechanisms formed by the HRC or the SC.[75] Even where the reports of these bodies are not directly linked to other mechanisms, they have played an important role in keeping matters on the international agenda, and in maintaining pressure on the SC to act.

2. **GA action with regard to accountability measures or mechanisms has frequently occurred in situations where other bodies have been unable or unwilling to act, in particular the SC.**

Many of the most prominent examples of GA support for accountability measures have emerged within emergency special sessions convened in reference to the UFP resolution, or other situations in which the GA has deemed that a SC response will not be forthcoming. For example, the GA's calls for investigations into the Soviet military intervention in Hungary during the 2nd emergency special session (1956) led (in subsequent resolutions) to the creation of a COI. Another example was the GA's referral of the legal consequences of Israel's construction of a wall in Palestinian territory to the ICJ during its 10th emergency special session. There are also examples of the GA stepping in to try to provide a measure of accountability, or a spur to do so, through resolutions passed in its regular sessions, as well as in its committee work. The IIIM established with regard to violations in the Syrian Arab Republic was not taken in reference to a UFP resolution but the resolution forming it (A/RES/71/248) made clear that it was initiated due to SC deadlock over Syria and in response to the SC's repeated failures to refer the matter to the ICC. Similarly, GA resolutions referring to the ICJ questions related to nuclear weapons use and proliferation, Israeli policies and practices in East Jerusalem, and State obligations with regard to climate change appeared to be prompted by the perception that the SC would not take further action on these matters.

3. **Attention to accountability measures and mechanisms has remained consistent and has arguably increased over time.**

In contrast to other practice discussions in this Handbook, which have observed a decline in GA activity over time (for example, on peace operations or some types of use of force recommendations), GA resolutions that fulfill its accountability role, highlighting violations or creating mechanisms or bodies that will encourage other means of accountability, have not decreased over time. In fact, judging by the recent tone and pace of its referrals to other judicial bodies (including recommending referrals to the ICC) and its recent support to innovative investigatory and pre-prosecutorial mechanisms (such as through the IIIM), the GA's willingness to take robust accountability measures has arguably increased over time.

[75] For more on the HRC's role in setting up accountability mechanisms, see Adam Day and Erica Harper, *Delivering the right to peace: towards a strengthened role of the Human Rights Council in the UN's peace and security framework* (Geneva, Geneva Academy and UNU-CPR, 2023).

Taking all of these examples into consideration, GA practice on accountability points to a wide range of options and tools that could be employed in the modern context:

- **Independent fact-finding or verification**: the GA can establish fact-finding bodies and inquiry commissions, either independently or designed to work in cooperation with other accountability mechanisms.
- **Establishment of or support to judicial bodies**: while seldom used, the GA has the power to establish judicial bodies, or can lend support to those created by other bodies.
- **Links to other judicial bodies**: where situations require a more formal judicial competency, the GA is able to refer matters to bodies like the ICJ.
- **A normative power**: GA resolutions, while not judicial in themselves, can play an important role in shaping the UN's stance on matters of international peace and security.

E. Good offices: envoys, mediators and other diplomatic action

There is no single internationally recognized definition of "good offices". In early usage the term referred to the role of a Member State or the SC in mediating international disputes, exemplified by Switzerland's involvement in crises from the Suez to Afghanistan[76] and the SC's role in the 1947 Good Offices Committee on the Dutch-nationalist dispute in Indonesia.[77] The 1992 *Agenda for Peace* describes good offices as "any diplomatic action taken to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts, and to limit the spread of conflicts when they occur."[78] Others have argued that the term has evolved to include almost anything – from a well-timed telephone call by the Secretary-General, to exploratory conversations, or a full-fledged mediation effort conducted in his or her name.[79] Generally, good offices "entails a process of dialogue and negotiation in which a third party assists two or more conflicting parties, with their consent, to prevent, manage or resolve a conflict without recourse to force".[80]

In addition to its Charter-based authority to deliberate and provide recommendations related to peace and security matters (revisit the introduction in part I for further discussion of these), the basis for the GA to employ good offices rests on two UN Charter articles. Article 14 authorizes the GA to recommend measures for the peaceful adjustment of situations impairing general welfare or friendly relations, including Charter violations. Article 98 instructs the Secretary-General to perform functions entrusted by UN primary organs, including preventive diplomacy on his/her own accord or at the GA's request. Article 22 also enables the GA to establish any "subsidiary organs" necessary for carrying out its mandate, which enables the GA to mandate or appoint committees or other mechanisms to take forward diplomatic initiatives. Last, Article 13 of the UN Charter vests the GA with the responsibility to assist in the "realization of human rights and fundamental freedoms". Following on from this, where the GA has supported good offices it has often been to further diplomatic action to avert or halt atrocity crimes or to address violations of human rights and fundamental freedoms. For more on these powers and provisions, revisit the discussion of Charter-based authorities in part I.

The practice of the GA demonstrates a wide range of possible actions for the GA to support good offices, including appointing diplomatic roles, calling for the Secretary-General to take action, and even establishing committees and special political missions. Annex 7 contains case studies related to GA engagement with good offices, which are linked to in the text below.

Direct appointment of representatives

The GA has rarely used its authority to directly appoint mediators in conflict settings. An important early precedent was the GA empowering the Secretary-General in 1948 to appoint a mediator in the context of the

[76] Thomas Fischer, *Switzerland's Good Offices: A Changing Concept* (Zürich, Center for International Studies, 2002).
[77] David W. Wainhouse, *International Peace Observation: A History and Forecast* (Baltimore, Johns Hopkins Press, 1966).
[78] For a history of the term "good offices", see Adam Day, "Politics in the driving seat: good offices, UN peace operations, and modern conflict", in *UN Peace Operations in a Changing Global Order,* Cedric de Coning and Mateja Peter, eds. (Cham, Springer Nature, 2019).
[79] Teresa Whitfield, "Political missions, mediation and good offices", in *Review of Political Missions,* Center on International Cooperation, (New York, Center on International Cooperation, 2011), p. 28.
[80] Ibid. The term is also widely used outside of peace and security contexts, appearing in various international texts such as the Marrakesh Agreement establishing the World Trade Organization and the Vienna Convention, as well as in multilateral treaties predating the UN, including the Convention for the Pacific Settlement of International Disputes. See WTO, "WTO Legal Texts". Available at: https://www.wto.org/english/docs_e/legal_e/legal_e.htm (last accessed 12 August 2024); United Nations, *Treaty Series*, vol. 1513, No. 26164; Convention on the Pacific Settlement of International Dispute, 1899, Title II; Convention for the Pacific Settlement of International Disputes (Hague Convention I), 1907, Part II.

Israel-Palestine conflict (A/RES/186(S-2)), with Folke Bernadotte ultimately serving in this capacity. More recent examples include the GA appointment of Special Representatives on the Impact of Armed Conflict on Children in 1997 (A/RES/51/77) and violence against children in 2008 (A/RES/62/141), and with the League of Arab States, a joint Special Envoy appointed in 2012 in response to the situation in the Syrian Arab Republic (A/RES/66/253 A).

Requests to the Secretary-General to exercise good offices

More frequently, the GA requests the Secretary-General to exercise good offices to help resolve international conflicts, either directly or by appointing an envoy or mediator. Examples include the 1974 request to the Secretary-General to facilitate the resolution of the conflict over Cyprus (A/RES/3212 (XXIX)); the 1975 request to the Secretary-General to appoint a representative to ensure the self-determination of the Saharan populations (A/RES/3458(XXX)[A]); A/RES/3458(XXX)[B]); the 1993 request to the Secretary-General to support the implementation of resolutions on Myanmar (A/RES/48/150); the 1997 request to the Secretary-General to provide support to the special rapporteur during the Sudan conflict (A/RES/51/112); and three requests between 1997 and 1999 to the Secretary-General to facilitate monitoring of the human rights situation in Tajikistan (A/RES/51/30J; A/RES/52/169[I]; A/RES/53/1[K]). In some settings, the GA welcomes rather than recommends the Secretary-General's diplomatic efforts, such as in its 2014 resolution on Ukraine (A/RES/68/262).

Creating committees or commissions

In some settings, the GA has recommended the creation of good offices committees or commissions, tasked with engaging on political processes in conflict settings. Prominent examples of this include: the 1947 UN (Temporary) Commission on Korea to support the unification of the Republic of Korea (A/RES/112(II)[A]; A/RES/195(III)); the 1952 Good Offices Commission on South Africa (A/RES/511(VI)); the 1957 Good Offices Committee on South West Africa based on the 1951 resolution (A/RES/449(V)A-B); and the 1953 GA recommendation (A/RES/707(VII)) to pursue good offices negotiations for the disarmament and withdrawal of Kuomintang troops from Burma, followed by a US-initiated Four-Nation Military Commission to negotiate the withdrawal.

Support to elections and referenda

The GA has requested the UN to deliver specific support to a political process, usually either an election or a referendum. For example, in December 1966 the GA requested Spain to organize, under UN supervision, a referendum on self-determination for Western Sahara, also requesting the Secretary-General to appoint a special mission to support its implementation (A/RES/2229(XXI)). In 1992, the GA requested the UN to support the referendum in Eritrea, which subsequently became a GA-authorized mission (see below and in the case study on the UNOVER).

Supporting peacemaking and special political missions

A relatively rare practice involves the GA directly recommending creation of a special political mission (see also above discussion of GA practice with regard to peace operations). In 1993, the GA mandated the

establishment of UNSMA, which had a strong focus on good offices and internal and regional mediation. In 1994, the GA established MINUGUA, at the request of the conflict parties and after many GA resolutions supporting the peace process and encouraging negotiations. MINUGUA was notable because it was created while the peace process was still being negotiated, and so was designed to facilitate continuing good offices and peacemaking support. The GA has also supported peacemaking efforts and good offices by lending its support to political missions created by the SC. An example was the 1999 creation of UNAMET, which was authorized by the SC (S/RES/1246(1999)), but was also influenced by a range of GA resolutions calling for peaceful resolution of the conflict in the years prior.[81]

Establishment of zones of peace or demilitarization

The GA has also lent significant support to the creation of zones of peace and/or demilitarization. This has included GA resolutions calling for nuclear-weapon-free zones (NWFZs) and zones of peace.[82] While these are not direct employment of good offices, they are designed to create space for political processes to occur. Additionally, many of the international treaties concluded establishing NWFZs and zones of peace were also the result of many years of GA support for good offices in this regard.

Key trends and conclusions on General Assembly support for good offices

1. **The GA has broad and relatively unrestricted authority to support diplomatic responses to peace and security threats.**

The most common practice has involved the GA recommending action by the Secretary-General, either in appointing a representative or in taking a specific course of action himself. But in a limited number of circumstances, the GA has gone further in supporting good offices, by directly creating or mandating committees, and/or appointing representatives to take forward diplomatic initiatives.

2. **The GA's broad authority to support good offices has offered a division of labour, enabling action in areas where the SC has been unwilling or unable to act.**

The above practice suggests that not only has the GA been willing to act while items are on the SC's agenda, but that the GA has often chosen to support good offices precisely in situations or with regard to issues that have not been less prominent on the SC's agenda, for example, early GA support for good offices related to Western Sahara and on Myanmar, and on zones of peace. In some cases this may have been because the issues were sensitive to some of the permanent members of the SC, for example, GA support to good offices related to NWFZs and disarmament. The limited GA practice of establishing a special political mission indicates a potentially important role in cases where the SC may be unable to act, or where the GA is in a unique position to respond.

[81] A/RES/3485(XXX) (1975) OP 1-6; A/RES/31/53 (1976) OP 1-7; A/RES/32/34 (1977) OP 1-7; A/RES/33/39 (1978) OP 1-4; A/RES/34/40 (1979); A/RES/35/27 (1980) OP 1-6; A/RES/36/50 (1981) OP 1-4 and 7-8; A/RES/37/30 (1982) P 8.
[82] A/RES/2832(XXVI) (1971); A/RES/41/11 (1976); A/RES/57/13 (2002); A/RES/59/54 (2004).

III. Fostering interaction between the General Assembly and the Security Council

In its resolution 77/335, which requested this digital Handbook, the GA underlined the continued need to foster interaction between the GA and the SC. This survey of the GA's past practice, detailed in part II, has identified important roles for the GA to play in peace and security matters, as well as several cross-cutting lessons that could contribute to greater complementarity between the GA and the SC.

The key lessons derived are as follows:

1. **Charter-based GA authority to act.** The UN Charter places few limitations on the GA's authority to consider matters related to threats to international peace and security, and to offer recommendations to address them. Although the GA is restricted from coercive or enforcement action (the sole preserve of the SC), the Article 14 authorization for the GA to "recommend measures for the peaceful adjustment of any situation" includes actions that can have "force and effect"[83] – from authorizing peace operations, fact-finding commissions, panels of experts or other bodies, to making determinations on violations of the Charter or of international law, requesting the use of the Secretary General's good offices or utilizing the GA's budgetary authority to support accountability or conflict resolution measures. The breadth of practice described in this Handbook illustrates that the GA has an expansive set of options when considering future responses.

2. **Shaping the international response**. Even where the GA is not driving a specific response, its actions can play an important role in shaping how others act. GA resolutions calling for peace operations, sanctions, ceasefires or withdrawal of forces, accountability measures, and for direct responses by the SC have often been the cause of important initiatives and binding responses. GA resolutions in support of ongoing processes – including through budgetary support – are often crucial to their success. Particularly in situations where the SC appears less able to act, the GA can function as an important driver of international action.

3. **Keeping matters on the agenda.** GA action ranging from accountability mechanisms on particular country situations to recommending responses to global threats – for example, on disarmament or climate change – have helped to keep key peace and security matters on the agenda, even when, or especially when, the SC appeared unwilling or unable to act on them.

4. **A complementary role in accountability**. When faced with large-scale violations of international human rights and humanitarian law, the HRC and SC have the most important accountability functions. But the GA has important and wide-ranging tools and practices that can complement these functions, and in some cases the GA has led accountability initiatives. Identifying how the GA, SC and HRC can operate with even greater complementarity could be further explored.

[83] ICJ, *Certain Expenses*, pp. 163–164.

5. **Holding the SC accountable**. GA resolutions and action on particular matters have often served a broader accountability role, highlighting the failure of the SC to address the issue or encouraging it to take more concerted action in the future. More recent practice under the Veto Initiative offers a new set of practices to encourage deliberation and accountability in cases where SC responses have been blocked by a permanent member's veto.

6. **Towards GA-SC synergy**. The GA's practice in all areas described above stands for the principle that the GA is able to act while a matter is on the SC's agenda. In many cases, the GA directly supports or enables SC action, creating a broader basis of international consensus and amplifying the voice of the SC. Rather than see the GA as a competing actor in matters of peace and security, the cases suggest that it could be more helpfully considered a synergistic and complementary one. Identifying forums and opportunities for building towards a greater synergy should continue to be pursued.

Annexes: Cases of practice

The annexes below are not an exhaustive treatment of every case mentioned in the Handbook. They are meant as a resource for those interested in a deeper understanding of how some of the most important practices evolved in specific areas. As such, each of the annexes of practice (annexes 3 through 7) are divided along the same topics as the Handbook, with hyperlinks back to the main text for ease of access. The first annex discusses a particular initiative related to the GA's relationship with the SC, the Veto Initiative, and the second summarizes each of the emergency special sessions and the one regular session that is connected to the UFP resolution.

Annex 1: The Veto Initiative

In 2022, a new process for the GA to hold SC members accountable for their use of the veto emerged. On 26 April, the GA passed resolution 76/262 (without a vote), otherwise known as the Veto Initiative, which stipulates that every time a veto is used in the SC, the GA will meet within 10 working days and "hold a debate on the situation as to which the veto was cast, provided that the Assembly does not meet in an emergency special session on the same situation" (A/RES/76/262).[84]

As of the publication of this Handbook, ten debates in the GA were prompted in reference to resolution 76/262, following the veto of a draft resolution or (in one case) an amendment to a draft resolution. In the same period, there have been four other instances of vetoes by a permanent member, but these were followed by the convening of an emergency special session on the same matter and so, in accordance with resolution 76/262, it was not necessary to separately convene a debate on the situation.[85]

So far, the GA has convened in reference to resolution 76/262 to deliberate on:

- The Russian Federation's veto of a renewal of the sanctions regime for Mali (S/2023/638).[86]
- Russian Federation and/or Chinese vetoes of resolutions that would have renewed the panels of experts linked to the sanctions regime in the DPRK (S/2022/431; S/2024/255).[87]

[84] The resolution was co-sponsored by Andorra, Albania, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Bulgaria, Cabo Verde, Canada, Costa Rica, Croatia, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, the Gambia, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritania, Mexico, the Federated States of Micronesia, Monaco, Montenegro, Morocco, Myanmar, the Netherlands, New Zealand, North Macedonia, Norway, the State of Palestine, Panama, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Singapore, Slovakia, Slovenia, South Sudan, Spain, Sweden, Switzerland, Timor-Leste, Tonga, Türkiye, Ukraine, the UK, the US, Uruguay and Vanuatu. It was adopted without a vote. Further discussion is available in the record of the GA debate over this resolution (A/76/PV.69).

[85] These related to vetoes of the following draft resolutions (permanent member vetoing, and date in parentheses): S/2023/970 (US, 8 December 2023); S/2023/792 (China, Russian Federation, 25 October 2023); S/2023/773 (US, 18 October 2023); S/2022/720 (Russian Federation, 30 September 2022).

[86] See also: United Nations, Meetings Coverage and Press Releases, "Meeting after Russian Federation's veto of sanctions text, General Assembly speakers consider consequences for stability in Mali", meetings coverage, 11 September 2023.

[87] See also: United Nations, Meetings Coverage and Press Releases, "General Assembly debates Russia's veto of DPR Korea sanctions panel", meetings coverage, 11 April 2024.

- The Russian Federation's vetoing of two draft resolutions (one in July 2022 and one in July 2023) that would have extended the provision of cross-border humanitarian aid into the Syrian Arab Republic (S/2023/506; S/2022/538).[88]

- Vetoes of two draft resolutions related to responses to the Gaza conflict that began in October 2023 (one vetoed by the US, and one by China and the Russian Federation).[89]

- The US veto of a draft resolution (S/2024/312) related to the question of membership for the "State of Palestine".

- The Russian Federation's veto of a draft resolution (S/2024/302) on the arms race in outer space.

In all of the debates convened so far in relation to the Veto Initiative, the GA has considered the matter but did not take further action. The GA has passed resolutions in some of the emergency special sessions that have been reconvened to consider matters related to SC vetoes. These are discussed in the case study summaries of the 10th emergency special session and the 11th emergency special session.

The table below offers a summary of those draft resolutions that have been vetoed and then undergone a GA debate in connection with the Veto Initiative, with accompanying links to those GA debates, as available.

Table 6: Debates held in accordance with General Assembly resolution 76/262 following Security Council vetoes

Date of SC consideration	SC draft resolution	Matter considered in vetoed resolution	Veto by	GA debate on veto	Date of GA debate
24 April 2024	S/2024/302	Non-proliferation	Russian Federation	A/78/PV.78* A/78/PV.79*	6 May 2024
18 April 2024	S/2024/312	Admission of new members	United States	A/78/PV.74* A/78/PV.75*	1 May 2024
28 March 2024	S/2024/255	Non-proliferation – DPRK	Russian Federation	A/78/PV.68* A/78/PV.69*	11 April 2024
22 March 2024	S/2024/239	The situation in the Middle East, including the Palestinian question	China, Russian Federation	A/78/PV.66* A/78/PV.67*	8 April 2024
20 February 2024	S/2024/173	The situation in the Middle East, including the Palestinian question	United States	A/78/PV.59*	4 March 2024

[88] See also: United Nations, Meetings Coverage and Press Releases, "Security Council rejects two draft resolutions aimed at renewing cross-border humanitarian operations in Syria's north-west", meetings coverage, July 2022.
[89] Vetoed by the US: S/2024/173; Vetoed by the Russian Federation and China: S/2024/239. There were also other permanent member vetoes of draft resolutions related to the situation in Gaza; however, these were subsequently considered by the GA in convenings of emergency special sessions. These included vetoes related to these draft resolutions: S/2023/773 (US); S/2023/970 (US); S/2023/792 (China and the Russian Federation).

22 December 2023	S/PV.9520, p.4**	The situation in the Middle East, including the Palestinian question	United States	A/78/PV.51* A/78/PV.52*	9 January 2024
30 August 2023	S/2023/638	The situation in Mali	Russian Federation	A/78/PV.3	11 September 2023
11 July 2023	S/2023/506	The situation in the Middle East	Russian Federation	A/77/PV.90 A/77/PV.91	19 July 2023
8 July 2022	S/2022/538	The situation in the Middle East	Russian Federation	A/76/PV.95 A/76/PV.96	21 July 2022
26 May 2022	S/2022/431	Non-proliferation – DPRK	China, Russian Federation	A/76/PV.77 A/76/PV.78 A/76/PV.81 A/76/PV.82	8 June 2022

** As of the time of publication, the meeting record was still forthcoming.*
*** Notwithstanding the US veto of an amendment to resolution 2720, the SC went on to pass this resolution on 22 December 2023. The amendment was introduced orally, as indicated in the listed meeting record.*

Annex 2: Uniting for Peace

GA actions following the exercise of the UFP resolution are among the most-well known examples of GA engagement in peace and security. The cases below detail the first situation that led to the creation of the UFP, the 11 emergency special sessions convened under its authority, and one regular session that was convened in response to a SC resolution calling for an emergency special session in connection with the UFP resolution.

Origin of Uniting for Peace: Korea (1950–1951)

The UFP resolution originated following the SC's deadlock in 1950 during the Korean War, which began when North Korean forces crossed the 38th parallel on 25 June 1950. The same day, the SC met and determined that the action constituted a "breach of the peace" and called for an immediate cessation of hostilities and for the withdrawal of "North Korean forces" (S/RES/82). When the matter initially arose before the SC, the USSR was boycotting the SC due to the exclusion of representatives from the People's Republic of China from taking up the Chinese seat on the SC.[90] During the USSR's boycott, in the span of roughly two weeks between 25 June and 7 July, the SC passed three resolutions that are considered to jointly have given authority to the US to lead action (the use of force) to repel the North Korean attack (S/RES/82(1950); S/RES/83(1950); S/RES/84(1950)).

Two months after the initial SC resolution, the USSR returned to the SC. The USSR's assumption of the SC presidency in August 1950 led US officials to conclude that no further SC action on the Korean Peninsula would be possible, and reignited discussions about ways that the GA could support further action on Korea.[91] On 20 September 1950, the US requested that its proposal for "United Action for Peace" – enabling the GA to consider and make recommendations on matters where the SC had been unable to act – be included as an agenda item in the 5th session (A/1377). The draft resolution for "Uniting for Peace" (proposed by the US) was adopted by the GA on 3 November 1950 by a vote of 52 in favour, 5 against and 2 abstentions (A/RES/377(V)).

Subsequently, in January 1951 the SC unanimously removed the matter, the "Complaint of aggression on the Republic of Korea" from its agenda (S/RES/90). The GA subsequently took up the issue and passed resolutions recommending measures related to the use of force, including cessation of hostilities and withdrawal of foreign forces, as well as a later resolution establishing a Repatriation Commission in Korea.

Return to the discussion of the UFP resolution in part I.

1st emergency special session: Middle East (Suez Crisis) (1956)

The first explicit use of the UFP resolution was the 1956 Suez crisis, which followed the nationalization of the Suez Canal Company and the subsequent invasion of Egypt by Israel on 29 October 1956, supported by France and the UK. In response, first the US and then the USSR put forward draft resolutions in the SC, both calling for

[90] Jean Krasno and Mitushi Das, "The Uniting for Peace resolution and other ways of circumventing the authority of the Security Council", in *The UN Security Council and the Politics of International Authority*, Bruce Cronin and Ian Hurd, eds. (New York, Routledge, 2008), p. 178.
[91] Ibid., pp. 178–179.

Israel to withdraw its armed forces.[92] These were vetoed by France and the UK (S/3710; S/3713/Rev.1). By a vote of 7 to 2 (France and the UK), with 2 abstentions, the SC decided to call for an emergency special session of the GA, explicitly noting that "lack of unanimity of its permanent members" had prevented it from exercising its primary responsibility to maintain peace and security (the language of the UFP) (S/RES/119).

During the 1st emergency special session, the GA passed seven resolutions that collectively called for the immediate withdrawal of Israeli forces from the Sinai Peninsula, the withdrawal of French and British troops from northern Egypt and the reopening of the Suez Canal, and then authorized and set up the first ever deployment of a UN peacekeeping force (see case study on UNEF) to help oversee the ceasefire and withdrawal of forces.[93] Upon request by the USSR, the SC debated the issue at the same time but did not adopt a draft resolution by the USSR calling for military assistance for Egypt given that the matter was being actively dealt with in the GA.[94] Britain and France withdrew their forces within a week of the GA resolution 997 (ES-I), while Israel fully withdrew by March 1957.[95] It is notable that the GA's resolution was issued while the matter remained on the SC's agenda, demonstrating early recognition of the ability of the GA to take up matters concurrently with the SC.[96]

Return to the discussion of the UFP resolution in part I.

2nd emergency special session: Hungary (1956)

In late October 1956, the USSR sent military forces into Hungary to quell a nationwide uprising that had emerged following student protests against the role of the USSR in the country and the Hungarian Government. France, the UK and the US requested that the SC consider the item, citing violent repression of the rights of the Hungarian people, and a violation of the Treaty of Peace of 1947.[97] The SC subsequently considered the situation in Hungary in four sessions in November 1956, and a draft resolution was submitted by the US that would have called upon the USSR to desist from armed intervention in Hungary, to withdraw its troops and (on revision) not to introduce further troops into Hungary, among other provisions (S/3730/Rev.1).[98] This draft resolution was vetoed by the USSR,[99] whereupon the SC requested an emergency special session in the GA, referencing resolution 377(V) (the UFP resolution) (S/RES/120).[100]

The GA passed five resolutions during the 2nd emergency special session (4–10 November 1956), with language that was stronger and more specific in its condemnation of the USSR's military intervention as

[92] The US draft resolution also called on all Member States to refrain from the threat or use of force, and to refrain from military support to Israel (S/3710), while the Soviet draft resolution did not contain these provisions but did call for all parties concerned to "cease fire" immediately (S/3713/Rev.1).
[93] A/RES/997(ES-I); A/RES/998(ES-I); A/RES/999(ES-I); A/RES/1001(ES-I).
[94] United Nations Office of Public Information, "Chapter I: questions concerning the Middle East", *Yearbook of the United Nations, 1956,* vol. 10 (United Nations publication, 1956), p. 30.
[95] Ibid., p. 31; United Nations, "Middle East UNEF I – Background". Available at https://peacekeeping.un.org/en/mission/past/unef1backgr2.html (accessed 2 August 2024).
[96] While vetoes blocked some draft resolutions, the SC did pass resolution 118 (1956) on 13 October 1956, which agreed that any settlement of the Suez Crisis should include "free and open transit through the Canal without discrimination". This resolution, so close in time to the emergency session, helps illustrate the concurrent nature of SC and GA deliberations (S/RES/118(1956)).
[97] United Nations Office of Public Information, "Chapter II: the Hungarian question", *Yearbook of the United Nations, 1956*, p. 67.
[98] Ibid., p. 69. Midway through negotiations surrounding this resolution, reports surfaced that additional Soviet troops had deployed and were engaged in further operations around Budapest, resulting in some modifications of the original draft resolution and also appearing to halt (at least temporarily) other mediation efforts.
[99] Ibid. It received 9 votes in favour and 1 against. Yugoslavia later requested that its vote be marked as "abstained".
[100] The resolution was introduced by the US and passed by 9 votes to 1 against (USSR) (S/RES/120(1956)).

compared to the language in subsequent resolutions related to the use of force (see discussion in part II). In the first of these resolutions,[101] the GA, condemning the "use of Soviet military forces" in Hungary in 1956 as contrary to specific peace treaties and the fundamental rights and freedoms embedded in the UN Charter, explicitly called upon the Government of the USSR to "desist forthwith from all armed attack on the people of Hungary" and from "armed intervention, in the internal affairs of Hungary" (A/RES/1004 (ES-II), para. 1). In the same resolution, the GA also called upon the USSR to withdraw all its forces and not to introduce additional forces (ibid., para. 2). It further requested the Secretary-General to dispatch representatives to observe the situation, for the Governments of Hungary and the USSR to permit these observers, and for UN agencies and humanitarian organizations to provide for humanitarian relief (ibid., paras. 4–8). The subsequent resolution within the emergency special session took note of lack of compliance with resolution 1004 (ES-II), reiterated calls for withdrawal and requested the Secretary-General to investigate and report back (A/RES/1005 (ES-II)). The final three resolutions reiterated calls for the USSR to "cease immediately actions … which are in violation of the accepted standards and principles of international law", recommended humanitarian care and support to refugees (including via the UN High Commissioner for Refugees) (A/RES/1006 (ES-II)), and decided to place the matter on the agenda of the 11th regular session (A/RES/1008 (ES-II)). Subsequent resolutions in the regular session would build on the calls for the Secretary-General to investigate and send observers by later mandating a commission of inquiry known as the Special Committee.

Return to the discussion of the UFP resolution in part I.

3rd emergency special session: Middle East (Lebanon) (1958)

On 11 June 1958, the SC responded to allegations of interference by the United Arab Republic in Lebanon – "illegal infiltration" of personnel and arms across the border – by authorizing the deployment of UNOGIL (S/RES/128).[102] It was mandated to "dispatch urgently … so as to ensure there is no illegal infiltration of personnel or supply of arms or other materiel across the Lebanese borders" (ibid.).

Meanwhile, following a coup d'état in Iraq that also threatened to destabilize the Lebanese Government, the US deployed troops to Lebanon at the request of the Lebanese Government on 14 July 1958, and the UK did the same in Jordan (also at the Jordanian Government's request).[103] Only three days later, the USSR put forward a draft resolution (S/4047/Rev.1) calling for the US and the UK to "cease armed intervention", which did not attain sufficient votes. Concurrently, a US counter-resolution (S/4050/Rev.1) and an amended draft resolution by Japan (S/4055/Rev.1) were both vetoed by the USSR.[104] These resolutions, if they had been adopted, would have enabled the Secretary-General to seek additional measures and contingents to reinforce UNOGIL.[105]

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[101] United Nations Office of Public Information, "Chapter II: the Hungarian question", *Yearbook of the United Nations, 1956*, p. 70.
[102] United Nations, "Lebanon – UNOGIL", backgrounder.
[103] Ibid.
[104] The representative of the USSR explained the veto as having been due to the fact that the draft resolution "contained approval of the intervention of Lebanon by United States armed forces" (S/PV.834, para. 90).
[105] Draft resolution 4050 (S/4050/Rev.1 para. 2), for example, included provisions to request the Secretary-General "immediately to consult the Government of Lebanon and other Member States as appropriate with a view to making arrangements for additional measures, including the contribution and use of contingents, as may be necessary to protect the territorial integrity and independence of Lebanon". Draft resolution 4055 (S/4055/Rev. 1, para. 1) included provisions to request the Secretary-General "to make arrangements forthwith for such measures, in addition to those envisaged by the resolution of 11 June 1958, as he may consider necessary in the light of present circumstances".

Following this apparent deadlock, draft resolutions were put forward by the USSR (S/4057/Rev.1) and the US (S/4056/Rev.1), both proposing the convening of a 3rd emergency special session of the GA on this matter. On 7 August 1958, the SC then passed resolution 129, specifically citing "the lack of unanimity" among permanent members and deciding "to call an emergency special session of the General Assembly" (S/RES/129).

Subsequently, in this emergency special session the GA passed a resolution (without vote _(A/RES/1237(ES-III))[106] calling on all Member States to "act strictly in accordance with the principles of mutual respect for each other's territorial integrity and sovereignty", and requesting the Secretary-General to "facilitate the early withdrawal of the foreign troops" from both Lebanon and Jordan (ibid., para. 2). The latter provision effectively created an additional task within UNOGIL's mandate, that of facilitating withdrawal of foreign forces.

Return to the discussion of the UFP resolution in part I.

4th emergency special session: Question of Congo (1960)

ONUC was established by SC resolution 143 in response to the first Congo crisis of 1960 that followed the Republic of Congo's declaration of independence from Belgium (S/RES/143, para. 2). Although the SC was initially in agreement (sufficient to authorize ONUC and support its initial deployment), subsequent developments in the country and the perceived alignment of Congolese parties with different permanent members resulted in divided views on any further action.[107] Two subsequent draft resolutions on support to the Congolese Government and withdrawal of Belgian troops were vetoed by the USSR on the grounds that they were biased in favour of Western powers (S/4523; S/4578/Rev.1).[108]

Specifically referring to the UFP resolution, the SC then passed a resolution in 1960 calling for an emergency special session in the GA, but also keeping the matter on the SC agenda (S/RES/157). In the subsequent 4th emergency special session, the GA reaffirmed the need to preserve the territorial integrity and political independence of the Congo and requested "vigorous action" by the Secretary-General in accordance with previous SC resolutions as well as all States to "refrain from action that might impede restoration of law and order" in the Congo or provide military assistance to the conflict parties (A/RES/1474(ES-IV)).[109] It also called for the creation of a body to help Congolese factions resolve their "internal" conflict, a provision that had originally featured in one of the two draft resolutions (S/4523) vetoed by the USSR in the SC.[110] The resolution assigned exclusive authority to manage the crisis to the UN.[111] For further discussion of what this emergency

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[106] The resolution was introduced by Sudan on behalf of Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Tunisia, the United Arab Republic and Yemen. See: United Nations Office of Public Information, "Chapter IX: question concerning the Middle East", *Yearbook of the United Nations, 1958*, pp. 36–66.
[107] A key independence figure, Patrice Lumumba, who was perceived as aligned with the USSR, was initially elected as Prime Minister. Although there was also a leadership struggle between Lumumba and Joseph Kasavubu, the President, both were upended when army Colonel Joseph Mobutu (perceived as aligned with Western States) staged a coup d'état in September 1960. He subsequently ordered Soviet staff (who had been welcomed to provide technical assistance and supplies under the previous Government) out of the country.
[108] See also: United Nations Office of Public Information, "Chapter VII relating to the situation in the Republic of the Congo (Leopoldville)", *Yearbook of the United Nations*, *1960*, vol. 14 (United Nations publication, 1960), pp. 52–128.
[109] The resolution was introduced by Ceylon, Ethiopia, Ghana, Guinea, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, the United Arab Republic and Yemen. It was adopted by 70 votes in favour and 11 abstentions. United Nations Office of Public Information, "Chapter VII relating to the situation in the Republic of the Congo (Leopoldville)", *Yearbook of the United Nations, 1960*, pp. 65–66; A/PV.863, p. 102.
[110] See also, Eşref Aksu, "The UN in the Congo conflict: ONUC", in *The United Nations, intra-state peacekeeping and normative change* (Manchester, Manchester University Press, 2003), p. 111.
[111] Ibid., pp. 111–112.

special session signified in terms of GA authority with regard to peace operations, see the case study on ONUC in Annex 3 on peace operations.

Return to the discussion of the UFP resolution in part I.

5th emergency special session: Middle East (the Six-Day War) (1967)

The 5th emergency special session of the GA was convened in response to the so-called Six-Day War that took place from 5 to 10 June 1967. A day following Israel's initial surprise military attack on Egypt, on 6 June 1967, the SC unanimously called for a ceasefire (S/RES/233). The SC unanimously adopted three further resolutions in June 1967 demanding an immediate ceasefire (S/RES/234; S/RES/235; S/RES/236).[112] Unable to garner the support for three draft resolutions it proposed in the SC (S/7951; S/7951/Rev.1; S/7951/Rev.2), the USSR instead requested an emergency special session of the GA by invoking Article 11 of the Charter, rather than referencing the UFP (A/6717).[113] The USSR made the point that it sought to raise the issue via Article 11 because it did not recognize the UFP resolution as a valid basis for action (ibid.). Despite US opposition to the request on the grounds that the SC was still considering the matter (A/6718), 98 Member States voted for the motion, 3 abstained and 3 "did not concur" (Botswana, Israel and the US).[114]

The 5th emergency special session of the GA initially encompassed 25 meetings from 17 June to 5 July and was then reconvened on 14 July and 18 September 1967 respectively. The general debate exposed differing opinions on the responsibility for the outbreak of hostilities in the Middle East on 5 June 1967.[115] Initially, seven draft resolutions were considered by the GA, five of which failed to clear the required two-thirds majority or were not put to a vote due to disagreement about whether to call for a ceasefire and the attribution of responsibility.[116] The GA then adopted 2252(ES-V) (by a vote of 116-0-2) (A/RES/2252(ES-V)); 2253 (ES-V) (by a vote of 99-0-20) (A/RES/2253(ES-V)); and 2254 (ES-V) (by a vote of 99-0-18) (A/RES/2254 (ES-V)). The first emphasized obligations under the Geneva Conventions and recommended measures related to humanitarian assistance and the latter two called upon Israel to rescind all existing measures and to "desist forthwith from taking any action which would alter the status of Jerusalem".[117] After a brief recess for consultations, the GA adopted two additional resolutions, resolution 2256 ES-V (A/RES/2256(ES-V)) (by a vote of 63-26-27), requesting the Secretary-General to forward the records of this session to the SC, and resolution 2257 ES-V (A/RES/2257(ES-V)) (by a vote of 93-0-3), placing the item on the agenda of its regular session.[118]

The SC met during the special session's recess to consider complaints from the United Arab Republic and Israel, each raising a complaint that the other had violated the SC's ceasefire resolutions.[119] Despite ongoing

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[112] For a general discussion of the timeline surrounding this see: United Nations Office of Public Information, *Yearbook of the United Nations*, *1967* (United Nations publication, 1967), pp. 52–211.
[113] Although explicit reference was not made to the UFP resolution and process, it is generally considered within that stream of practice, and considered to be one of the cases where the UFP was exercised by a vote of the GA. See, for example, Dag Hammarskjöld Library, "Emergency special sessions of the General Assembly"; Security Council Report, "Security Council deadlocks and Uniting for Peace: an abridged history", October 2013; Krasno and Mitushi, "The Uniting for Peace Resolution", pp. 191–209.
[114] United Nations Office of Public Information, *Yearbook of the United Nations*, *1967*, p. 191.
[115] Ibid. p. 199.
[116] Ibid. pp. 191–211.
[117] Israel did not vote on resolutions 2253 (ES-V) and 2254 (ES-V). Ibid., pp. 221–223.
[118] Israel did not vote on resolution 2256 ES-V. Ibid., pp. 219, 223.
[119] The SC's decisions following these complaints are contained in four successive resolutions adopted in 1967: S/RES/233(1967); S/RES/234(1967); S/RES/235(1967); S/RES/236(1967). See also United Nations Office of Public Information, *Yearbook of the United Nations*, *1967*, p. 191.

disagreements over who was responsible for the conflict, as recorded in UN meeting records (S/PV.1365; S/PV.1366), the SC issued a presidential statement requesting the Secretary-General to arrange for UN military observers to be stationed in the Suez Canal area, asking explicitly for "the Chief of Staff of the United Nations Truce Supervision Organization in Palestine … to work out with the Governments of the United Arab Republic and Israel, as speedily as possible, the necessary arrangements to station United Nations Military Observers in the Suez Canal sector under the Chief of Staff of UNTSO" (S/8047). Both the SC and the GA continued to discuss the matter concurrently and later that year the SC passed resolution 242 in 1967 (S/RES/242), which became the basis for UN engagement in the Middle East for decades.

Return to the discussion of the UFP resolution in part I.

Regular session: The situation in the India/Pakistan subcontinent (hostilities over Bangladesh) (1971)

Following the outbreak of hostilities between India and Pakistan in 1971 over the territory that would become Bangladesh, the SC considered the "Situation in the India/Pakistan Subcontinent". The initial proposed response was a (US-drafted) ceasefire resolution (S/10446/Rev.1); however, it was vetoed by the USSR. Following this, the SC decided in December 1971 by a vote of 11 in favour and 4 abstentions to "refer the question" to the GA, observing (in a direct reference to the language of the UFP resolution) that the "lack of unanimity of its permanent members" had "prevented it from exercising its primary responsibility for the maintenance of peace and security" (S/RES/303).[120] Although explicit reference was made to the UFP resolution and the situation met the conditions for it, an emergency special session did not need to be organized given that the GA was in session at the time, and the matter could be taken up under the agenda item "UN Assistance to East Pakistan Refugees".[121]

Within this regular session, the GA issued resolution 2793 (XXVI) to express its grave concern that "hostilities had broken out" between India and Pakistan, calling for an immediate ceasefire, urging the cooperation of Member States to address the refugee crisis, and calling upon the SC to take "appropriate action" in light of the resolution (A/RES/2793(XXVI)).

Return to the discussion of the UFP resolution in part I.

6th emergency special session: The situation in Afghanistan and its implications for international peace and security (1980)

In 1980, the GA and the SC both addressed the situation in Afghanistan. At the request of 52 Member States, the SC convened from 5 to 9 January to discuss the situation in Afghanistan and its implications for international peace and security (see S/13724; S/13724/Add.1; S/13724/Add.2). The Member States requesting the meeting argued that the Soviet military intervention in Afghanistan, which began at the end of December 1979, had destabilized the region and posed a threat to international peace and security.[122]

[120] The 4 abstentions were France, Poland, the USSR and the UK (S/RES/303(1971)).
[121] See, United Nations, "Chapter VIII questions relating to Asia and the Far East", *Yearbook of the United Nations, 1971*, vol. 25 (United Nations publication, 1971), pp. 150–152; Johnson, '"Uniting for Peace"'.
[122] United Nations Office of Public Information, *Yearbook of the United Nations, 1980,* vol. 34 (United Nations publication, 1980), p. 296.

Afghanistan opposed the UN's involvement, asserting that it had requested Soviet military assistance due to foreign threats.[123] The USSR subsequently vetoed a draft resolution proposed by Bangladesh, Jamaica, Niger, the Philippines and Zambia that would have condemned the armed intervention in Afghanistan, affirmed the necessity of respecting the country's independence and sovereignty, and called for the immediate withdrawal of foreign troops to allow Afghanistan to determine its own form of government (S/13729). The SC, in 1980, by a vote of 12-2-1, then requested an emergency special session of the GA to examine the question (S/RES/462).

In the emergency special session, on 14 January 1980, the GA reaffirmed respect for sovereignty, territorial integrity and political independence as fundamental principles of the UN Charter (A/ES-6/2).[124] It further deplored the armed intervention without explicitly naming the USSR, and called for the "immediate, unconditional and total withdrawal of the foreign troops from Afghanistan" (ibid.). It also called for Member States to support conditions for the voluntary return of Afghan refugees as well as to extend humanitarian relief assistance (in coordination with the UN High Commissioner for Refugees) (ibid., paras. 5–6).

Return to the discussion of the UFP resolution in part I.

7th emergency special session: Question of Palestine (1980–1982)

The 7th emergency special session on the "Question of Palestine" was convened over an elapsed period of two years between 1980 and 1982, first in 22–29 July 1980 and then from 20–28 April, 25–26 June and 16–19 August in 1982, as well as 24 September 1982 (A/37/205; A/37/366). The GA ultimately passed nine resolutions, which dealt with questions of Palestinian self-determination, of Israeli activities with respect to "Palestinian and other Arab territories", and the consequences of Israel's June 1982 invasion of Lebanon.

The origin of the 7th emergency special session was a draft resolution sponsored by Tunisia within the SC in April 1980, which stated that "Israel should withdraw from all the Arab territories occupied since June 1967, including Jerusalem" and affirmed "that the Palestinian people, in accordance with the Charter of the United Nations, should be enabled to exercise its inalienable national right of self-determination, Palestine; including the right to establish an independent State in Palestine" (S/13911). There were 10 votes in favour and 4 abstentions on the resolution, but the US voted against it (ibid.). Taking the second procedural route associated with the UFP resolution, Senegal then proposed an emergency special session, a motion approved by the majority of the GA (A/ES-7/1).

The GA convened the first part of the emergency special session from 22 to 29 July 1980. GA resolutions passed included a call for Israel to "withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem", reaffirmation of Palestinian rights to self-determination, and a request for the SC to consider Chapter VII actions in the event of non-compliance with UN resolutions by Israel (A/ES-7/2, paras. 4–7, 13).[125] The GA then adjourned the 7th emergency special session "temporarily" and authorized the President of the General Assembly to resume its meetings upon a request from Member States (ibid., para. 14). Upon readjournment from 20–28 April 1982, the GA then took up similar issues. On 28 April 1982, the GA adopted ES-7/4 calling on all governments to recognize the "inalienable rights of the

[123] Ibid.
[124] The resolution was introduced by Pakistan. Ibid., p. 301.
[125] These were adopted by a vote of 112-7-24 (A/ES-7/2). Resolution ES-7/3 expressed appreciation for the Secretariat's Special Unit on Palestinian Rights, and requested further reporting (A/RES/ES-7/3).

Palestinian people" and to cease providing Israel with "military, economic, and political assistance, thus discouraging Israel from continuing its aggression" (A/RES/ES-7/4, para. 9). In the same resolution, the GA noted with regret that due to the veto of a permanent member, the SC had failed to take action on the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and urged the SC to "recognize the inalienable rights of the Palestinian people" (ibid., para. 14).

By the next time the emergency special session reconvened, from 25–26 June, Israel had invaded Lebanon, following a series of clashes between Israeli forces and those linked to the Palestinian Liberation Organization (PLO) operating from Lebanon. Resolution ES-7/5 (A/RES/ES-7/5) expressed the GA's alarm at the "worsening situation … resulting from Israel's acts of aggression against the sovereignty of Lebanon", referenced the Geneva Convention and the "sufferings of the Palestinian and Lebanese civilian populations", and reaffirmed that the only comprehensive settlement possible was one that involved the "participation on equal footing" of all parties, including the PLO. It further offered its support to two SC resolutions (S/RES/508(1982); S/RES/509(1982)) that had called for a ceasefire and withdrawal of Israeli forces from Lebanese territory (A/RES/ES-7/5, para. 3), and requested the Secretary-General to delegate a high-level commission to investigate and assess civilian damage and loss of life (ibid.). The first resolution passed when the emergency special session resumed in August 1982 (following another temporary adjournment). It reiterated IHL principles and obligations, demanded that Israel comply with prior SC provisions related to withdrawal of forces and cessation of hostilities (and condemned its non-compliance), and again requested the Secretary-General to delegate a high-level mission to investigate the situation (A/RES/ES-7/6).

The final three resolutions passed in the emergency special session related to the convening of an International Conference on the Question of Palestine and designated the commemoration of 4 June as the International Day of Innocent Children Victims of Aggression (A/RES/ES-7/7; A/RES/ES-7/8; A/RES/ES-7/9).

This 7th emergency special session was the first time that an emergency special session was adjourned and reconvened, establishing precedent for the 9th, 10th and 11th emergency special sessions.

Return to the discussion of the UFP resolution in part I.

8th emergency special session: Question of Namibia (1981)

The 8th emergency special session of the GA was convened in relation to Namibia's independence from South Africa, which had been the subject of increasing GA and SC attention from the mid-1960s onwards (see additional case studies related to use of force and sanctions-related recommendations related to the matter of Namibia). The immediate precursor to the 8th emergency special session was the failure of the SC to take up GA recommendations for mandatory sanctions against South Africa (A/RES/35/227(J), paras. 13–15), which were adopted as part of a series of 10 resolutions passed during the GA's 35th regular session (ibid.) in March 1981. The next month, the SC considered four draft resolutions that would have included mandatory sanctions of various forms, but none passed due to the vetoes of France, the UK and the US.[126]

[126] S/14459 (1981); S/14460/Rev.1 (1981); S/14461 (1981); S/14462 (1981); S/SUPP/1981/2 (1981). On the record of the vetoes of these draft resolutions, see Deneice C. Jordan-Walker, "Settlement of the Namibian dispute: the United States role in lieu of UN sanctions", *Case W. Res. J. Int'l L*, vol. 14, No. 3, (1982), pp. 564–565; Dag Hammarskjöld Library, "Security Council data – Vetoes since 1946 for authoritative UN veto dataset". Available at https://research.un.org/en/docs/sc/quick (accessed 3 August 2024).

Following this, the International Conference on Sanctions against South Africa, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the UN Council for Namibia endorsed calls for an emergency special session of the GA.[127] The 8th emergency special session was formally requested by Member States in August 1981 after a majority of the GA concurred with Zimbabwe's request for the session (A/ES-8/1).

The emergency special session was convened on 13 and 14 September 1981, and resulted in the adoption of one substantive resolution (by a vote of 117-0-25) (A/ES-8/2). It opened by declaring that the "illegal occupation" of Namibia and "acts of aggression" by South Africa against neighbouring States constituted a "breach of international peace and security". The resolution also reaffirmed prior resolutions and decisions of the GA and the SC with regard to Namibia's right to self-determination, re-affirmed support for SWAPO as the "sole and authentic representative of the Namibian people" and called for Member States and international organizations to provide them with greater material, financial and military support (ibid., para. 6). Citing the "serious threat to peace and security" posed, the GA urged the SC to impose mandatory Chapter VII sanctions, and for all States to also impose "comprehensive mandatory sanctions" in accordance with the Charter (ibid., paras. 12–13). Sponsored by 70 nations, the resolution passed with 117 votes in favour, none against and 25 abstentions (A/RES/ES-8/2) (see also a parallel case study in Annex 5 for further discussion of GA calls for isolation or sanctions against South Africa prior to and following the 8th emergency special session).

This case offers an important example of the GA leading the way in recommending stronger action than the SC as well as referring matters back to it for mandatory enforcement. For more on the GA's actions related to the "Question of Namibia", see parallel case studies in the sections on the use of force and on sanctions.

Return to the discussion of the UFP resolution in part I.

9th emergency special session: The situation in the occupied Arab territories (1982)

On 14 December 1981, Israel's Knesset (Parliament) passed legislation to extend Israeli laws, jurisdiction and administration to the Golan Heights,[128] a region in the Syrian Arab Republic that Israel had occupied since 1976.[129] On 17 December 1981, both the SC and the GA declared this effective annexation of the territory as "null and void" and called on Israel to rescind it (S/RES/497; A/RES/36/226[B], para. 8). The SC also decided that in the event of non-compliance it would meet again to consider appropriate measures (S/RES/497, para. 4). Following non-compliance by Israel, in January 1982, Jordan proposed a draft SC resolution that would have condemned non-compliance and urged all Member States to consider applying "concrete and effective measures to nullify" the annexation and to cease assisting and cooperating with Israel (S/14832/Rev.1). It was vetoed by the US (ibid.). Given the lack of consensus among permanent members, on 28 January 1982, the SC requested (by a vote of 13-0-2) the convening of an emergency special session (S/RES/500).

[127] United Nations Office of Public Information, "Chapter III: Namibia", *Yearbook of the United Nations, 1981*, vol. 35 (United Nations publication, 1981), p. 1140.
[128] United Nations Office of Public Information, *Yearbook of the United Nations, 1982,* vol. 36 (United Nations publication, 1982), pp. 502–516.
[129] Ibid.

The 9th emergency special session, "The situation in the occupied Arab territories", was held from 29 January to 5 February 1982. On 5 February, the GA passed a resolution condemning Israel for "its failure to comply with Security Council resolution 497 (1981) and General Assembly resolution 36/22 B", calling for the severance of "diplomatic, trade and cultural relations with Israel" and calling on Member States to refrain from "all dealings with Israel in order totally to isolate it in all fields" (A/ES-9/1, paras. 1, 12, 13). The GA declared that Israeli occupation of the Syrian Golan Heights constituted "an act of aggression" under Article 39 of the UN Charter and "a continuing threat to international peace and security", and emphasized its demand to rescind the annexation (ibid., paras. 2, 6, 9). The resolution was adopted by vote of 86 to 21, with 34 abstentions.[130]

Return to the discussion of the UFP resolution in part I.

10th emergency special session: Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory (1997–2024)

The 10th emergency special session was convened over multiple sessions over the course of seven years, from 1997 through 2024.[131] At the time of writing, the 10th emergency special session remains open and can be resumed at any time at the request of Member States. The origin of the 10th emergency special session was the SC's failure to adopt two draft resolutions (S/1997/199; S/1997/241) in 1997 that would have called for a halt to construction of the Jebel Abu Ghneim settlement and other settlement activities. Both were vetoed by the US. Using the second procedural route established within the UFP resolution, a majority of Member States in the GA concurred with a request by Qatar for an emergency special session to consider "Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory", in light of the failure of the SC to fulfil its peace and security role due to a veto of one of the permanent members (A/ES-10/1).[132]

The first sessions convened under the 10th emergency special sessions did take up the specific issues in the failed draft resolutions, resulting in several resolutions in 1997 that condemned Israel's construction of a new settlement in Jebel Abu Ghneim, demanded the "immediate and full cessation" of Israeli actions that altered the character of Jerusalem, and reinforced the obligations of the Geneva Convention in occupied territories (A/RES/ES-10/2; A/RES/ES-10/3; A/RES/ES-10/4). However, as the 10th emergency special session was adjourned and reconvened over the subsequent seven years, the matters considered became more wide-ranging, including: expansion of Israeli settlements in the OPT; the construction of a separation wall in the OPT from 2002 on; operations and activities in the Gaza Strip under Israel's Operation Cast Lead (which commenced on 27 December 2008); and the escalation of violence in the Gaza Strip in 2023 and 2024.

The GA responses to these different events spanned the full scope of responses discussed in this Handbook. The following list is not a comprehensive summary but helps illustrate the tenor and wide-ranging nature of recommendations within the 10th emergency special session.

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[130] The GA had rejected a motion by France to vote separately on several paragraphs, with a roll-call vote of 76 to 39 and 19 abstentions. Ibid., p. 507.
[131] The 10th emergency special session was resumed in 1998 (17 March), 1999 (5, 9 February), 2000 (18, 20 October), 2001 (20 December), 2002 (7 May, 5 August), 2003 (20–21 October, 8 December), 2004 (16–20 July), 2006 (17 November, 15 December), 2009 (15–16 January), 2017 (21 December), 2018 (13 June), 2023 (26 October–2 November and 12–20 December), and in 2024 (10–13 May).
[132] The need for the speedy convening of an emergency special session was also stressed by the Permanent Observer of Palestine on 8 April in identical letters to the Secretary-General and the SC President (A/51/866-S/1997/289).

Resolutions containing statements and recommendations related to the use of force:

- Reiterating the obligations of the Geneva Convention in occupied territories (A/RES/ES-10/2; A/RES/ES-10/3; A/RES/ES-10/4; A/RES/ES-10/5; A/RES/ES-10/6; A/RES/ES-10/7).
- Expressing concern over clashes between the Israeli army and Palestinian police, and condemning acts of violence that took place in the 2000s, especially "excessive use of force by Israeli forces against Palestinian civilians" (A/RES/ES-10/7).
- Demanding an immediate cessation of violence and the use of force (A/RES/ES-10/7) following a Palestinian uprising after the visit of Israeli opposition leader Ariel Sharon to a holy Islamic site in Jerusalem in September 2000.
- Calling for an end to military incursions and violence in 2002, and demanding that Israeli forces withdraw to pre-September 2000 positions (A/RES/ES-10/11).
- Calling on Israel in 2003 to desist from any act of deportation and cease any threat to the safety of President Arafat (A/RES/ES-10/12).
- Demanding in 2003 that Israel stop and reverse the construction of a separation barrier in Palestinian territories (A/RES/ES-10/13).
- Seconding the calls within SC resolution 1860 in 2009 (S/RES/1860) for an immediate ceasefire and the withdrawal of Israeli forces from Gaza, following the commencement of Israel's Operation Cast Lead in 2008 (A/RES/ES-10/18).
- Stressing the need to protect civilians in the Gaza Strip in 2018 (A/RES/ES-10/20).
- Calling all parties to refrain from using force and to exercise "maximum restraint and calm", stressing the need for immediate and significant steps to stabilize the situation (A/RES/ES-10/20).
- Calling for a humanitarian truce and the "protection of civilians and upholding legal and humanitarian obligations" in the context of Israeli operations following the 7 October 2023 attack by Hamas and kidnapping of Israeli citizens (A/RES/ES-10/21).
- In a follow up to resolution ES-10/21, demanding in December 2023 an "immediate humanitarian ceasefire", the immediate and unconditional release of all hostages as well as "ensuring humanitarian access" (A/RES/ES-10/22).

Encouraging Member States to limit or cease support:

- Calling on Member States to cease "all forms of assistance and support for illegal Israeli activities" (A/RES/ES-10/2).
- Recommending that Member States "actively discourage" any activities that contribute to settlements (A/RES/ES-10/3; A/RES/ES-10/4).
- Reiterating previous recommendations for Member States to cease all forms of assistance and support for illegal Israeli activities in the OPT and "actively to discourage activities that directly contribute to any construction or development of those settlements" (A/RES/ES-10/19).

Requesting or instituting accountability mechanisms:

- Calling in 1997, 1998 and 1999 for a conference on measures to enforce the Geneva Convention in the OPT (A/RES/ES-10/3; A/RES/ES-10/4; A/RES/ES-10/5; A/RES/ES-10/6).[133]
- Calling on the Secretary-General to establish an FFM regarding the November 2006 attack on Beit Hanoun in the Gaza Strip (A/RES/ES-10/16).
- Inviting the "depository of the 4th Geneva Convention to consult on the development of the humanitarian situation in the field" to ensure respect for the Convention (A/RES/ES-10/7).
- Requesting in 2003 an ICJ advisory opinion on the legality of a separation wall in parts of occupied Palestine (A/ES-10/273, paras. 184, 200).[134] In 2004, the ICJ found the construction of a wall in the OPT to be illegal (A/ES-10/273), and the GA welcomed the opinion in 2004 (A/RES/ES-10/15).
- Establishing a UN Register of Damage (as a subsidiary organ of the GA) to record losses caused by the construction of the separation wall in the OPT (A/RES/ES-10/17).

Appeals for "good offices" and engagement on issues related to mediation:

- Expressing support for the Middle East peace process and efforts to reach a final settlement (A/RES/ES-10/7), and later for a "reinjection of momentum" into the stalled Middle East peace process (A/RES/ES-10/3; A/RES/ES-10/4).
- Expressing support for the "efforts of the Quartet" and demanding that both sides fully comply with obligations under the roadmap (S/2003/529 Annex) for a two-State solution (A/RES/ES-10/12).

Questions of legitimacy and participation:

- Affirming that any attempts to change Jerusalem's character, status or demographics are legally void and must be reversed, following the US recognition of Jerusalem as the capital of Israel in 2017 (A/RES/ES-10/19).
- Giving additional rights and privileges of participation to the State of Palestine starting from the 79th session and urging the SC to give "favourable consideration" to Palestine's request for full UN membership (A/RES/ES-10/23).[135]

Return to the discussion of the UFP resolution in part I.

11th emergency special session: Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (2022–2023)

The 11th emergency special session of the GA was convened to consider the "Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the Security Council President", referencing a letter that sought a response "to the deterioration of the situation in the Autonomous Republic of the Crimea, Ukraine, which threatens the territorial integrity of Ukraine" (S/2014/136). The letter detailed and was prompted by Russian forces' aggression against Ukraine on 24 February 2022.

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[133] It subsequently took place in Geneva in July 1999. United Nations Office of Public Information, *Yearbook of the United Nations, 1999,* vol. 53 (United Nations publication, 1999), p. 401.
[134] This notably followed the US veto of a draft SC resolution condemning the construction of a wall in the OPT (S/2003/980).
[135] The SC considered a draft resolution of similar content on 18 April 2024 but it was vetoed by the US (S/2024/312).

After the Russian Federation vetoed a draft SC resolution on the issue (S/2022/155),[136] the SC approved (by a vote of 11- 1-3) a resolution calling for an emergency special session in the GA on the matter (S/RES/2623). The resolution invoked the language of the UFP resolution, noting "the lack of unanimity of its permanent members" had "prevented it from exercising its primary responsibility for the maintenance of international peace and security" (ibid.).[137] On 2 March 2022, by a vote of 141 to 5 with 35 abstentions, the GA adopted a resolution reaffirming its commitment to the "territorial integrity of Ukraine within its internationally recognized borders", and deploring "in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2(4) of the Charter" (A/RES/ES-11/1, paras. 1, 2). The resolution also demanded that the Russian Federation immediately and unconditionally "withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders" and "reverse the decision related to the status of certain areas of the Donetsk and Luhansk regions of Ukraine" (ibid., paras. 4, 6).

The GA issued a total of six resolutions during the emergency special session. These resolutions collectively: called for an immediate halt to attacks on civilians and civilian infrastructure (A/RES/ES-11/2); suspended the membership rights of the Russian Federation in the HRC (A/RES/ES-11/3); condemned "the organization by the Russian Federation of illegal so-called referendums" in Ukrainian territory (A/RES/ES-11/4); recognized "that the Russian Federation must be held to account for any violations of international law in or against Ukraine", and recognized the need for establishing "an international mechanism for reparation for damage, loss and injury arising from the internationally wrongful acts of the Russian Federation in or against Ukraine", and recommended the creation of "an international register of damage" (A/RES/ES-11/5, paras. 2, 3). The latter has been established by the Council of Europe.[138] On the anniversary of the invasion in February 2023, the GA reconvened the session and reaffirmed its commitment to Ukraine's sovereignty and territorial integrity (A/RES/ES-11/6). At the time of writing, the 11th emergency special session remains open and can be resumed at any time at the request of Member States.

The GA's observations and in particular its highlighting of the degree of civilian harm and damage in resolution ES-11/1 (A/RES/ES-11/1) had further legal implications. In the case *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation),* the ICJ took note of resolution ES-11/1 and its "grave concern at reports of attacks on civilian facilities ... and of civilian casualties", its concern for the deteriorating humanitarian situation, as well as its recognition "that the military operations of the Russian Federation inside the sovereign territory of Ukraine are on a scale that the international community has not seen in Europe in decades and that urgent action is needed to save this generation from the scourge of war".[139] The Court ultimately ordered provisional measures to protect the rights of Ukraine from being subject to the use of force by the Russian Federation.[140]

Return to the discussion of the UFP resolution in part I.

[136] In this draft resolution, the SC "deplores in the strongest terms the Russian Federation's aggression against Ukraine in violation of Article 2, paragraph 4 of the United Nations Charter" and "decides that the Russian Federation shall immediately cease its use of force against Ukraine" (ibid., paras. 2, 3).
[137] China, India and the United Arab Emirates abstained from voting on resolution 2623 (S/RES/2623(2022)).
[138] Council of Europe, "Register of Damage caused by the aggression of the Russian Federation against Ukraine". Available at https://rd4u.coe.int/en (accessed 29 May 2024).
[139] *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), Provisional Measures, Order of 16 March 2022, I.C.J. Reports 2022*, p. 211.
[140] Ibid.

Annex 3: Peace operations

Peacekeeping, military observation and special political missions (together referred to as "peace operations") have generally been established by the SC acting on the authority granted to it by Chapters VI and VII of the UN Charter. All peace operations in force today were authorized by the SC. Historically, however, the GA has played a role in establishing new peace operations, shaping the mandates of existing ones, or providing the political support and encouragement that helped enable them to be established by the SC. The following cases provide further information on some examples of GA engagement in the peace operations outlined in part II.

United Nations Special Commission on the Balkans

In 1946, the Greek Government sought the intervention of the SC to halt Albanian, Bulgarian and Yugoslavian support to communist guerrilla fighters, which were allegedly destabilizing the Government. In response, the SC authorized a COI (S/RES/15), but when the COI confirmed evidence of external support for the insurgency, the SC was unable to reach agreement on subsequent action, with numerous draft resolutions either being vetoed by the USSR or failing to gain sufficient votes (S/404; S/471; S/486; S/552).[141] As a result, on 15 September 1947, the SC decided to remove the matter from its agenda and pass it to the GA (S/RES/34).[142] The GA adopted resolution 109 (II) on 21 October 1947 with 40 votes for, 6 against and 11 abstentions, calling for establishment of relations amongst the four countries, for conventions to regulate common frontiers and for actions to address displaced populations (A/RES/109(II)). The resolution also authorized the creation of a Special Committee tasked with overseeing compliance with the resolution and working with the parties (ibid., paras. 8–9). This would become known as UNSCOB. UNSCOB could only function with the consent and cooperation of the four Governments – cooperation which it did not receive – and therefore it was extremely limited in its actions.[143] Also notable in terms of demonstrating complementarity with the SC, the members of UNSCOB were comprised of delegates from SC Member States, with the exception of the USSR and Poland, which declined to take the seats held open for them on the Special Committee (A/935, paras. 11–13).

Return to the discussion of GA practice related to peace operations in part II.

Repatriation Commission: Korea

Within the armistice negotiations to end the Korean war (1950–1953), the release and repatriation of prisoners of war was a contentious issue. In December 1952, the GA proposed in resolution 610 (VII) the establishment of a Repatriation Commission in Korea to "facilitate the return to their homelands of all prisoners of war" (A/RES/610 (VII)). The Repatriation Commission was to see that "all prisoners of war [shall] be released to the Repatriation Commission from military control and from the custody of the detaining side in agreed numbers and at agreed exchange points in agreed demilitarized zones" (ibid., para. 4). The work of the Commission

[141] See also, Jean Krasno and Mitushi Das, "The Uniting for Peace resolution and other ways of circumventing the authority of the Security Council", in *The UN Security Council and the politics of international authority*, Bruce Cronin and Ian Hurd, eds. (New York, Routledge, 2008).
[142] The resolution passed with 9 votes for, none against, and 2 abstentions (S/RES/34(1947)).
[143] Barber, "A survey of the General Assembly's competence in matters of international peace and security: in law and practice", p. 33; see also, discussion in Hitoshi Nasu, *International Law on Peacekeeping: A Study of Article 40 of the UN Charter* (Martinus Nijhoff Publishers, 2009), pp. 212–213.

would be assisted by the Red Cross on both sides, which would have access to prisoners of war "while they are under the temporary jurisdiction of the Repatriation Commission" (ibid., para. 8).

The resolution requested the President of the General Assembly to communicate this proposal to the Central People's Government of the People's Republic of China and the North Korean authorities and "invite their acceptance" as forming a "just and reasonable basis for an agreement so that an immediate ceasefire would result and be effected" (ibid., para. 3). Further, the resolution proposed that the Repatriation Commission would consist of representatives of four States not participating in hostilities, excluding permanent members of the SC. The resolution was adopted by a vote of 54 in favour and 5 against (the USSR, Poland, Czechoslovakia, the Byelorussian Soviet Socialist Republic, and the Ukrainian Soviet Socialist Republic) with 1 abstention (China) (A/RES/610 (VII)).

Following further diplomatic negotiations (including important interventions by Member States such as India), the Neutral Nations Repatriation Commission was eventually stood up following the Armistice Agreement signed on 27 July 1953 (and also approved by the GA (A/RES/711(VII)). It was comprised of representatives of Czechoslovakia, Poland, Sweden and Switzerland and operated until February 1954.

While the Repatriation Commission was not described at the time as a peace operation, it comprised functions that are frequently an important part of modern peace operations, including overseeing repatriation, disarmament and otherwise managing exits from conflict.

Return to the discussion of GA practice related to peace operations in part II.

United Nations Emergency Force

The GA's authorization of the first-ever peacekeeping force was part of actions taken in the 1st emergency special session in 1956 under the UFP resolution in response to the Suez Canal crisis. In the first resolution issued as part of the session, the GA had called for a ceasefire and the withdrawal of all forces (A/RES/997(ES-I)); however, the Secretary-General and other Member State representatives raised concerns that a UN monitoring or policing force would be necessary to ensure the implementation of these measures.[144] Two days after the initial resolution, on 4 November 1956, the GA issued resolution 998 (ES-I) requesting the Secretary-General to develop a plan for setting up "an emergency international United Nations Force to secure and supervise the cessation of hostilities" (A/RES/998 (ES-I)). Subsequent resolutions adopted the Secretary-General's plan and created UNEF along with its key functions and guiding principles, and established an Advisory Committee to assist the Secretary-General and to request the convening of the GA on it as needed, as provided in (A/RES/999 (ES-I)) and (A/RES/1001 (ES-I)), both adopted in 1956.

These resolutions passed with wide margins, with even the two foreign powers whose deployment of forces was significantly at issue, France and the UK, voting with the majority in some of these resolutions.[145] Nonetheless, there was some dissension about the legal grounding for the force. The USSR explained its

[144] United Nations, "Middle East – UNEF I", backgrounder.
[145] On the voting record for the two resolutions that are considered to be the basis for the establishment of UNEF: Resolution 998 (ES-I) passed with a vote of 57 to none, with 19 abstentions, including from Egypt, France, Israel, the UK, the USSR and Eastern European States (A/RES/998(ES-I)); Resolution 1001 (ES-I) passed with a vote of 64 for (including France and the UK) to none, with 12 abstentions (including Egypt, Israel and the USSR) (A/RES/1001(ES-I)); United Nations, "Middle East – UNEF I".

abstention on the 1956 resolution that helped establish the basis for UNEF (A/RES/1000 (ES-1)) by noting that it viewed the force as contrary to the UN Charter.[146]

Given that UNEF was established by the GA, it operated under the authority of the GA (which under Article 22 may establish "subsidiary organs") but was under the direction of the Secretary-General.[147] A subsequent advisory opinion by the ICJ that directly considered the GA's authority to mandate UNEF found that this fell within the bounds of the Article 14 provision that the GA can recommend "measures", including those that have some writ and meaning in action.[148] However, the ICJ found that because the GA does not enjoy the SC's enforcement power, consent of the Member State is necessary in such cases.[149] UNEF could enter and operate in Egypt only with the consent of the Egyptian Government, which was granted following extensive consultation with Egypt by the Secretary-General.[150]

UNEF began operations in Egypt from 12 November 1956 which were continued through June 1967 (coinciding with the outbreak of the Six-Day War). In the first month, UNEF monitored the cessation of hostilities negotiated by the Secretary-General and maintained a buffer zone between Anglo-French forces on one side and Egyptian forces on the other. After the withdrawal of French and British forces, UNEF helped maintain the ceasefire between Egyptian and Israeli forces and later oversaw the successive withdrawal of Israeli forces.

Although the Secretary-General periodically reported to the GA and the SC about dynamics surrounding UNEF and consulted members of the SC at critical points, he declined to formally have issues surrounding UNEF brought before the SC (as was permissible under Article 99 of the UN Charter), even when Egypt was poised to withdraw consent for the force in 1967.[151]

Return to the discussion of GA practice related to peace operations in part II.

United Nations Temporary Executive Authority and United Nations Security Force in West New Guinea

Between 1 October 1962 and 1 May 1963, Western New Guinea was administered by a body created by the GA with the consent of the parties involved, UNTEA, the first time the UN had assumed direct administrative responsibility for a territory. UNTEA's governance was also facilitated by the GA-authorized UNSF of armed peacekeepers that helped maintain law and order.

Following the Dutch recognition of Indonesia's independence in 1949, a dispute remained over the status of Western New Guinea. Indonesia claimed the territory as part of its new State. The Netherlands initially argued that the territory should remain under Dutch governance as Dutch New Guinea, but by 1951, it had taken

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[146] United Nations, "Middle East – UNEF I".
[147] Ibid. Under resolution 1001 (ES-I) from 1956 (A/RES/1001(ES-I), para. 7), the GA authorized the Secretary-General to "issue all regulations or instructions which may be essential to the effective functioning of the force". On the GA's authority under Article 22, see also ICJ, *Certain Expenses*, p. 165.
[148] Ibid, pp. 162–163.
[149] Ibid., pp. 164–165, 170–171.
[150] Resolution 998 (ES-I) (A/RES/998(ES-I)) also required the Secretary-General to consult with relevant Member States. Ultimately, a "good faith agreement" was signed with Egypt and included in an aide-memoire, which served as the basis for the stationing of UNEF in Egypt. United Nations, "Chapter I: question concerning the Middle East", *Yearbook of the United Nations, 1956*, pp. 32-41; United Nations, "Middle East – UNEF I".
[151] United Nations, "Middle East – UNEF I".

increasing measures to prepare the territory for eventual independence – to be governed by neither Indonesia nor the Netherlands.[152] There were several GA resolutions on the matter between 1954 and 1957, but the dispute persisted and early proposals for a form of UN trusteeship were rejected by Indonesia.[153] SC action to resolve the issue was unlikely given differing support between the permanent five members for the opposing sides.[154]

By 1960, both parties had strengthened their military position in the region, and a naval clash between Indonesian and Dutch forces in January 1962 highlighted how far the situation had escalated.[155] This deteriorating situation, combined with increasing tensions over Vietnam, raised alarms about the overall security situation in East Asia and led to greater pressure on the Dutch to relax their claims.[156] On 15 August 1962, Indonesia and the Netherlands signed the Agreement Concerning West New Guinea (West Irian),[157] which provided for the eventual transfer to Indonesia of the disputed West Irian territory in West New Guinea following an interim administration by the UN.

As stipulated in the Agreement, following its signature, Indonesia and the Netherlands sponsored a draft resolution in the GA that would take note of the Agreement's terms. This resolution passed in September 1962 (A/RES/1752(XVII)) by a vote of 89 to none, with 14 abstentions. The resolution not only took note of the Agreement's terms but authorized the Secretary-General to carry out the tasks set out in the Agreement (ibid.). These included those tasks necessary to create and mobilize UNTEA under the direction of a UN administrator appointed by the Secretary-General.[158] The Agreement also provided that the Secretary-General could "provide the UNTEA with such security forces" as deemed necessary to maintain law and order, what would later be known as the UNSF.[159] The Secretary-General was to periodically report back on UNTEA's progress and developments both to the parties themselves and the GA.[160] In addition to the creation of UNTEA, both parties agreed to an initial ceasefire period, with a ceasefire observation team overseen by the Secretary-General.[161]

This decision by the GA is important for the precedent it set. It is seen as a precursor for subsequent UN administrations in East Timor and Kosovo, albeit not established by GA action.

Return to the discussion of GA practice related to peace operations in part II.

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[152] Daniel Gruss, "UNTEA and West New Guinea", in *Max Planck Yearbook of United Nations Law,* vol. 9, Armin von Bogdandy and Rüdiger Wolfrum, eds. (Heidelberg, Max Planck Institute for Comparative Public Law and International Law, 2005), pp. 99–103. The Dutch would subsequently propose a draft GA resolution in September 1961 calling for a transfer of sovereignty to the people of Western New Guinea, to be administered under the UN until full independence was possible.
[153] Ibid. The Government of the Netherlands also proposed taking the matter to the ICJ, but Indonesia rejected this.
[154] Ibid., p. 100.
[155] Ibid., pp. 100–102.
[156] Ibid., pp. 100–102.
[157] Agreement between the Republic of Indonesia and the Kingdom of the Netherlands Concerning West New Guinea (New York Agreement), signed on 15 August 1962, Article I.
[158] The provisions related to the creation of UNTEA are stipulated in the Agreement; the GA resolution (A/RES/1752(XVII)) does not enumerate these, but in acknowledging the Agreement, authorizes the Secretary-General to carry out the tasks therein. Agreement between the Republic of Indonesia and the Kingdom of the Netherlands Concerning West New Guinea (New York Agreement), signed on 15 August 1962, Articles II, IV, V.
[159] Ibid., Article VII.
[160] Ibid.
[161] Daniel Gruss, "UNTEA and West New Guinea", pp. 102–104.

United Nations Observer Group in Lebanon

UNOGIL was established by the SC in 1958 (S/RES/128) to prevent "illegal infiltration" of "armed elements" and weapons, supported by the United Arab Republic, from the territory of the Syrian Arab Republic into Lebanon. UNOGIL's mandate was limited to observing whether personnel and arms were illegally crossing the border, rather than forcibly preventing their transfer. However, the small number of troops allocated and challenging geographic conditions limited UNOGIL's access and ability to fully observe the entire border.

In July 1958, the US informed the SC that it would deploy troops to Lebanon in response to a request from the Lebanese Government, after a coup d'état in Iraq sparked fears of a similar coup in both Lebanon and Jordan.[162] The UK also dispatched troops to Jordan at the request of the Jordanian Government. UNOGIL reported that the landing of US troops in Beirut on 15 July heightened tensions in opposition-held areas and created setbacks for achieving the mission's tasks.

The deployment of US forces led to division in the SC over any further amendment or support to UNOGIL's mandate, as would be necessary for it to deal with the more complex situation. As a result, in what is considered the third instance of the UFP resolution being relied upon, the SC requested an emergency special session, specifically citing the "lack of unanimity" of permanent members in 1958 (S/RES/129).

Before the emergency special session could be held, continued talks between the parties involved, progress by UNOGIL in its observer tasks, and other developments in the region had largely defused the crisis. Nonetheless, the GA's actions during the 3rd emergency special session helped to further defuse the issue of foreign (US) forces on Lebanese territory. The final substantive resolution, passed in August 1958 without a vote (A/RES/1237(ES-III)), requested the Secretary-General to facilitate the withdrawal of foreign troops from Lebanon and Jordan.[163] This effectively expanded UNOGIL's mandate to also oversee the withdrawal of US forces. While Jordan did not agree to observers on its territory, it accepted a representative of the Secretary-General to assist in implementing the resolution.[164]

The GA's resolutions with regard to UNOGIL, and the subsequent actions taken both in Lebanon and Jordan, reinforces the principle that the GA can extend the authority of peace operations, provided it has the consent of the host government. It also demonstrates a strong complementarity between the SC and the GA, with the SC passing an active crisis mitigation situation to the GA at a time when it was at a standstill, but then with SC members continuing to be seized with the matter and working in complement with the resolutions of the 3rd emergency special session.

Return to the discussion of GA practice related to peace operations in part II.

United Nations Operation in the Congo/*Opération des Nations Unies au Congo*

ONUC was established by SC resolution 143 and was operational from July 1960 to June 1964 (S/RES/143, para. 2). Following the declaration of independence of the Republic of the Congo in June 1960, Belgium

[162] United Nations, "Lebanon – UNOGIL", backgrounder.
[163] See also Hitoshi Nasu, *International law on peacekeeping* (Leiden, Brill Publishers, 2009); Gerald L. Curtis, "The United Nations Observation Group in Lebanon", *International Organization,* vol. 18, No. 4 (1964), pp. 738–765.
[164] United Nations, "Lebanon – UNOGIL".

deployed troops to its former colony with the declared purpose of restoring order and protecting Belgian citizens.[165] This intervention was met with resistance, particularly from soldiers of the colonial-era military force, *Force Publique,* and supporters of the newly-appointed Prime Minister Patrice Lumumba.[166] The tension was heightened by Belgium's efforts to promote the secession of the mineral-rich province Katanga.[167]

Shortly after the Belgian troops deployed, on 14 July 1960, the SC demanded their withdrawal and authorized the Secretary-General to take action to support the Congolese Government with military assistance (S/RES/143). This led to the formation (in less than 48 hours) of ONUC, with forces drawn from Asian and African countries.

By September 1960, escalating tensions within the Congo and an internal power struggle among key leaders of the newly formed Government posed significant challenges to ONUC's mission and threatened the outbreak of renewed violence. On 14 September 1960, a coup staged by Colonel Mobutu Sese Seko, who had Western support, led to the removal of Prime Minister Lumumba. Subsequently, a draft resolution (S/4523) proposing to reinforce ONUC's role (by soliciting additional voluntary contributions) was vetoed by the USSR.[168] Following this veto, on 17 September 1960, by a vote of 8 for, 2 against (Poland, the USSR) and 1 abstention (France), the SC decided to call an emergency special session of the GA, citing the "lack of unanimity of its permanent members" and the UFP resolution, 377A(V)(S/RES/157).[169]

Within the two resolutions that were passed in the 4th emergency special session, the GA requested the Secretary-General to "continue to … assist the Central Government of the Congo in the restoration and maintenance of law and order throughout the territory … and to safeguard its unity, territorial integrity, and political independence in the interests of international peace and security" (A/RES/1474(ES-IV), para. 2). Although in line with the spirit of the original SC resolution authorizing ONUC, this request was arguably an expansion of ONUC's mandate, with a more explicit mandate to maintain law and order, and safeguard the territorial integrity of the Congo.

Subsequent developments in the Congo, notably the killing of Lumumba in January 1961, prompted renewed SC action to forestall a civil war. On 21 February 1961, the SC passed resolution 161, which urged the UN (implicitly including UN forces in the Congo) to take "all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary" (S/RES/161, para. 1). The same resolution urged the withdrawal of all foreign forces, including mercenaries, and for Member States to prevent further forces from being dispatched from the Congo (ibid., paras. 2–3). In November 1961, the SC then followed up on this with resolution 169, which authorized the Secretary-General and the UN Command in Congo to execute the tasks

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[165] For further background on the emerging internal conflict and political dynamics, and how they aligned with larger geopolitical competition, see Eşref Aksu, "The UN in the Congo conflict: ONUC", in *The United Nations, Intra-state Peacekeeping and Normative Change,* Eşref Aksu (Manchester, Manchester University Press, 2018).

[166] Blackpast, "Congo Civil War (1960–1964)", 15 July 2009. Available at https://www.blackpast.org/global-african-history/congo-civil-war-1960-1964 (accessed 3 August 2024); Council on Foreign Relations, "1960–2003, Eastern Congo: a legacy of intervention". Available at https://www.cfr.org/timeline/eastern-congo-legacy-intervention (accessed 3 August 2024).

[167] United Nations, "Chapter VII relating to the situation in the Republic of the Congo (Leopoldville)", *Yearbook of the United Nations 1960*, pp. 52–128.

[168] For a record of why this additional support (in line with a plan proposed by the Secretary-General) was objected to by the USSR, as well as other discussion of SC views, see ibid., pp. 60–64; S/PV.906. An additional draft resolution related to the Congo was also vetoed by the USSR in December 1960 (S/4578/Rev.1).

[169] The vote on the decision to request an emergency special session passed with 8 votes for, 2 against (Poland, the USSR) and 1 abstention (France) (S/RES/157(1960)).

set out in resolution 161, effectively expanding ONUC's mandate (S/RES/169, para. 4). In the same year, GA resolutions 1599(XV) and 1600(XV) endorsed many of the same recommendations and, effectively, ONUC's expanded mandate (A/RES/1599(XV); A/RES/1600(XV)).

ONUC had begun to phase out by February 1963, but the GA played one last crucial role – authorizing and approving the budget for a small number of troops for an additional six months (A/RES/1885(XVIII), paras. 1–2). This additional action would be the subject of the advisory opinion in the ICJ's *Certain Expenses* case, which validated the steps and recommendations adopted by the GA with regard to ONUC as falling within the scope of the GA's authority under the Charter. This precedent (and the ICJ's validation of it) gave support to the principle that the GA can not only establish peace operations, but it can also rely on its authority to extend the mandate or operations of an existing (SC-authorized) peacekeeping force. The overall impact of the GA's actions with regard to ONUC were to help to sustain and support an existing peace operation that might have otherwise expired due to SC deadlock.

Return to the discussion of GA practice related to peace operations in part II.

United Nations Transitional Authority in Cambodia

UNTAC was established by SC resolution 745 (1992) as one of the provisions of the 1991 Paris Peace Accords, which provided a settlement to issues that arose following Vietnam's invasion and occupation of Kampuchea in 1978.[170] While UNTAC was authorized by the SC, it is a notable example of complementary action by the GA. Due to divisions within the SC's permanent members with respect to the conflict, the GA (A/RES/34/22) took on a much greater role in the good offices and preparations that led to the Paris Conference, which resulted in the signing of the Paris Agreements on 23 October 1991.[171] These Agreements included provisions for the creation of UNTAC. The GA endorsed the Paris Peace Agreements in November 1991, including explicit support for UNTAC (A/RES/46/18, para. 2).

Return to the discussion of GA practice related to peace operations in part II.

United Nations Observer Mission to Verify the Referendum in Eritrea

The GA authorized the Secretary-General to establish UNOVER in 1992, contributing to the overall transition process that ended the 30-year conflict between the Ethiopian Government and Eritrean forces. An important precursor action was the GA's resolution in 1950 federating Eritrea, a former Italian colony, under the Government of Ethiopia (A/RES/390(V)[A]). In 1962, Ethiopia abrogated the federal agreement and directly annexed Eritrea, leading to a three-decade conflict between the Eritrean Liberation Front (later the Eritrean People's Liberation Front) and Ethiopia.[172]

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[170] Agreements on a comprehensive political settlement of the Cambodia conflict: Paris of 23 October 1991, Article 2. The SC initially offered its full support for the Paris Agreement in its resolution 718, S/RES/718(1991), and requested the Secretary-General to carry out plans for implementation of its provisions, including for UNTAC. It then officially authorized UNTAC according to those plans in resolution 745 (S/RES/745(1992)).

[171] Comprehensive Cambodian Peace Agreement (1991).

[172] United Nations Department of Information, "The United Nations and the independence of Eritrea", *Blue Books Series*, vol. 12 (United Nations publication, 1996), pp. 14–18.

The election of an Ethiopian Government supportive of Eritrean independence in 1991 opened a pathway for independence.[173] To enable this, transitional authorities in Eritrea sought to hold a referendum on independence, and requested UN oversight and assistance.[174] The Secretary-General submitted a report on the matter to the GA (A/48/283) recommending the establishment of a UN observer mission to verify the referendum scheduled to take place in Eritrea in April 1993, a recommendation that the GA adopted without a vote in October 1992, authorizing and naming UNOVER (A/47/544). In the 1993 referendum, 99 per cent of the population voted in favour of independence.[175] The successful organization of the referendum marked the end of the UNOVER mission. Eritrea was officially admitted to the UN as an independent Member State in 1993 (S/RES/828; A/RES/47/230).

Return to the discussion of GA practice related to peace operations in part II.

United Nations Special Mission to Afghanistan

The GA established a new political mission in Afghanistan, UNSMA, in 1993, arguably the most significant GA or SC action on Afghanistan since the 1980 6th emergency special session, and laying the groundwork for future SC-mandated peace operations in the country.

Following Soviet withdrawal from Afghanistan in early 1989, a new pro-Soviet Government was established under President Mohammed Najibullah, but it proved to be short-lived. Najibullah was overthrown in 1992, replaced by a power-sharing Government comprised of competing mujahedeen factions. This power-sharing Government proved unstable, and after three years of near all-out civil war between competing militias and warlords, the Taliban rose to power in 1995. Although the Taliban established control over most of the country, opposing warlords and other warring factions held out in strongholds.

The GA led the way in responding to these developments from 1992. In 1992, the Government of Afghanistan requested that the item "emergency international assistance for the reconstruction of war-stricken Afghanistan" be included on the GA agenda (A/47/661), resulting in annual GA consideration of the matter from 1995 to 2005. This annual consideration of the matter enabled greater GA engagement on Afghanistan peace and security issues in the 1990s, both as compared to prior action in the 1980s and compared to SC activity on Afghanistan during this period.[176]

On 21 December 1993, in resolution 48/208, the GA requested the Secretary-General to establish a "special mission" to assist with political "rapprochement" and reconstruction in Afghanistan (A/RES/48/208).[177] UNSMA (as this special mission would come to be known) was initially mandated with canvassing Afghan views on reconstruction, developing an action plan for rehabilitating the country, and supporting donor mobilization (ibid.). While it was initially a purely political mission, in 1999 the GA expanded its mandate to

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[173] Ibid.
[174] Ibid, p. 154.
[175] Terrence Lyons, "Eritrea: the independence struggle and the struggles of independence", in *Independence Movements and their Aftermath*, Jon B. Alterman and Will Todman, eds. (London, Rowman & Littlefield, 2019), pp. 36–52.
[176] There were some GA resolutions on Afghanistan in the 1980s and early 1990s, for example one related to trafficking in illicit narcotics in 1988 (A/RES/43/120), and one in 1992 (A/RES/47/119) urging Member States to support the reconstruction of Afghanistan, but no major resolutions related to the core peace and security issue in Afghanistan after the 1980 UFP resolution (A/RES/ES-6/2). The GA also offered its support for the 1989 Geneva accords that would lay the groundwork for Soviet withdrawal (A/RES/44/15).
[177] This core mandate was reinforced and renewed in subsequent GA resolutions. See, for example, A/RES/49/140 (1994); A/RES/50/88 (1995).

include facilitation and monitoring of a ceasefire (A/RES/53/203 A-B). In 2000, the GA again modified UNSMA's mandate to play a "primary role in conducting UN peacemaking activities" and encouraging the UN to set up additional presences in neighbouring countries (A/RES/54/189A-B). As scholar Rebecca Barber has noted, this gradual expansion of the GA-authorized mission "began to look increasingly like the type of operation that would more commonly be authorized by the SC".[178] Indeed, only two years later, in 2002, the SC replaced UNSMA with the UN Assistance Mission in Afghanistan (UNAMA) (S/RES/1401).

GA action in establishing UNSMA is viewed as concurrent with the SC's. The SC established a UN Good Offices Mission in Afghanistan and Pakistan in 1988 (S/RES/622), approved UN military advisors to be dispatched to Afghanistan and Pakistan in 1990 (S/RES/647), and issued resolutions calling on all parties to cease fighting in 1996 (S/RES/1076) and 1998 (S/RES/1193). In addition, from 1994, SC presidential statements welcomed and repeatedly expressed appreciation for UNSMA and called on all parties to assist them in their mandate.[179] An additional point of complementarity is the way that the GA-created UNSMA in some ways acted as a precursor to the SC-created UNAMA, establishing a peace operation prior to the SC's action, and perhaps enabling it.

Return to the discussion of GA practice related to peace operations in part II.

International Civilian Mission in Haiti and International Civilian Support Mission

In September 1991, a military coup resulted in the overthrow of the Government of Jean-Bertrand Aristide, Haiti's first democratically elected President. Within two weeks, the GA passed a resolution (adopted without vote) condemning the coup and demanding Aristide's restoration (A/RES/46/7). Subsequent GA resolutions from 1991 to 1993[180] reiterated this stance, and lent support to ongoing diplomatic efforts by the Secretary-General, a UN special envoy for Haiti and the OAS. Several of the GA resolutions appeared to recommend or second the OAS responses and recommendations, which during this period included not only diplomatic efforts but trade embargoes and asset freezes. For example, resolution 47/20B suggested that any relaxation of "economic measures" (effectively sanctions) recommended by an ad hoc consortium of States and the OAS should happen "according to progress in the observance of human rights and in the solution of the political crisis" leading to Aristide's restoration (A/RES/47/20B, para. 6).[181]

As a result of these diplomatic efforts, an agreement was reached to deploy a joint UN–OAS mission to Haiti in 1993, which later came to be known as the International Civilian Mission in Haiti or *Mission Civile Internationale en Haïti* in French (from which the acronym, MCIVIH, was derived). The UN deployment of personnel to this mission and its mandate were established in April 1993 through GA resolution 47/20B (A/RES/47/20B). It was the first fully integrated mission between a regional organization (the OAS) and the UN. Resolution 47/20B reiterated the goal of the international community to restore democracy and Aristide's Government in Haiti, offered its support for the efforts of the Secretary-General and the OAS, and set out the tasks of the UN personnel participating in the mission as verifying "compliance with Haiti's international human rights obligations" and to make further recommendations that would lead to "re-establishment of

[178] Barber, "A survey of the General Assembly's competence in matters of international peace and security: in law and practice", p. 147.
[179] See, for example, S/PRST/1994/12 (1994); S/PRST/1994/43 (1994); S/PRST/1997/20 (1997); S/PRST/1997/55 (1997).
[180] A/RES/46/138 (1991); A/RES/47/20A (1992); A/RES/47/143 (1992); A/RES/47/20B (1993).
[181] For an illustration of OAS resolutions calling for sanctioning measures in this time period, see S/23109 (1991); MRE/RES.3/92 (1992).

democracy in Haiti" (ibid., paras. 1–2). Due to continued political and diplomatic challenges (discussed below), the mission ultimately would not deploy until 1995, despite being authorized in 1993.[182]

During diplomatic efforts throughout the course of 1993, proposals by the Special Envoy to reach a compromise with the coup leaders and enable the return of Aristide faced resistance.[183] In June 1993, the SC created a sort of ultimatum: acting under Chapter VII authority, it provided that should the de facto authorities fail to comply "in good faith" with the ongoing negotiations, that Member States should impose a series of economic and military sanctions (S/RES/841). These included preventing the sale or supply of petroleum, arms, weapons, ammunition or other military equipment (ibid., para. 5), a naval embargo on any of these goods entering Haiti (ibid., para. 6), and an asset freeze of those funds linked to the Government of Haiti or de facto authorities (ibid., para. 7). Following this, there was some traction in ongoing negotiations, and on 14 July 1993 the parties signed the so-called "New York Pact", agreeing to a six-month truce and efforts to move towards a peaceful transition.[184] The following day, the SC signalled that it would be willing to suspend the sanctions attached to resolution 841, and even to terminate them upon the return of President Aristide. With the agreement of certain transition measures in place via what became known as the Governors Island Agreement (negotiated jointly by the UN and the OAS), the SC passed resolution 861 (S/RES/861) in August 1993, relaxing the asset freezes and arms embargo, but with the proviso that these could be reimposed if the Agreement was subsequently not fully implemented.

The Governors Island Agreement included not only an internal transition plan, and agreement on suspension of sanctions, but also some provisions and guarantees related to international cooperation, specifically on development, judicial reform, "modernizing the Armed Forces" and "establishing a new Police Force with the presence of the United Nations personnel".[185] Complementing this Agreement and to advance further implementation, the SC in September 1993 authorized the dispatch of police monitors and military trainers via a newly created peace operation, UNMIH, for a period of six months (S/RES/867). However, this dispatch of personnel was prevented from landing due to threats from armed civilians linked to the Haitian defense ministry.[186] Due to this and other perceived instances of a "lack of will" or cooperation on the part of Haitian authorities, the SC reimposed the oil and arms embargos and asset freezes (ibid.). Despite the continued frustration of the UNMIH mission, and increasing reports of violence in Haiti, the SC extended the mandate of UNMIH in March 1994 (S/RES/905). Concurrently in April 1994, the Secretary-General requested that the GA extend MCIVIH, which the GA did in July (A/RES/48/27B). The resolution notably continued to support measures that would lead to the return of Aristide as President and for compliance with the Governors Island Agreement, but made no note, positive or negative, regarding the SC's imposition of sanctions (ibid.).

Notwithstanding these additional measures to support peace operations, tensions on the ground and failure to carry forward the agreed transition steps continued. After another effort to shift the situation via introducing stricter sanctions (S/RES/917(1994)) did not yield results, in July 1994, the SC in resolution 940 (S/RES/940) authorized Member States to restore Aristide's Government, marking the first use of Chapter VII to restore a democratically elected government. Consequently, a US-led multinational force intervened, leading to

[182] United Nations, "Haiti", backgrounder.
[183] Ibid.
[184] Ibid.
[185] Governors Island Agreement, 3 July 1993, para. 5. Available at https://www.peaceagreements.org/viewmasterdocument/27 (accessed 3 August 2024).
[186] United Nations, "Haiti".

Aristide's return in October 1994.[187] Following this restoration of Aristide's Government, both MCIVIH and UNMIH were able to take up their mandates in full. When MCIVIH, authorized in 1993, ended in 2000, the GA responded to a request from Haiti's President to build on its work and the prior UN Civilian Police Mission in Haiti[188] by creating a new peace operation in late 1999, the International Civilian Support Mission, which came to be known by its acronym in French, MICAH (A/RES/54/193). Its mandate was to support Haitian authorities in the development of democratic institutions, justice reform efforts, police professionalization, the full observance of human rights and fundamental freedoms and the organization of democratic elections.

Return to the discussion of GA practice related to peace operations or sanctions practice in part II.

United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala

The UN facilitated negotiations between the Government of Guatemala and the Guatemalan National Revolutionary Unity rebel group in an effort to end the Guatemalan civil war which lasted from 1960 to 1996. Central to these negotiations was the pursuit of a Comprehensive Agreement on Human Rights. In support of these negotiations, and at the request of the conflict parties, in September 1994, the GA established MINUGUA to verify compliance with all agreements reached between the parties (A/RES/48/267). Its tasks encompassed monitoring and reporting on the human rights situation in Guatemala, bolstering the rule of law and democratic institutions, and aiding in the implementation of measures conducive to reconciliation and lasting peace.[189] Prior to MINUGUA's establishment, a series of GA resolutions had encouraged these negotiations and endorsed the peace process.[190]

Following the signing of the Agreement on the Definitive Ceasefire on 4 December 1996 in Oslo, MINUGUA underwent a transformative phase. The SC took action on 20 January 1997 via its resolution 1094, mandating the mission to expand its purview, and incorporating a contingent of 155 military observers alongside essential medical personnel for a three-month period (S/RES/1094, para. 1). Though still colloquially referred to as MINUGUA, the mission's official name was changed to the UN Verification Mission in Guatemala, aligning with its revised mandate.

Return to the discussion of GA practice related to peace operations in part II.

[187] United Nations, "Haiti", backgrounder.
[188] United Nations Department of Public Information, "Completed peacekeeping operations: Haiti". Available at https://peacekeeping.un.org/sites/default/files/past/miponuh.htm (accessed 3 August 2024).
[189] United Nations, "Guatemala – MINUGUA", backgrounder.
[190] A/RES/45/15 (1990); A/RES/46/109[A] (1991); A/RES/47/118 (1992); and A/RES/48/161 (1993); A/RES/45/15 (1990); A/RES/46/109[A] (1991); A/RES/47/118 (1992); and A/RES/48/161 (1991).

Annex 4: Use of force

While only the SC can authorize coercive or enforcement action, the GA has regularly issued recommendations related to the use of force, including recommending that Member States or the SC take action, recommending ceasefires or withdrawal of foreign forces, recommending that Member States either refrain from or provide military assistance and materiel, or making declaratory statements on acts of aggression or threats to peace and security, which might inform subsequent use-of-force responses. A select number of cases discussed in the part II overview of GA practice on the use of force are detailed further below.

Korea Peninsula (1950–1951)

On 30 June 1950, after North Korean forces crossed the 38th parallel into South Korea, the SC declared that North Korean actions constituted a "breach of the peace", and called for an immediate cessation of hostilities and for the withdrawal of North Korean forces (S/RES/82). In the subsequent two weeks, noting the failure of North Korean forces to withdraw or cease hostilities, the SC recommended that Member States assist South Korea in repelling the armed attack (S/RES/83), and recommended that Member States contribute support under a unified command to be led by the US (S/RES/84).[191]

By late 1950, US and UN forces had retaken Seoul from North Korean forces and by October 1950 had advanced north to take control of Pyongyang. China then intervened on behalf of North Korea beginning in November 1950, ultimately deploying an estimated 300,000 Chinese forces to wage an offensive both against South Korean forces and the US and UN forces supporting them. The USSR had been boycotting the SC during the passage of the prior resolutions, but at this point it had rejoined SC activities and threatened to veto any further resolutions. The stalemate in the SC led to the creation of the UFP resolution in November 1950. In January 1951, the SC decided that it was no longer seized with the question of aggression on the Korean Peninsula, effectively passing it to the GA (S/RES/90).

On 1 February 1951, with a vote of 44-7-9, the GA passed a resolution noting that the SC had "failed to exercise its primary responsibility for the maintenance of international peace and security in regard to the Chinese communist intervention in Korea" (A/RES/498(V)). It further found that Chinese forces had "engaged in aggression in Korea", and called upon Chinese forces to cease hostilities and withdraw (ibid., para. 1). Importantly, it affirmed UN "action in Korea to meet the aggression", called upon all States and authorities to "continue to lend every assistance to the United Nations action in Korea", and called upon Member States not to give assistance to the "aggressors in Korea" (ibid., paras. 3–5).

While the GA's actions are generally agreed to be recommending or calling for the use of force in this situation (in supporting the continuance of the US-led UN operations), there is disagreement as to whether the GA was simply ratifying the prior SC decisions on the matter or proposing something further.[192]

Return to the discussion of GA practice related to the use of force in part II.

[191] Ultimately 16 Member States would provide forces to the UN forces in Korea, and additional Member States provided medical contingents.
[192] For further discussion and sources see Barber, "A survey of the General Assembly's competence in matters of international peace and security: in law and practice", pp. 35–36.

Burma (1953–1954)

Chinese nationalist forces known as the Kuomintang (which had been defeated in the Chinese Civil War) had fled to Burma from China in the early 1950s. In March 1953, Burma requested that the matter be included in the GA's 7th session, alleging that the presence of the forces constituted a violation of their territory and also that the forces in question had engaged in looting and other violations and forcibly resisted efforts to have them disarmed, removed or otherwise interned (A/2375).[193] The Union of Burma requested the GA to recommend to the SC "to take all necessary steps to ensure immediate cessation of the acts of aggression by the Kuomintang Government of Formosa against the Union of Burma".[194]

In its ensuing resolution 707 (VII) of 23 April 1953, adopted by 59 votes in favour and 1 abstention (Burma), the GA "condemn(ed) the presence of these forces in Burma and their hostile acts against that country", and raised its concern at the violation of Burma's territory by foreign forces (A/RES/707(VII)). It declared that foreign forces (implicitly the Kuomintang) "must be disarmed and either agree to internment or leave" the Burmese territory, urging all States to provide assistance to the Government of the Union of Burma "to facilitate by peaceful means the evacuation of these forces" (ibid., paras. 3, 5).

The GA also recommended that the ongoing negotiations "through the good offices of certain Member States should be pursued" for the "immediate disarmament and withdrawal of the said forces from the territory of the Union of Burma" (ibid., para 4). One month later, on 22 May 1953, the US initiated a Four-Nation Military Commission (including Burma, the Republic of China, the US and Thailand) in Bangkok to negotiate the withdrawal of Kuomintang troops from Burma. The remaining Kuomintang troops were not fully evacuated to Taiwan until the People's Republic of China and Burma undertook a series of coordinated military operations in 1960–1961.

Unlike most of the examples of GA resolutions related to the use of force provided in this Handbook, this case was an example where the GA acted without the SC having previously taken up the issue.[195]

Return to the discussion of GA practice related to the use of force in part II.

Cyprus (1974)

The island of Cyprus was recognized as an independent republic in August 1960. However, there had long been divisions between the two dominant ethno-linguistic communities on the island (Greek and Turkish) and differing views on whether the island should be independent or be annexed to other countries was the cause of sporadic violence throughout the late 1950s and 1960s. There were multiple attempts to mediate the conflict, involving guarantees by the Governments of Greece, Turkey and the former colonial authority, the UK. The UN Peacekeeping Force in Cyprus was created in 1964 to prevent further outbreaks of intercommunal

[193] The letter noted that "approximately 12,000 Kuomintang troops" refused to "submit to disarmament and internment" and had committed "depredations against the civilian population". It further argued that the presence of Kuomintang troops was an "infringement of Burmese territorial integrity" and that they were directed by the Government of Formosa (A/2375).
[194] Ibid.
[195] Barber, "A survey of the General Assembly's competence in matters of international peace and security: in law and practice", pp. 147–148.

violence (S/RES/186). Throughout this period, GA resolutions frequently encouraged mediation efforts and good offices, and non-interference in Cyprus by external actors on all sides.[196]

In July 1974, proponents of Cyprus' unification with Greece staged a successful coup d'état, allegedly with the support of the Greek junta. A little over a week later, Turkey intervened militarily to overthrow this pro-Greece Government. This resulted in the de facto division of Cyprus between Turkish Cypriots in the north and Greek Cypriots in the south that remains to the present. On 16 August 1974, the SC expressed its grave concern regarding the deteriorating situation, which represented a threat to peace and security in the Mediterranean (S/RES/360). It recorded its "formal disapproval of the unilateral military actions undertaken" and urged parties to comply with prior resolutions, withdraw foreign military personnel and return to peaceful negotiations (ibid.). The GA then echoed many of these points in its resolution on the matter: in resolution 3212 (XXIX) adopted on 1 November 1974, the GA urged the "speedy withdrawal of all foreign armed forces ... from the Republic of Cyprus and the cessation of all foreign interference in its affairs", and called for reinforcing good offices and efforts to find a peaceful solution, as well as efforts to strengthen the peacekeeping force and humanitarian efforts (A/RES/3212(XXIX)). Following the 1974 GA debate, the SC unanimously endorsed the resolution (S/RES/365).

The GA remained seized with the issue in subsequent decades, and in 1977 requested the establishment of an investigatory body with the participation of the Red Cross to speedily resolve the issue of missing persons in Cyprus.[197] Later in 1983, the GA expressed support for intercommunal talks and 1977–1979 agreements considered the withdrawal of all occupation forces from the Republic of Cyprus as an essential basis for the solution of the problem, and called for the respect of freedom of settlement and right to property.[198]

Return to the discussion of GA practice related to the use of force in part II.

Kampuchea (1978–1981)

Following a series of attacks by the Revolutionary Army of Kampuchea (the military force of the Khmer Rouge regime) on Vietnamese border towns, Vietnamese forces invaded Kampuchea (now Cambodia) in 1978. In a matter of a few weeks, Vietnamese forces had taken control of the country and established a pro-Vietnamese Government, the People's Republic of Kampuchea. In January 1979, at the request of the Democratic Kampuchea Government (the Khmer Rouge regime), the SC considered the situation in the country and ultimately voted on a draft resolution that would have reinforced the principle of non-interference in the internal affairs of other States, and called for the cessation of hostilities and withdrawal of foreign (Vietnamese) forces from the country (S/13027).[199] This resolution was vetoed by the USSR.[200]

Shortly afterwards, in February 1979, China launched a brief but intense invasion of northern Vietnam, which was interpreted as a signal of its opposition to Vietnamese actions in Kampuchea. Once again, upon request

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[196] An example of this is a 1965 resolution calling upon all States to "respect the sovereignty, unity, independence and territorial integrity of the Republic of Cyprus and to refrain from any intervention directed against it" (A/RES/2077(XX)). It was adopted with 47 votes to 5, with 54 abstentions.
[197] A/RES/32/128 (1977).
[198] A/RES/37/253 (1983).
[199] United Nations, *Yearbook of the United Nations, 1979*, *vol. 33* (United Nations publication, 1979), pp. 272–275.
[200] Thirteen other SC members were in favour: Bangladesh, Bolivia, China, France, Gabon, Jamaica, Kuwait, Nigeria, Norway, Portugal, the UK, the US and Zambia. Czechoslovakia also voted against it. Ibid., p. 275.

by the Government of Kampuchea, the SC debated the issue but remained deadlocked due to divisions between the US, the USSR and China.[201] On 17 August 1979, Indonesia, Malaysia, the Philippines, Singapore and Thailand (the ASEAN States) requested that the topic of "The situation in Kampuchea" be added as a supplementary item in the agenda of the 34th session (A/34/191). In its ensuing resolution 34/22, the GA called for the "immediate withdrawal of all foreign forces from Kampuchea", and for all Member States to "refrain from all acts or threats of aggression and all forms of interference in the internal affairs of States in South-east Asia" (A/RES/34/22, para. 7). It further resolved that the Cambodian people "should be enabled to choose democratically their own government, without outside interference, subversion or coercion", and supported the Secretary-General to "exercise his good offices" to resolve the situation (ibid., paras. 8,11).

Return to the discussion of GA practice related to the use of force in part II.

South West Africa (Namibia) (1969–1988)

South Africa's continued governance of Namibia (later termed an "illegal occupation" in several GA resolutions) was the subject of GA resolutions almost every year between 1969 and 1987. Within its many resolutions on Namibia, the GA at multiple points declared the apartheid system to be a "threat to peace and security" and the "illegal occupation" of Namibia to be an "act of aggression" (referencing the 1974 GA resolution defining aggression, A/RES/3314(XXIX)), as well as condemning South Africa for its "acts of aggression" launched from Namibia against other parts of southern Africa.[202] One particularly strong example of such language appeared in resolution 40/97(A), passed in 1985, which called attention to South Africa's "persistent acts of aggression" despite strong condemnation by the GA, and then declared "that South Africa's defiance of the United Nations, its illegal occupation of the international Territory of Namibia, its war of repression against the Namibian people, its persistent acts of aggression against independent African States, its policies of apartheid, and its development of nuclear capability constitute a serious threat to international peace and security" (A/RES/40/97, para. 73).

As part of its support towards realizing Namibia's right to self-determination, multiple resolutions recommended that Member States provide "moral and material assistance" to resist occupation or support the liberation or independence of Namibia, implicitly understood as including military support.[203] In 1976, the GA recognized the resistance organization, SWAPO, as "the sole and authentic representative of the Namibian people" (A/RES/31/146, para. 2) and appealed to Member States to "grant all necessary support and assistance" (ibid., para. 4) to the liberation movement, as well as "support [its] armed struggle … to achieve self-determination, freedom and national independence in a united Namibia" (ibid., para. 3).

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[201] Ibid., pp. 272–275.

[202] Such declarative statements were common across multiple GA resolutions related to Namibia, including: A/RES/40/97 (1985, vote of 132-0-23); A/RES/35/227 (1981, vote of 125-0-13); A/RES/42/14 (1987, vote of 149-0-5). On South Africa's attacks on other parts of Africa launched from Namibia, see, for example, A/RES/35/227(A), para. 23; A/RES/35/227(J), para. 9; A/RES/40/97, para. 7; A/RES/42/14, paras. 6, 41, 53, 55.

[203] Resolutions related to Namibia in the 1960s tended to assert Namibian's right to independence and supported the "legitimacy of their struggle" against South African governance. See, e.g., A/RES/2498(XXIV) (1969). Later resolutions in the 1970s and early 1980s also called on Member States to provide "moral or material assistance" or "all possible assistance" to those fighting for independence, expressed support for the "armed struggle" of liberation organizations, and/or called on Member States to discontinue support to South Africa. See, e.g., A/RES/35/227(D)&(F) (1981); A/RES/2678(XXV) (1970); A/RES/2871(XXVI) (1971); A/RES/3031(XXVII) (1972); A/RES/3111(XXVIII) (1973); A/RES/37/233 (1982).

Among the most strident of the calls for support to armed resistance were those contained in resolutions passed within the 8th emergency special session of the GA. Resolution ES-8/2 calls upon "Member States, specialized agencies and other international organizations to render increased and sustained support and material, financial, military and other assistance to the South West Africa People's Organization to enable it to intensify its struggle for the liberation of Namibia" (A/RES/ES-8/2, para. 6). The GA also in subsequent years called upon Member States and "Western permanent members" of the SC to take "enforcement action" to advance prior decrees or resolutions related to Namibian independence.[204]

From the mid-1970s onward, several GA resolutions also decried the military build-up of South Africa and "militarization" in Namibia.[205] For example, resolution 42/14, passed in November 1987, strongly condemned South Africa "for its military buildup in Namibia, its introduction of compulsory military service for Namibians, its proclamation of a so-called security zone in Namibia, its recruitment and training of Namibians for tribal armies, its use of mercenaries to suppress the Namibian people and to carry out its military attacks against independent African States and its threats and acts of subversion and aggression against those States, as well as for the forcible displacement of Namibians from their homes" (A/RES/42/14(B), para. 41). The GA continued to pass annual resolutions declaring that South Africa's continued "illegal occupation" constituted an "act of aggression", and called for support to Namibian people to help them "repel South African aggression" and other use of force-related recommendations up through the end of 1988, when South Africa agreed to take steps toward Namibian independence.[206]

Return to the discussion of GA practice related to the use of force in part II.

Grenada (1983)

In September 1983, following an internal power struggle within Grenada, Prime Minister Maurice Bishop and other cabinet members were put under house arrest and later executed by military forces, and a Revolutionary Military Council installed as the governing body. In response to these events, and a request from the Organization of Eastern Caribbean States, the US, supported by a coalition of Caribbean nations, invaded Grenada on 25 October 1983 and ousted the military regime.[207]

Two days later, the US vetoed a draft SC resolution on Grenada that would have called for an immediate ceasefire and withdrawal of foreign troops (S/16077/Rev.1).[208] Nicaragua – in that session an elected member of the SC – requested that the matter be taken up in the GA's 38th session, explicitly because action was blocked due to the "negative vote of one of its permanent members" (A/38/245, paras. 3, 5).[209] Although this was not a situation where the UFP was formally referenced, it was a clear case of the GA taking up the case because action was blocked in the SC.

In its resolution 38/7 of 2 November 1983, adopted by 108 votes in favour, 9 against, and 27 abstentions (A/RES/38/7), the GA noted its grave concern for the "military intervention taking place", and "deeply

[204] A/RES/38/36 (1983); A/RES/39/50 (1984); A/RES/41/39A (1986).
[205] See, e.g., A/RES/3399(XXX) (1975); A/Res/37/233 (1982).
[206] See, for example, A/RES/41/39A-E (1986); A/RES/43/26A-E (1988); A/43/29 (1988).
[207] The Caribbean nations involved were Jamaica, Barbados, Saint Lucia, Dominica, Saint Vincent and the Grenadines, and Antigua and Barbuda.
[208] The draft resolution was presented by Guyana, Nicaragua and Zimbabwe.
[209] The request was made according to rule 15 of the rules of procedure of the GA in a letter to the SC President on 31 October 1983.

deplore[d] the armed intervention in Grenada", arguing that it constituted a "flagrant violation of international law and of the independence, sovereignty and territorial integrity of that State" (ibid.). It called for the armed intervention's "immediate cessation" and the "immediate withdrawal of the foreign troops from Grenada" – all provisions that had appeared in the vetoed draft SC resolution (ibid., para. 4). The resolution referenced Article 2(4) of the Charter and recalled all Member States' obligation "to refrain from the threat or use of force against the territorial integrity or political independence of any State" (ibid.).

The US intervention in Grenada ended on 2 November 1983, the same day as the GA resolution. By mid-December, all US combat forces had withdrawn from Grenada, while non-combat troops remained in the country as advisers to the Caribbean Peacekeeping Force, in place until June 1985. General elections were held in Grenada on 3 December 1984.

Return to the discussion of GA practice related to the use of force in part II.

Libyan Arab Jamahiriya (1986)

In response to a nightclub bombing in West Berlin on 5 April 1986, which was attributed to the Libyan regime under Muammar Qaddafi, the US carried out aerial and naval attacks on the Libyan cities of Tripoli and Benghazi on 15 April 1986.[210] A SC draft resolution condemning the attack by the US as "in violation of the Charter of the United Nations and the norms of international conduct" and as a "danger to international peace and security" was vetoed by the US, the UK and France (S/18016/Rev.1).

The GA then considered the matter as a regular agenda item in the GA's 41st session. On 20 November 1986, by a vote of 79 for, 28 opposed, and 33 abstaining, the GA condemned the US attack and expressed its grave concern that the "aerial and naval military attack perpetrated against the cities of Tripoli and Benghazi" constituted "a serious threat to peace and security in the Mediterranean region" (A/RES/41/38). The resolution called on the US to "refrain from the threat or use of force in the settlement of disputes and differences with the Libyan Arab Jamahiriya" and affirmed the country's right to receive compensation (ibid., paras. 2, 4). It also explicitly noted that the SC had been "prevented from discharging its responsibilities owing to the negative vote of certain permanent members" and expressed deep concern over the "threats and aggressive provocations, and the imposition of comprehensive cultural and economic sanctions, including the freezing of assets and properties, carried out against the Libyan Arab Jamahiriya" (ibid., emphasis added).

Return to the discussion of GA practice related to the use of force in part II.

Iraq (nuclear installations) (1981)

On 7 June 1981, the Israeli Air Force launched airstrikes on the Osirak nuclear reactor near Baghdad, Iraq. On 19 June 1981, the SC passed resolution 487 unanimously denouncing Israel's strike as a violation of the UN Charter and norms of international conduct, and calling on Israel to refrain from such attacks or threats in the future (S/RES/487). Several months later, in November 1981, the GA considered the attack under the agenda

[210] The US attack in April was seen as a "retaliation for what it [the US] said was a Libyan-backed terrorist attack on United States military personnel in Berlin". See United Nations Department of Public Information, "Mediterranean", *Yearbook of the United Nations, 1986*, vol. 40 (United Nations publication, 1986), p. 247.

item, “Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security” (A/36/PV.53, pp. 929–937). The GA then echoed the SC position by adopting resolution 36/27, condemning the attack and threats of further such attacks, and noting that Israel had in the ensuing months failed to comply with SC resolution 487 (A/RES/36/27).[211] The GA also noted its concern that Israel’s “acts of aggression against Arab States” were facilitated by aircraft and weapons supplied by the US (ibid.). The resolution called for all States to cease providing “arms and related material” to Israel (ibid., para. 3), and also called on the SC to both investigate Israel’s nuclear activities and to institute “effective enforcement action” to prevent further acts of aggression (ibid., paras. 4–5).

Return to the discussion of GA practice related to the use of force or of sanctions measures in part II.

Panama (1989)

On 20 December 1989, the US launched an aerial and ground assault to oust Panamanian dictator Manuel Noriega, who had nullified the 1988 presidential election results. Just two days after the attack (which resulted in the capture of Noriega), a draft resolution (S/21048) was put before the SC emphasizing the prohibition of the use of force under Article 2(4) of the UN Charter. It was vetoed by the US, the UK and France.[212]

Following a request by Cuba and Nicaragua to include the “grave situation in Panama” as a priority item in the regular session (A/44/906),[213] the GA then adopted resolution 44/240 on 29 December 1989 (A/RES/44/240), with text that was almost a verbatim copy of the language in the failed SC draft resolution. Passing with a vote of 75 countries for, 20 against and 40 abstaining, the resolution deplored the US invasion as a “flagrant violation of international law” (ibid.). It also “demanded the immediate cessation of the intervention and the withdrawal from Panama of the armed invasion forces of the United States” and “called upon all States to uphold and respect the sovereignty, independence and territorial integrity of Panama” (ibid., paras. 2, 4).

Return to the discussion of GA practice related to the use of force in part II.

Ukraine (2014, 2022)

Beginning in late February 2014, Russian Federation military forces occupied several locations in Crimea, a region with a significant ethnic Russian population, citing the need to protect Crimean civilians and prevent extremists from seizing Russian military installations. In March 2014, a referendum was organized in what was referred to as the Autonomous Republic of Crimea and the city of Sevastopol, the proclaimed result of which was a vote for Crimea to secede from Ukraine and join the Russian Federation.

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[211] Resolution 36/27 passed with 109 votes in favour, 2 against (Israel and the US), and 34 abstentions.
[212] Algeria, Colombia, Ethiopia, Malaysia, Nepal, Senegal and Yugoslavia had put forward the draft resolution. The vote count was 10 voting for the resolution, 1 abstention and 4 against. Algeria, Brazil, China, Colombia, Ethiopia, Malaysia, Nepal, Senegal, the USSR and Yugoslavia voted for the resolution and Finland abstained from voting. Canada voted against it, in addition to the US, the UK and France (S/21048).
[213] In an explanatory memorandum, Cuba and Nicaragua stated that on 20 December, the US invaded Panama, thereby committing a blatant violation of the Charter and international law, which meant that “the international community had a duty to intervene” (A/44/906).

Shortly after these events, which were characterized by some Member States as an illegal annexation, the SC considered the matter in no less than seven sessions on the issue from March to April 2014. A 15 March 2014 draft resolution, sponsored by 44 countries, was put forward recalling Article 2 of the UN Charter to refrain from the threat or use of force and to respect the territorial integrity or political independence of other Member States, reaffirming Ukraine's sovereignty and territorial integrity, and declaring that the referendum in Crimea was invalid (S/2014/189). This draft resolution was vetoed by the Russian Federation (ibid.).

The GA then took up the issue, notably without any reference to the UFP resolution.[214] The GA passed resolution 68/262 of 27 March 2014 (A/RES/68/262), recalling the obligations of all States under Article 2 of the Charter, and declaring that "the territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force". The resolution affirmed its commitment to Ukraine's territorial integrity; called upon "all States" to refrain from "attempts to modify Ukraine's borders through the threat or use of force or other unlawful means"; underscored that the referendum was invalid; and called upon all Member States and international organizations not to recognize the declared autonomy of Crimea resulting from it. The resolution was proposed by Canada, Costa Rica, Germany, Lithuania, Poland and Ukraine, supported by 100 Member States and opposed by 11, with 58 abstentions (A/68/PV.80, p. 17).

On 24 February 2022, the Russian Federation commenced a full-scale invasion of Ukraine, which it referred to as a "special military operation". Following a Russian Federation veto of a SC draft resolution on the matter, the SC passed a resolution requesting an emergency special session, invoking the language of the UFP resolution. During the 11th emergency special session, the GA adopted resolution ES-11/1 on 2 March 2022 deploring Russian "aggression" and demanding that the Russian Federation cease any further use of force and immediately withdraw its forces from Ukraine (A/RES/ES-11/1, paras. 2, 3). It deplored the change in status (the de facto annexation) of the Ukrainian regions of Donetsk and Luhansk as a violation of territorial integrity, and demanded its immediate reversal (ibid., paras 5–6). The resolution further condemned all violations of IHL and attacks on the civilian population (ibid., 11–12). Resolution ES-11/1 was approved by 141 countries, while only 5 UN Member States – the Russian Federation, Belarus, the DPRK, Eritrea and the Syrian Arab Republic – voted against it (ibid.).

This resolution was followed by five others adopted during the 11th emergency special session, including measures related to the use of force – for example, reiterating the demands for immediate withdrawal (A/RES/ES-11/4), and recommendations for "the immediate cessation of the hostilities by the Russian Federation against Ukraine" (A/RES/ES-11/2, para. 2) and "the full protection of civilians" (ibid., para. 3).

Return to the discussion of GA practice related to the use of force in part II.

[214] The GA's debate and consideration of the resolution came under the regular agenda item "prevention of armed conflict" (A/68/PV.80).

Annex 5: Sanctions

Sanctions generally refer to a wide range of coercive acts, mainly economic in nature, but also including other acts of proscription like arms embargoes and travel bans. Over the past 78 years, the GA has recommended to Member States that they impose unilateral sanctions or that the SC impose multilateral sanctions. This annex includes case studies of situations in which the GA has recommended sanctioning measures, expanding on some of the examples in the part II overview of sanctions practice.

Korea (1951)

In the GA's initial response to the military intervention of the People's Republic of China in the Korean War in late 1950, the GA had condemned the aggression of the People's Republic of China, calling on it "to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and withdraw from Korea" (A/RES/498(V)) (for discussion of other GA responses to the Korean War, see case studies on the origin of the UFP resolution and recommendations related to the use of force). A few month later, the GA passed additional measures to respond to the situation, including (by 47 votes in favour and none against, with 8 abstentions), a resolution recommending a trade embargo on the People's Republic of China and North Korea (A/RES/500(V)). Resolution 500 (V) recommended that "every State: (a) apply an embargo on the shipment to areas under the control of the Central People's Government of the People's Republic of China and of the North Korean authorities of arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition, and implements of war", and that all States co-operate in supporting the embargo (ibid.). To encourage compliance, the resolution also established a reporting process to a body it had previously mandated (A/RES/498(V))[215] called the Additional Measures Committee. The Additional Measures Committee was to gather information on measures that Member States had taken to "deny contributions to the military strength of the forces opposing the United Nations and Korea", as well as how economic measures taken by Member States "would assist in putting an end to the aggression" (A/RES/500(V)). It was then to report back on the effectiveness of the embargo, whether to extend or relax it, and to continue to report back on "additional measures" to be deployed (ibid., para. 2).

Return to the discussion of GA practice on sanctions.

South Africa and apartheid (1962–1993)

Economic sanctions, including those urged by the GA, exerted substantial pressure on the South African Government and played a pivotal role in the eventual dismantling of apartheid. On 6 November 1962, the GA passed resolution 1761(XVII) (by a vote of 67-16-23) deploring the South African Government's failure to comply with past GA and SC resolutions with regard to its racial policies, which it identified as violating the UN Charter (A/RES/1761(XVII), paras. 2–3). It further regretted that some Member States continued to "provide encouragement" to South Africa, despite the perpetuation of racial segregation in the country, and called for sanctioning measures (ibid.). Specifically, the GA requested Member States to separately or collectively break off diplomatic relations, close their ports to South African vessels and prohibit their flagged vessels from

[215] It was mandated to consider "additional measures to be employed to meet this aggression" (referencing the hostilities in the Korean Peninsula) and "to report thereon to the General Assembly" (A/RES/498(V)).

travelling to South Africa, refuse landing to South African aircraft, boycott South African goods and refrain from exporting goods "including arms and ammunition" to South Africa (ibid., para. 4). The same resolution also created a function that could be considered a precedent for present-day sanctions committees or panels of experts – it established a "Special Committee consisting of representatives of Member States" to monitor the subject of these proposed sanctions (South Africa's "racial policies") and report to either the GA or the SC as appropriate (ibid., para. 5). Finally, resolution 1761 (XVII) requested the SC to "take appropriate measures, including sanctions, to secure South Africa's compliance" with GA and SC resolutions on the subject and "if necessary, to consider action under Article 6 of the UN Charter" (ibid., para. 8).

In August 1963, the SC responded to this call by passing resolution 181 (by a vote of 9-0-2) (S/RES/181). Explicitly noting that "world public opinion has been reflected in General Assembly resolution 1761 (XVII)", the resolution called upon all States to "cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa" (ibid., para. 3). These sanctions were not made mandatory until 1977, when the SC, acting under its Chapter VII authority, decided that all States should cease providing any arms, materiel, weapons, ammunition, military vehicles or other related equipment and manufacturing licenses to South Africa (S/RES/418, para. 2).

Throughout this period, the GA not only continued to encourage Member State sanctions against South Africa over its apartheid policies, but also ultimately voted to restrict South Africa's participation in the GA as a form of censure for its policies (A/PV.1407).[216] This illustrates a larger trend, with recommendations regarding censure of South Africa extending beyond economic measures and involving recommendations that would have the effect of isolating South Africa diplomatically and culturally. It is important to illustrate the breadth of these recommendations, in order to highlight the driving role of the GA on this issue. Between 1969 and 1985, the GA adopted 16 robust resolutions recommending ways to broaden and intensify sanctions.[217] These continued and increased even after the SC imposed mandatory sanctions from 1977 onwards (as noted above). The 16 resolutions included some of the following recommended measures:

Global sports and cultural events:

- Resolution 2396 (XXIII) in 1969 recommended that "all States and organizations to suspend cultural, educational, sporting and other exchanges with the racist régime and with organizations or institutions in South Africa which practice apartheid" (A/RES/2396(XXIII), para. 12).
- Resolution 2775 (XXVI) of 1971 invoked the Olympic principles of non-discrimination to emphasize the importance of denying recognition to sports activities that practiced racial discrimination (A/RES/2775(XXVI), para. (D)1).
- Resolution 2923 (XXVII) of 1972 called for a worldwide campaign to boycott South African sports and cultural activities (A/RES/2923(XXVII), para. (E)16).

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[216] The GA in 1965 voted 56-43-9 not to accept South African representatives' credentials before the 19th and 20th sessions of the GA (A/RES/2113(XX); A/PV.1407). A subsequent GA resolution in 1970 continued to reinforce this decision (A/RES/2636(XXV)[A]), and then in 1973, the GA position went from refusing to accept the credentials of the representatives to "reject[ing] the credentials of the representatives of South Africa" (by a vote of 72-37-13) (A/PV.2141, p. 7; A/RES/3181(XXVIII)). In consequence of these decisions, in 1974, the President of the General Assembly no longer allowed provisional participation, preventing the delegation from South Africa from participating in the 29th session, and this decision was put to a vote and upheld 91-22-19 (A/PV.2281, pp. 855–856).

[217] A/RES/2396(XXIII) (1969); A/RES/2775(XXVI) (1971); A/RES/2923(XXVII) (1972); A/RES/3151(XXVIII) (1973); A/RES/3324(XXIX) (1974); A/RES/3411(XXX) (1975); A/RES/31/6 (1976); A/RES/32/105 (1977); A/RES/33/183 (1979); A/RES/34/93 (1979); A/RES/35/206 (1980); A/RES/36/172 (1981); A/RES/37/69 (1982); A/RES/38/39 (1983); A/RES/39/72 (1984); A/RES/40/64 (1985).

- Resolution 3151 (XXVIII) of 1973 called all Member States that had not yet done so, to "end all cultural, educational and civic contacts and exchanges with racist institutions in South Africa" and to "deny any assistance or recognition to exchanges with racist sports teams from South Africa" (A/RES/3151(XXVIII), para. (G)10).
- Resolution 3411 (XXX) of 1975 called upon all governments, sports bodies and organizations to refrain from engagement with "racially selected sports teams" from South Africa (A/RES/3411(XXX), para. (E)3).
- Resolution 35/206 of 1980 also called for the ceasing of "any cultural and academic collaboration with South Africa, including the exchange of scientists, students and academic personalities, as well as cooperation in research programmes", appealed to "writers, artists, musicians and other personalities to boycott South Africa" and requested States that had not yet done so to "terminate visa-free entry privileges to South African nationals" (A/RES/35/206, para. (E)2).
- Resolution 40/64 of 1985 reiterated the call for Member States, "pending action by the Security Council", to adopt legislative measures to ensure, among others, the "observance of sports, cultural, academic, consumer, tourism and other boycotts of South Africa" (A/RES/40/64, para. (A)9).

Urging trade unions to act collectively against apartheid:

- Resolution 2775 (XXVI) of 1971 appealed to "all national and international trade union organizations to intensify their action against apartheid", inter alia by "discouraging the emigration of skilled workers to South Africa" and "exerting maximum pressure on foreign economic and financial interests which are profiting from racial discrimination" in an effort to persuade them to cease such exploitation (A/RES/2775(XXVI), para. (H)1).
- Resolution 2923 (XXVII) of 1972 invited Member States and organizations to pursue efforts to discourage "emigration to South Africa, especially of skilled workers" (A/RES/2923(XXVII), para. (E)16).
- Resolution 36/172 of 1981 encouraged collaboration between the Special Committee on Apartheid and trade unions to "promote effective sanctions against South Africa" (A/RES/36/172, para. (D)12).

Advocating for SC mandatory sanctions, and after 1977 (when these were instituted) for them to be more comprehensive:

- Resolution 2396 (XXIII) in 1969 drew the attention of the SC to the need for action under Chapter VII to institute comprehensive mandatory sanctions (A/RES/2396(XXIII), para. 4).
- Resolution 3151 (XXVIII) of 1973 called on the SC to adopt Chapter VII measures to enforce an arms embargo, halt military collaboration and sever economic ties with South Africa (A/RES/3151(XXVIII), para. (G)6).
- Resolutions 3324 (XXIX) of 1974 (A/RES/3324(XXIX) and 3411 (XXX) of 1975 (A/RES/3411(XXX)) demanded measures to ensure stricter adherence to the arms embargo, cessation of military and technological cooperation, and a comprehensive halt to all forms of economic and cultural engagement.
- Resolution 32/105 of 1977 called for an expansion of the mandatory sanctions regime, including a comprehensive arms embargo (A/RES/32/105, paras. (F)3;(G)1).
- Resolution 33/183 of 1979 emphasized the need for an oil embargo and legislation against petroleum supplies to South Africa (A/RES/33/183, para. (E)3)).

- Resolution 34/93 of 1979 further expanded these measures to include severing all diplomatic, military, nuclear and economic relations with South Africa (A/RES/34/93, paras. A(12–14)).
- Resolution 40/64 of 1984 called for universal application of sanctions, banning military and nuclear cooperation and enforcing the oil embargo (A/RES/40/64).
- Multiple resolutions between 1974 and 1985 stressed the need for more rigorous enforcement of existing sanctions. They also condemned the continuing collaboration with the apartheid regime, prominent among certain Member States (including France, the UK, Israel, and the US), urging here too SC action under Chapter VII to ensure the complete cessation of such collaboration.[218]

Beyond introducing resolutions, the GA supported bodies and initiatives that were designed to enhance the impact of these sanctions and further increase pressure on the South African regime. In 1971, the GA adopted (by a vote of 91-4-25) and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/RES/3068(XXVIII)).[219] Throughout most of the above 15 resolutions, sanctions enforcement was emphasized as a central component, carried forward in the Special Committee Against Apartheid's mandate. The Committee was responsible for overseeing and promoting measures against the apartheid regime, including the implementation of sanctions. This mandate was detailed in a report published in 1981 that outlined efforts and recommendations regarding sanctions enforcement (A/36/22, paras. 287–357). On 10 December 1985, the GA adopted resolution 40/64, in which it decided to organize the World Conference on Sanctions Against South Africa in 1986, in cooperation with the Organization of African Unity (OAU) and the Movement of Non-Aligned Countries. This conference further underscored the global consensus for sanctions enforcement against apartheid and provided a platform for coordinating and strengthening international efforts to isolate the apartheid regime through concerted sanctions (A/RES/40/64 (C), paras. 14–16).

A significant turning point came on 14 December 1989, when the GA unanimously adopted the Declaration on Apartheid and its Destructive Consequences in Southern Africa, which called for negotiations to end apartheid and establish a non-racial democracy (A/RES/S-16/1, paras. 2, 3). Finally, on 8 October 1993, the GA's resolution 48/1 urged States to restore economic relations with South Africa immediately and terminate the oil embargo upon the operationalization of the Transitional Executive Council, marking a crucial step towards South Africa's transition to democracy (A/RES/48/1, paras. 1, 2).

Return to the discussion of GA practice on sanctions.

Southern Rhodesia (1967–1979)

On 11 November 1965, the Government of Southern Rhodesia (now Zimbabwe), led by Ian Smith, issued a Unilateral Declaration of Independence (UDI) from the UK. However, Smith's Government, dominated by members of the white minority population of Rhodesia, was viewed as an expression of racial oppression and apartheid in southern Africa. Within hours of the UDI, the GA passed resolution 2024 (XX) with 107 votes in favour, 2 against (notably South Africa and Portugal), and 1 abstention, condemning Southern Rhodesia's UDI and urging the UK to "put an end to the rebellion", while recommending that the SC address the matter urgently

[218] See, for example, A/RES/3324(XXIX) (1974); A/RES/31/6 (1976); A/RES/35/206 (1980); A/RES/36/172 (1981); A/RES/37/69 (1982); A/RES/38/39 (1983); A/RES/40/64 (1985).
[219] The Convention came into force on 18 July 1976.

(A/RES/2024 (XX), paras. 1,3).[220] In 1965, the SC passed a resolution the next day with 10 votes in favour, none against and 1 abstention, condemning the UDI and urging all nations to reject the "illegal racist minority regime" and cease any support for it (S/RES/216, paras. 1,2). In 1966, the SC passed resolution 232 (by a vote of 11-0-4), which instituted the first mandatory sanctions regime in UN history on Southern Rhodesia (S/RES/232). Relying on its Chapter VII authority, the SC compelled Member States to cease all interactions with Southern Rhodesia, including trade, transportation and diplomatic relations, except for specific humanitarian purposes (ibid., paras. 2, 3, 5).

In subsequent years, the GA continued to condemn the Southern Rhodesia Government, and to urge stricter sanctions and greater compliance by both Member States and other private interests with any sanctions imposed. In November 1967, the GA passed resolution 2262(XXII) on the basis of the report of the Fourth Committee. It affirmed the GA's "conviction that the sanctions adopted so far will not put an end to the illegal racist minority regime" and instead called for "comprehensive and mandatory sanctions backed by force" (A/RES/2262(XXII), para. 5).[221] It further condemned those States "still trading" with the regime and called on them to sever all economic ties and relations, as well as the foreign financial interests and companies still engaged in exploiting the "human and material resources" of Zimbabwe, thus undermining the effect of sanctions (ibid., paras. 9,10), and drew the SC's attention to the "need for applying the necessary measures envisaged under Chapter VII" (ibid., para. 17).

Throughout the same time period, the GA also exerted pressure through other activities, linked to but also extending beyond the recommendations passed in GA resolutions. In 1966, the GA requested (A/RES/2202(XXI)[A]) the Secretary-General to convene an international seminar on apartheid, racial discrimination and colonialism in southern Africa, which was ultimately convened as the International Seminar on Apartheid, Racial Discrimination and Colonialism in Southern Africa in 1967.[222] This seminar was a significant platform for non-aligned countries and representatives from the African liberation movement to advocate for stronger sanctions measures. The seminar's report, transmitted in September 1967 (A/6818), highlighted the inadequacy of existing sanctions against the regimes in Southern Rhodesia and South Africa, with many speakers criticizing the lack of effectiveness of selective sanctions, attributing this to the support these regimes received from countries like Portugal, South Africa, the UK and the US as well as the increased trade with other Western countries and Japan (ibid., chapter III, paras. 63, 73–74). Members of the African liberation movements, in particular, urged a review by the SC to ensure full implementation of sanctions and to consider more comprehensive measures, including "total mandatory sanctions backed by force as necessary" (ibid., chapter III, para. 74).

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[220] The emphasis on the UK in both the GA and SC resolutions is because, as the former colonial power, it had the ability to recognize the statehood and legal personality of the newly (declared) independent State. Isaak L. Dore, "Recognition of Rhodesia and traditional international law: some conceptual problems", *Vanderbilt Journal of Transnational Law,* vol. 13, No. 1 (1980), pp. 25–26.

[221] The same resolution also observed that "use of force" by the "administering Power" (the UK) was the only way to "put down the rebellion", which is how the independence declaration was characterized (A/RES/2138(XXI), para. 6).

[222] In its resolution 2202 A (XXI) of 16 December 1966 (A/RES/2202(XXI)[A]), the GA requested the Secretary-General "to organize as soon as possible, in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, an international conference or seminar on the problems of apartheid, racial discrimination and colonialism in southern Africa, and to transmit the report of that conference or seminar to the GA at its twenty-second session" (ibid., para. 6). The seminar took place from 25 July to 4 August 1967 at Buchi Hall in Kitwe, Zambia. Representatives of 34 States attended the meeting, in addition to several observers from national liberation movements, non-governmental organizations, the OAU, and international agencies as well as observers in their individual capacities.

In May 1968, the SC followed up with a more comprehensive mandatory (exercised under Chapter VII) embargo in resolution 253 (S/RES/253). However, GA engagement continued, with the GA resolution 2383 (XXVIII), passed on 7 November 1968, emphasizing the "urgent necessity" for the SC to expand the scope of sanctions, and also to extend them to the Governments of South Africa and Portugal in connection with their lack of compliance with prior resolutions related to Southern Rhodesia (A/RES/2383(XXVIII), para. 9). The SC seemingly responded to these recommendations in March 1970 with resolution 277; relying on its Chapter VII authority to decide that Member States should "refrain from recognizing this illegal regime or from rendering assistance to it", calling on Member States to take more stringent measures to enforce the previously enacted mandatory sanctions (in resolutions 232 and 253) and specifically condemning South Africa and Portugal's continued political, economic and military support for the regime (S/RES/277).

The GA continued to pass resolutions recommending that sanctions and other measures remain in place until the independence of Zimbabwe in 1980, with one or more resolutions related to the situation per year throughout the 1970s.[223] For example, even as late as 1979, as diplomatic negotiations seemed to be on the way to negotiating full independence and self-determination, the GA deplored the "moves by certain States to lift sanctions unilaterally" (A/RES/34/192).

What this example illustrates is that the GA (and many individual Member States within it) were a driving force for putting pressure on what was viewed as an illegitimate regime via sanctions. There is also an observable interaction between the GA and the SC, with both institutions passing the issue back and forth in a process that was, overall, reinforcing. The GA's calls for pressure on the Southern Rhodesian regime were more powerful with the backing of an SC, Chapter VII-mandated sanctions regime, but the GA's continued pressure on this and backing from a broader number of Member States likely also pushed the SC to do more to follow-up and enforce sanctions.

Return to the discussion of GA practice on sanctions.

South West Africa (Namibia) (1963–1988)

The question of the independence of Namibia from South African governance was the subject of significant GA and SC attention from the mid-1960s onwards, including notable interplay and attention to issues of sanctions. In 1920, South Africa was granted a mandate to administer Namibia (at the time known as South West Africa) by the League of Nations.[224] However, almost from the onset there was internal resistance within Namibia to South African governance. Beginning in the early 1950s, the GA took a number of measures to try to address the status of Namibia, including referring the situation to the ICJ in 1949 to advise on its status,[225] establishing a committee to supervise South African administration of its mandate in 1950 (A/RES/449(V)[A]),

[223] Nearly all emphasized the need to keep up the pressure via sanctions or singled out Member States perceived as not fully enforcing them. See, for example, A/RES/33/38 A-B (1978); A/RES/31/154 A-B (1976); A/RES/3298(XXIX) (1974); A/RES/2946(XXVII) (1972).
[224] South West Africa was a former German colony. In general, "Namibia" will be used in the case studies, as this was more common in GA resolutions at the time.
[225] *International Status of South-West Africa, Advisory Opinion, I.C.J. Reports 1950*, p. 128. The advisory opinion was given by the ICJ on 11 July 1950, and unanimously concluded "that the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South-West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations". Ibid., p. 143. The GA subsequently referred related matters to the ICJ concerning the bounds of its supervision of the territory in 1954 (A/RES/904(IX)) and 1955 (A/RES/942(X)), respectively.

extending the committee's mandate in 1953 (A/RES/749(VIII)[A]) and subsequently setting up a good offices committee in 1957 (A/RES/1143(XII)).

Amidst a situation of continued violence, including reports of violent responses to protestors by South African police, the GA in 1963 condemned the Government of South Africa for its actions and urged all States to refrain from supplying any arms or military equipment as well as petroleum to South Africa (A/RES/1899(XVIII), para. 7). It further reaffirmed this position in 1965 (A/RES/2074(XX), para. 11). Then on 27 October 1966, in resolution 2145(XXI), the GA declared that the mandate for South Africa to govern South West Africa (Namibia) was terminated and that from thenceforth "South West Africa comes under direct responsibility of the United Nations" (A/RES/2145(XXI), paras. 4, 5).

In the years following this 1966 declaration invalidating South Africa's continued governance of the territory, the GA and also the SC passed a number of resolutions that called for punitive measures (i.e. diplomatic cut-offs), in connection with these bodies' calls for South Africa to withdraw (and its continued refusal to do so). On 12 June 1968, the GA passed resolution 2372(XXII) in which it reiterated further that South Africa's continued presence in Namibia was illegal and that South Africa should withdraw immediately (A/RES/2372(XXII), paras. 6–8, 12). It also condemned those States that continued to have political, economic and military cooperation with South Africa, called upon Member States to "desist from dealings" with the South African Government that might "have the effect of perpetuating South Africa's illegal occupation of Namibia" (ibid., paras. 8, 9), and called on the SC to "take all appropriate steps" to secure South Africa's compliance with its resolutions and to withdraw from Namibia (ibid., para. 13).

The SC did take up the matter in 1969 and 1970. It passed two resolutions in 1969 that committed to consider Chapter VII or other more "necessary" measures in the case of continued non-compliance (S/RES/264; S/RES/269), and/or instituted committees that might consider economic measures by Member States (S/RES/276; S/RES/283) in 1970. However, these all fell short of sanctions or other more coercive measures.

In 1978, the SC had set out a plan for elections leading to the territory's independence (S/RES/435; S/RES/439). In January 1981, as part of his good offices, the Secretary-General helped convene a meeting in Geneva, for the purpose of facilitating a ceasefire agreement and setting a date for implementing an SC-approved plan.[226] In response to these failed diplomatic efforts, during a plenary meeting of its 35th session (convened between September 1980 and March 1981) the GA adopted 10 linked resolutions on Namibia (A/RES/35/227). Among the recommendations, one of these resolutions called for the SC to "impose comprehensive mandatory sanctions against South Africa, as provided for under Chapter VII" (A/RES/35/227 (J), para. 13).[227] In April, the SC revisited the Namibia issue and considered four draft resolutions that would have imposed mandatory sanctions (of various levels of comprehensiveness).[228] None of these draft resolutions passed due to the vetoes of France, the UK and the US.[229]

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[226] United Nations Office of Public Information, "Chapter III: Namibia", *Yearbook of the United Nations, 1981,* p. 1127.
[227] The same resolution decided that "in the event of the Security Council's inability to adopt concrete measures to compel South Africa to end its illegal occupation, it will urgently consider necessary action", noting the "unique" situation in which the UN had "assumed direct responsibility" for Namibia's independence (A/RES/35/227 (J), para. 14).
[228] S/14459 (1981); S/14460/Rev.1 (1981); S/14461 (1981); S/14462 (1981); S/SUPP/1981/2 (1981).
[229] On the record of vetoes of these draft resolutions, see Jordan-Walker, "Settlement of the Namibian dispute: the United States role in lieu of UN sanctions", pp. 564–565. See also Dag Hammarskjöld Library, "Security Council data – Vetoes since 1946 for authoritative UN veto dataset".

The veto prompted the 8th emergency special session called in relation to the UFP resolution. Within this session, on 14 September 1981, the GA adopted a resolution (by a vote of 117-0-25) that urged the SC and Member States to impose comprehensive mandatory sanctions against South Africa, to cease all dealings with the country and for the UN Council for Namibia to monitor the boycott (A/RES/ES-8/2). The SC did not fully take up these recommendations. It did not make sanctions mandatory beyond the 1977 arms embargo (S/RES/418), but by the late 1980s, Western States had imposed bilateral sanctions on South Africa, resulting in great economic cost and increased international pressure for the latter. These sanctions were connected not only to South Africa's conduct in Namibia but also to the system of apartheid within its own territory (see also the case study on sanctions on South Africa). The GA continued to pass annual resolutions urging that measures be taken to support Namibia's independence, and reinforcing its calls for strengthening and enforcing sanctions, up until South Africa agreed in December 1988 to take steps toward Namibian independence.[230] Namibia was recognized formally as an independent nation on 21 March 1990.

Return to the discussion of GA practice on sanctions.

Portuguese Territories (1961–1973)

On 15 December 1960, through GA resolution 1452 (XV) (A/RES/1542(XV)), the GA decided that a number of territories formerly under Portuguese administration (as colonies) were to be considered "Non-Self-Governing Territories" under Chapter XI of the UN Charter. These included the territories that would later become the African States of Angola, Mozambique and Guinea-Bissau. The same resolution requested that Portugal transmit information about these territories, in accordance with Chapter XI (ibid., para. 2). Since joining the UN in 1955, Portugal had taken the position that these were not "Non-Self-Governing Territories" but were "overseas provinces", with the same legal status as Portugal's national territory.[231] It therefore did not comply with the resolution's request and continued to maintain its administration of these territories.

The GA responded strongly to this: in December 1961, it passed resolution 1699 (XVI) (A/RES/1699(XVI)) (by a vote of 90-3-2) condemning Portugal's non-compliance with Chapter XI, noted the "continuing deterioration" of the situation in Portuguese territories, and requested all Member States to "deny Portugal any support and assistance which it may use for the suppression of the people" in its territories. The same resolution also established a Special Committee on the Territories under Portuguese Administration, whose subsequent report observed Portugal's non-compliance with the GA's resolutions, as well as other severe human rights violations within the territories.[232] In December 1962, in resolution 1807 (XVII), the GA more specifically called on Portugal to withdraw its forces and move toward recognizing the independence of the territories in question (A/RES/1807(XVII)). It also reiterated its previous calls for Member States to use their influence to induce the Portuguese Government to comply with its Charter obligations, and to that end, to refrain from offering it any assistance, including preventing "the sale of arms and military equipment to the Portuguese Government" (ibid., paras. 6, 7). It further requested the SC to "take appropriate measures" to secure the compliance of Portugal with all GA resolutions should it continue to refuse to do so (ibid., para. 8). Following on the heels of these GA resolutions, in July 1963, the SC urgently called on Portugal to recognize the right to self-

[230] See, for example, A/RES/41/39A-E (1986); A/RES/43/26A-E (1988); A/RES/43/29 (1988).
[231] United Nations Department of Information, "Chapter I: questions relating to the Non-Self Governing Territories", *Yearbook of the United Nations, 1962,* vol. 16 (United Nations publication, 1962), pp. 409–410.
[232] United Nations Department of Information, "Chapter VI: territories under Portuguese administration", *Yearbook of the United Nations, 1963*, vol. 17 (United Nations publication, 1963), pp. 481–489.

determination of the people of the territories and requested all States to refrain from any assistance to Portugal that could be used for the suppression of people in the territories and to prevent the "sale and supply of arms and military equipment" for this purpose (S/5380, paras. 5(a), 6). It subsequently reiterated this call in another resolution a few months later, in December 1963 (S/5481).

Thereafter, GA calls for more comprehensive sanctioning measures increased, strengthening in urgency and scope the longer that Portugal's non-compliance continued. In 1965, the GA passed resolution 2107(XX) (A/RES/2107(XX)) by a vote of 66-26-15, condemning Portugal's "colonial policy" and its "persistent refusal" to comply with GA and SC resolutions, and calling on all States to render "moral and material support" to those seeking independence in these territories. Further, it requested Member States to introduce a number of additional sanctioning measures, including to prevent their nationals from engaging in foreign financing activities that would inhibit moves toward independence, urging Member States to "separately or collectively" break off diplomatic relations with Portugal, close their ports to Portuguese vessels, and to "boycott all trade with Portugal" (ibid., paras., 6, 7). The resolution specifically called on members of NATO to refrain from providing Portugal assistance, including arms or military equipment, and requested the SC to consider putting "appropriate measures laid down in the Charter" into effect (ibid., paras. 8, 11). The subsequent year, in 1966, it reiterated similar demands for sanctioning measures (including those related to NATO members' provision of military support and cooperation), and recommended that the SC "make it obligatory for all States" to directly and indirectly implement the measures in resolution 2107(XX) (A/RES/2184(XXI), para. 7). In 1967, the same recommendations were repeated with greater urgency, including for the SC to make these various sanctioning measures mandatory (A/RES/2270(XXII)). Similar recommendations were included in annual resolutions passed in subsequent years (through 1973), with some more specifically outlining the sanctioning measures requested of NATO Member States, or calling for Member States to tighten restrictions on their nationals or companies' engagement in economic activities in the territories in question.[233]

In 1972 the SC passed two resolutions, one sponsored by Guinea, Somalia and Sudan, that condemned Portugal's actions (S/RES/322, para. 6), and a second that further deplored Portugal's lack of compliance with prior resolutions, and called upon all States "to prevent the sale and supply of arms and military equipment to the Portuguese Government" that might be used in the context of "repression of the peoples of the Territories under its administration" (S/RES/312, para. 6). In 1974, the Portuguese military overthrew the previous Government in Portugal, leading to far-reaching reforms and the recognition of independence of its former colonies. In its last resolution on the topic, adopted without vote on 13 December 1974, the GA welcomed this development, and urged Portugal and all Member States to support decolonization (A/RES/3294(XXIX)).

Return to the discussion of GA practice on sanctions.

[233] See, for example, A/RES/2395(XXIII) (1968); A/RES/2554(XXIV) (1969); A/RES/2507(XXIV) (1969); A/RES/2707(XXV) (1970); A/RES/2795(XXVI) (1971); A/RES/3113(XXVIII) (1973). The last three resolutions are illustrative of the trend toward more specific restrictions for NATO Member States and on economic activities.

Annex 6: Accountability mechanisms

This annex supplements the part II discussion of the GA's accountability role by providing further details of the most important mechanisms and cases the GA has been involved in supporting, including FFMs, COIs and other investigatory bodies; referrals to the ICJ; and recommendations to the SC for referral to the ICC. The subsection on referral to or requests for opinions from international bodies includes a summary table of all GA requested advisory opinions from the ICJ.

Resolution on the situation in Myanmar (2021)

On 1 February 2021 – the day before the newly elected members of Parliament were to be sworn in – the Myanmar military declared a state of emergency and transferred power from the democratically elected Government under Aung San Suu Kyi to a military junta. It declared the 2020 election results to be invalid and arrested leading political figures associated with the National Unity Government (NUG), including Aung San Suu Kyi, President Win Myint and other ministers and members of Parliament.

Although the situation in Myanmar was considered before the SC, no draft resolution was put forward.[234] Instead, in March 2021, the SC issued a presidential statement condemning the violence against protestors and expressing continued support for the democratic transition in Myanmar (S/PRST/2021/5).

Subsequent to this presidential statement, on 25 June 2021, the GA passed a resolution expressing grave concern at the declaration of a state of emergency, and called upon the Myanmar military to respect the results of the prior elections (A/RES/75/287). The resolution, which passed with 119 votes in favour and only Belarus voting against, also called on the military to release members of the elected civilian Government who had been detained, stop all violence against peaceful protestors and reopen the democratically elected Parliament (ibid., paras. 1–4). The resolution also called upon "all Member States to prevent the flow of arms into Myanmar" as a means of de-escalating the violence (ibid., para 7). This recommendation was notable given the overall trend against the GA recommending sanctions measures such as arms embargoes in the modern era (see further discussion in part II).

Subsequently, in December 2022, the SC adopted resolution 2669 (S/RES/2669) expressing concern at the state of emergency imposed by the military, demanding an end to all forms of violence, the release of detained political figures and a return to democratic processes. In many ways the language and recommendations in SC resolution 2669 mirrored that of GA resolution 75/287, except there was no mention of an arms embargo. The resolution passed with 3 abstentions (China, India and the Russian Federation).

Return to the discussion of accountability mechanisms in part II.

Fact-finding mission: South Vietnam (1963)

In October 1963, in light of the alleged persecution of Buddhists by the South Vietnamese Government earlier in the year, the GA established an FFM for South Vietnam. The matter had been on the GA's agenda since the

[234] For further background see Security Council Report, "Myanmar: vote on draft resolution", 21 December 2022.

previous month, under the agenda item "The violation of human rights in South Viet-Nam". While a draft resolution on the matter was initially put forward, on 4 October 1963, the Head of the Special Mission of the Republic of Vietnam addressed a letter to the President of the General Assembly conveying the invitation of the Government to have the representatives of several Member States visit the country "in order that they may find out for themselves the true situation regarding the relations between the Government and the Vietnamese Buddhist community" (A/PV.1232, para. 93).[235] The Secretary-General was authorized at the GA's 1234th plenary meeting (A/PV.1234, paras. 82–83) to act on this invitation, and did so by appointing representatives from Afghanistan (selected as Chair), Brazil, Ceylon, Costa Rica, Dahomey (Benin), Morocco and Nepal to the FFM at the 1239th meeting (A/PV.1239, paras. 170–174). As a result, unlike other subsidiary bodies created by the GA, this FFM was not authorized by a GA resolution, but came as the result of an invitation of the Government of Vietnam, and the simple approval of the GA for the Secretary-General to act on the invitation.

The mission deployed swiftly and published its report on 7 December 1963 (A/5630), two months after its establishment. In November 1963, the regime of President Ngo Dinh Diem of South Vietnam was overthrown, which challenged follow-on action on the mission's report.

There was no concurrent action by the SC on these issues within South Vietnam at the time.

Return to the discussion of accountability mechanisms in part II.

Group of Experts: Cambodia (1998)

In December 1997, the GA adopted resolution 52/135 requesting the Secretary-General to "examine the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law", including the Secretary-General's possible appointment of "a group of experts to evaluate the existing evidence and propose further measures, as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability" (A/RES/52/135). The resolution noted that "addressing the continuing problem of impunity ... and bringing to justice those responsible for human rights violations" was a "matter of critical and urgent priority and essential to the creation of an atmosphere conducive to the holding of free, fair and credible elections", scheduled for May 1998 (ibid.).

In July 1998, in accordance with resolution 52/135, the Secretary-General created the Group of Experts for Cambodia, mandated to "evaluate the existing evidence with a view to determining the nature of the crimes committed by Khmer Rouge leaders in the years 1975–1979; to assess the feasibility of their apprehension; and to explore legal options for bringing them to justice before an international or national jurisdiction" (A/53/850-S/1999/231). The members of the Group of Experts included Australia (selected as Chair), the US and Mauritius.

Following a visit to Cambodia and Thailand in November 1998, the Group of Experts for Cambodia submitted a report to the Secretary-General on 22 February 1999, detailing several legal options for the prosecution of Khmer Rouge leaders responsible for crimes committed between 1975 and 1979 (ibid.). These included crimes against humanity, genocide, war crimes, forced labour, torture, crimes against internationally protected

[235] The letter further requested the President of the General Assembly to "lend [his] good offices for the constitution of this mission" (A/PV.1232, para. 93).

persons and crimes under Cambodian law. Among these options, the Group of Experts most strongly recommended the establishment of an ad hoc international tribunal by the GA, if the SC failed to do so (ibid., p. 57). While an international tribunal was not established, the GA still had involvement in the creation of a different accountability mechanism. In 2003, through resolution 57/228, the GA ratified an agreement between the Government of Cambodia and the UN providing for international assistance and participation in the hybrid court known as the ECCC.

Return to the discussion of accountability mechanisms in part II.

Investigative team: Afghanistan (1999)

In late 1999, intensifying armed hostilities in Afghanistan (between the Taliban movement, which had assumed de facto authority over the Government, and an opposition coalition known as the United Front) and widespread, systematic and gross violations of human rights and humanitarian law by both sides, garnered the attention of a range of UN bodies and actors.[236] This led to the dispatch of an investigatory team by the OHCHR in May 1998 (A/53/695, para. 58; S/1998/1109, para. 58)[237] and an August 1998 SC resolution that requested the Secretary-General to "continue investigations into alleged mass killings of prisoners of war and civilians as well as ethnically-based forced displacement of large groups of the population and other forms of mass persecution in Afghanistan" (S/RES/1193, para. 13).

Distinct from these other bodies' investigatory processes, but connected to them, on 17 December 1999, the GA adopted resolution 54/185, inviting the Secretary-General and the OHCHR "to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and cruel treatment in Afghanistan" (A/RES/54/185, para. 13).[238] The resolution is understood as creating a distinct FFM on Afghanistan, distinct from the one mandated by the OHCHR a year earlier, albeit also to be taken forward by members of the OHCHR.[239] According to UN records, the investigative team's report was not published as an official document.[240]

Return to the discussion of accountability mechanisms in part II.

[236] For descriptions of the situation, see, for example, A/54/422. In an October 1999 statement, the President of the SC "deplore[d] the worsening human rights situation in Afghanistan", particularly the "forced displacement of the civilian population … the deliberate abuse and arbitrary detentions of civilians, violence and continuing discrimination against women and girls … and other violations of human rights and international humanitarian law in Afghanistan". See United Nations, Statement by the President of the SC (S/PRST/1999/29).

[237] The OHCHR preliminary mission was to assess the possibility of investigating reported serious human rights violations and breaches of IHL that occurred in 1997 (A/53/695, S/1998/1109). The mission was completed by November 1999, and its report found that while there were clear indications that violations of IHL and human rights in Afghanistan had taken place, it was not possible to fully establish the facts or identify those responsible. The Secretary-General noted that "under the circumstances, it would not be feasible to conduct a further investigation of these events" (A/54/536, para. 62).

[238] The resolution condemned "the mass killings and systematic human rights violations against civilians and prisoners of war, including in the areas of Mazar-e Sharif and Bamian", and noted "with alarm the resumption by the Taliban of the wider conflict", resulting in massive, forced displacement in some areas (A/RES/54/185, para. 2).

[239] United Nations, "International commissions of inquiry, fact-finding missions: Asia and Pacific", United Nations Research Guides.

[240] Ibid.

Special Committee: Hungary (1956)

Following the USSR's intervention in Hungary in 1956, the SC (referencing the UFP resolution) requested the convening of an emergency special session of the GA on "the situation in Hungary" (S/RES/120). In the subsequent 2nd emergency special session (4–10 November 1956) the GA adopted five resolutions, which included recommendations for the Secretary-General to dispatch representatives and to further investigate the situation (A/RES/1005 (ES-II)). The final resolution in the emergency special session recommended that the matter be taken forward as an agenda item in the 11th regular session (A/RES/1008 (ES-II)).

In a resolution passed during the regular session on 21 November 1956, the GA took note of the Charter obligations and the principles of the Convention on the Prevention and Punishment of the Crime of Genocide (to which Hungary and the USSR were parties), as well as "reports of forcible deportation" (A/RES/1127(XI)). The GA reiterated the need for "prompt compliance" with its previous calls for the withdrawal of Soviet forces from Hungary, as well as for the "dispatch of observers" (ibid., para. 1); and (in subsequent resolutions) called for the Government of Hungary to permit observers to enter its territory (A/RES/1128(XI); A/RES/1130(XI); A/RES/1131(XI)). On 11 December 1956, GA resolution 1132(XI) built on the previous calls for observers by establishing a Special Committee staffed by representatives of Australia, Ceylon, Denmark, Tunisia and Uruguay, and mandated to "investigate, and to establish and maintain direct observation in Hungary and elsewhere, taking testimony, collecting evidence and receiving information" and to report findings to the GA (A/RES/1132(XI), para. 1).

The Committee was not ultimately given access to Hungarian territory,[241] and based its findings on a series of hearings conducted in the spring of 1957 in international locations, in which Hungarian refugees, opposition figures and other third parties provided information.[242] It released its report (A/3592) on 20 June 1957.

The Hungary Special Committee is retrospectively considered analogous to an early form of COI. It was the first time that a UN body mandated a commission to investigate a specific conflict.

Return to the discussion of accountability mechanisms in part II.

Special Committee: Occupied Palestinian Territory (1968)

Following the 1967 Six-Day War and the 5th emergency special session international concern rose about Israeli practices in the West Bank, Gaza Strip and the Golan Heights. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (UNSCIIP), also known as the Special Committee on Israeli Practices, was established in December 1968 by GA resolution 2443 (XXIII) (A/RES/2443(XXIII)). The resolution decided to "establish a Special Committee to investigate Israeli policies and practices affecting the human rights of persons under occupation since June 1967", consisting of three members (ibid., para. 1). The latest report of the UNSCIIP, distributed on

[241] United Nations, "Chapter II: the Hungarian question", *Yearbook of the United Nations, 1956*, p. 83.
[242] Ibid., p. 852.

25 October 2023, stipulated that the Special Committee "is not mandated to investigate human rights violations committed by other duty bearers in the occupied territories"(A/78/553).[243]

In resolution 3005 (XXVII) (A/RES/3005 (XXVII)) in 1972, the GA further requested the Special Committee to investigate Israeli policies and practices affecting the human rights of those in the occupied territories, especially "Israeli settlements", any efforts to annex territories occupied by Israel since 5 June 1967, population transfers or deportation, as well as interference in the freedom of worship in the holy places of these territories (ibid., paras. 7, 8). The resolution also called upon Israel to "cooperate with the Secretary-General and the Special Committee and to facilitate their tasks" (ibid., para 9). As of June 2024, Israel had refused both participation in the Special Committee's inquiries and access to the disputed territories.[244]

The mandate of the Special Committee on Israeli Practices is extended annually by the GA, and is the longest serving of any COI established by the GA. It is composed of three Member States, Malaysia, Senegal and Sri Lanka, and is supported by its secretariat in the OHCHR in Geneva. The Special Committee reports to the Secretary-General annually, with its reports reviewed in the GA's Special Political and Decolonization Committee (fourth Committee). The latest 2023 report of UNSCIIP documented the "rising influence of Israeli settlers on the human rights situation in the occupied territories" from September 2022 to September 2023 (A/78/553).

Return to the discussion of accountability mechanisms in part II.

Commission of Inquiry: Mozambique (1973)

In December 1973, the GA mandated a COI to investigate reported massacres in Mozambique (A/RES/3114 (XXVIII)).[245] The Resolution passed with 109 votes in favour and 4 against (the US, Spain, Portugal and South Africa) with 12 abstentions. It instructed the COI "to carry out an investigation of the reported atrocities, to gather information from all relevant sources, to solicit the cooperation and assistance of the national liberation movement and to report its findings to the GA as soon as possible" (ibid.). The resolution also requested the Government of Portugal "to cooperate with the Commission of Inquiry and to grant it all necessary facilities to enable it to carry out its mandate" (ibid., para. 3).[246] The COI was composed of five Member States, Nepal (selected as Chair), Honduras, Madagascar, Norway and the German Democratic Republic. It published its report on 22 November 1974, and in it concluded that between 1971 and 1973, "personnel, for whose acts the Portuguese colonial Government is responsible, perpetrated a number of atrocities in Mozambique" (A/9621, p. 33). Further, the report ascribed "responsibility for acts of violence … to the repressive Portuguese Government", which was overthrown on 25 April 1974 (ibid., p. 35). Finally, the report recommended "the Portuguese Government, the transitional Government of Mozambique and the

[243] For previous reports of UNSCIIP, see "Special Committee to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the Occupied Territories," United Nations Office of the High Commissioner for Human Rights, Available at https://www.ohchr.org/en/countries/palestine/special-committee-reports#Reports (accessed 4 August 2024).
[244] "End-of-Mission Statement of the UN Special Committee to Investigate Israeli Practices," United Nations Office of the High Commissioner for Human Rights. Available at: https://www.ohchr.org/en/statements/2023/06/end-mission-statement-un-special-committee-investigate-israeli-practices (accessed 4 August 2024).
[245] The COI's subsequent report in 1974 (A/9621) identified the massacres as having taken place in the Chiefdom of Gandali and the villages of Chawola, João and Wiriyamu in the municipality of Tete.
[246] The 1974 Report of the COI on the reported massacres in Mozambique stated that the COI had not received such cooperation, "which would have allowed its members to hear witnesses in Mozambique and in Portugal".

future Government of independent Mozambique to take all measures necessary to bring to court all those persons responsible" (ibid., p. 36).

Return to the discussion of accountability mechanisms in part II.

International, Impartial and Independent Mechanism (2016)

In 2016, in response to the SC's repeated failures to refer the situation in the Syrian Arab Republic to the ICC, the GA took the unprecedented step of establishing the IIIM. It was established through GA resolution 71/248, which passed with 105 votes in favour to 15 against (including the Syrian Arab Republic) and 52 abstentions (A/RES/71/248). The resolution mandated the IIIM to cooperate with the Independent International Commission of Inquiry on the Syrian Arab Republic (established in 2011 by the HRC through resolution S-17/1 (A/HRC/S-17/1)) to "collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law" (A/RES/71/248).[247]

The Syrian Arab Republic has disputed the GA's authority to establish this body, on the grounds that the Syrian Arab Republic had not requested technical or legal assistance from the UN, and that it contravenes the UN Charter and SC authority.[248] This argument has also been used to discredit the work of the IIIM.[249] Similarly, in a note verbale to the Secretary-General in February 2017 (A/71/793), the Russian Federation argued that the GA had exceeded its powers by creating a judicial body outside of the consent of the host State concerned. The Russian Federation and other Member States also suggested that this was a matter with which the SC was seized at the time, and invoking Article 12(1) of the Charter.[250]

The IIIM has had important precedential effects for other UN mechanisms and other accountability mechanisms and functions within international criminal law. Since 2016, the IIIM has provided significant support, including evidence, to criminal proceedings under national jurisdictions, and cooperated with a range of actors, including civil society organizations, international organizations, UN bodies and State entities to facilitate investigation efforts.[251] Because part of its functions has been to collect evidence that would be judicially submissible, it goes beyond what has been produced in many fact-finding bodies. This approach became the model for other pre-prosecutorial mechanisms, including the SC-established Investigative Team

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[247] In distinguishing the IIIM's functions from the existing COI on the Syrian Arab Republic, the Secretary-General noted that "in essence, the Mechanism has a quasi-prosecutorial function that is beyond the scope of the Commission's mandate" (A/71/755, para. 32).
[248] See for example United Nations, "Briefing General Assembly, international mechanism head calls crimes committed in Syria 'barbaric', urges pursuing accountability", press release, 1 April 2022, GA/12413.
[249] Ibid.
[250] In its 2017 note verbale, the Russian Federation argued that "in deciding to create a 'mechanism' with these functions, the General Assembly acted ultra vires – going beyond its powers as specified in Articles 10-12 and 22 of the Charter of the United Nations" (A/71/793). Similarly, the Syrian representative in the GA plenary meeting of 21 December 2016 argued that in the Syrian case, "the Security Council remain[ed] seized of its responsibilities", and thus that "the establishment of such mechanisms by the General Assembly would require the authorization of the Secretary-General and the consent of the affected State, in this case the Government of Syria" (A/71/PV.66). There were similar observations by Cuba during the GA meeting. United Nations, "Briefing General Assembly, international mechanism head calls crimes committed in Syria 'barbaric', urges pursuing accountability".
[251] International, Impartial and Independent Mechanism, *Achievements and Opportunities*, Bulletin No. 10 (December 2023). Between 2018 and 2023, the IIIM has seen a steady rise in Requests for Assistance (RFA) from jurisdictions, with 325 RFAs from 16 competent jurisdictions received during this period. As of February 2024, the IIIM had concluded 91 cooperation frameworks (A/78/772, p. 9).

to Promote Accountability for Crimes Committed by Da'esh/ISIL (which was established in 2017 and collects evidence on crimes committed by Da'esh/ISIL and facilitates accountability through Iraqi and other courts (S/RES/2379)), and the 2018 HRC-created Independent Investigative Mechanism for Myanmar (A/HRC/RES/39/2).

Return to the discussion of accountability mechanisms in part II.

Extraordinary Chambers in the Courts of Cambodia (2003)

In 2003, the GA formally approved an agreement between the Government of Cambodia and the UN concerning the prosecution under Cambodia law of crimes committed during the regime of Democratic Kampuchea in its resolution 57/228 (A/RES/57/228B). It was formally established by the Cambodian National Assembly in 2001, began operations in February 2006 and became fully operational in June 2007.[252] Prior to the agreement, the GA had both requested the Secretary-General to appoint a Group of Experts to explore accountability options in Cambodia (established under GA resolution 52/135, see above Group of Experts: Cambodia (1998)) and urged the Government of Cambodia to reach an agreement with the UN for the establishment of the ECCC in multiple resolutions between 1998 and 2002.[253]

In the years following its establishment, the GA provided institutional support for the ECCC, mainly by approving subvention grants for its operations. Since 2001, the ECCC has convicted three senior Khmer Rouge leaders.[254] In 2023, the ECCC entered a residual phase, maintaining residual functions for an initial period of three years.[255]

Some scholars have argued that the approval of a treaty-based criminal tribunal through a GA resolution (the "ECCC model") could offer a modality through which the GA could be involved in the creation of a tribunal in the future.[256]

Return to the discussion of accountability mechanisms in part II.

[252] The ECCC operated under voluntary contributions from the international community. However, the GA has reported a steady decline in voluntary contributions "from 65 per cent of the approved 2015 budget to 31 per cent of the approved budget in 2023", and highlighted the need for "intensified fundraising efforts to support the residual activities of the Extraordinary Chambers" (A/78/7/Add.21).
[253] A/RES/52/135 (1998); A/RES/53/145 (1999); A/RES/54/171 (2000); A/RES/55/95 (2001); A/RES/56/169 (2002).
[254] For detail of the three cases concluded by the ECCC see A/75/809 (2021).
[255] This residual phase was anticipated and was set out in a 2021 GA resolution (A/RES/75/257 B). For discussion of the authorities remaining in this residual phase see Nicole Cochran and Andrew Wells-Dang, "Never again? The legacy of Cambodia's Khmer Rouge trials", *United States Institute of Peace*, 3 October 2022.
[256] Carsten Stahn, "From 'Uniting for Peace' to 'Uniting for Justice?'", p. 267.

Referrals to or requests for opinions from international judicial bodies

The table below summarizes the matters that the GA has referred to the ICJ for an advisory opinion. Those with a hyperlinked case name in the left column are also discussed in greater depth in case studies following the table. The column on the far right includes the GA resolution making the request and a hyperlink to the opinion, where rendered. Some of these advisory opinions have also been published in a GA resolution; the document numbers have been provided with a hyperlink in the right column following the date rendered.

Table 7: General Assembly requests for an International Court of Justice advisory opinion

Advisory opinion	Nature of GA request	Issue in question	Requesting GA resolution and opinion
Conditions of admission of a State to membership in the United Nations (Article 4 of the Charter)	UN Charter interpretation: admission of a State (Article 4)	As of 1947, 12 States' application for membership had been vetoed by a SC permanent member; this advisory opinion was to interpret the conditions of Article 4 of the UN Charter, and whether the SC should offer its recommendation for admission if all the conditions were fulfilled by a State.	A/RES/113(II)B (1947) Opinion rendered 1948
Reparation for injuries suffered in the service of the United Nations	Question of international law UN Charter interpretation: inferred powers of the GA	In considering whether the UN could bring a claim against a responsible State, following the assassination of UN mediator Folke Bernadotte and members of the UN Mission to Palestine, the Court also found that the GA possesses powers that "though not expressly provided in the Charter, are conferred upon it by necessary implication as being essential to the performance of its duties".	A/RES/258(III) (1948) Opinion rendered 1949
Interpretation of peace treaties with Bulgaria, Hungary and Romania	Question of international law	The matter concerned a settlement of disputes provision in a peace treaty, and whether the Secretary-General could appoint a third member to an arbitration commission where one of the treaty parties had failed to do so (as committed to in the treaty).	A/RES/294(IV) (1949) Opinion rendered 1950
Competence of the General Assembly for the admission of a State to the United Nations	UN Charter interpretation: admission of a State (Article 4)	A follow-up to the 1949 advisory opinion related to admission of Member States, this advisory opinion considered whether a SC *favourable* recommendation was necessary for the GA to then consider admission. The court found that it was, suggesting that a veto could block admission.	A/RES/296(IV) (1949) Opinion rendered 1950
International status of South West Africa	Status of territory	The ICJ was asked to consider whether the mandate given to South Africa to govern the territory of South West Africa (now Namibia) was valid, and whether the territory should be placed under a UN trusteeship.	A/RES/338(IV) (1949) Opinion rendered 1950
Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide	Question of international law	The ICJ was asked to consider whether States could attach a reservation to the Genocide convention, even if no provision was made in the treaty for such reservations.	A/RES/478(V) (1950) Opinion rendered 1951

Effect of awards of compensation made by the United Nations Administrative Tribunal	UN Charter interpretation: GA power to establish judicial bodies	In considering the legal effect of decisions by a UN staff tribunal established by the GA, the ICJ considered the legal power of the GA to establish a judicial tribunal "competent to render judgments" and decisions that would be binding on the GA and on UN staff.	A/RES/784(VIII) (1953) Opinion rendered 1954
Voting procedure on questions relating to reports and petitions concerning the Territory of South West Africa	Status of territory	A follow-up to the 1949 request for an advisory opinion on the status of South West Africa (now Namibia), this request for an advisory opinion considered whether GA actions (specifically introduction of a voting procedure) were within the bounds of supervision that the GA could exercise with regard to the mandated territory.	A/RES/904(IX) (1954) Opinion rendered 1955
Admissibility of hearings of petitioners by the Committee on South West Africa	Status of territory	A follow-up to the ICJ's 1950 advisory opinion on the status of South West Africa (now Namibia), this advisory opinion considered whether certain procedures established by the GA (a GA-established committee that would hear complaints of petitioners) exceeded the degree of supervision it was permitted to exercise with regard to the territory.	A/RES/942(X) (1955) Opinion rendered 1956
Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter)	UN Charter interpretation: GA power to engage on peace and security	To offers its advisory opinion on whether the GA had the authority to authorize expenses connected with two peace operations, the ICJ considered the respective roles of the GA and the SC with regard to peace and security matters, and also the interpretation of related Charter provisions.	A/RES/1731(XVI) (1961) Opinion rendered 1962
Western Sahara	Status of territory	The ICJ was requested to consider the status of Western Sahara at the time of colonization by Spain in order to consider claims of ties with various States, which was to be used to inform subsequent GA action and the proposed decolonization processes.	A/RES/3292 (XXIX) (1974) Opinion rendered 1975
Applicability of the obligation to arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947	Question of international law	The ICJ was requested to consider whether the US, as party to the agreement enabling the establishment of UN Headquarters in NY, was required to take part in arbitration, after a dispute arose with regard to the proposed Permanent Mission of the Palestinian Liberation Organization.	A/RES/42/229 (1988) Opinion rendered 1988
Legality of the threat or use of nuclear weapons	International law violations	After many years of GA resolutions raising concern about the proliferation of nuclear weapons and encouraging NWFZs and other disarmament initiatives, the GA requested the ICJ to offer its opinion on whether the threat or use of nuclear weapons was permitted under international law.	A/RES/49/75 K (1994) Opinion rendered 1996, A/51/28
Legal consequences of the construction of a wall in the Occupied Palestinian Territory	Human rights and international law violations	In responding to the GA's query regarding the legality of Israel's construction of a separation wall in the OPT, the Court not only considered the legal consequences and remedial steps, but also the division of labour between the SC and the GA	A/RES/ES-10/14 (2003)

		on peace and security matters. It found that GA consideration of peace and security matters in parallel with the SC does not violate the UN Charter and is accepted practice.	Opinion rendered 2004, A/ES-10/273
Accordance with international law of the unilateral declaration of independence in respect of Kosovo	Status of territory UN Charter interpretation: GA power to engage on peace and security	The ICJ was asked to consider whether Kosovo's declaration of independence from Serbia violated international law. In addition to finding no provision of international law that would prohibit this, the Court considered whether it was within the GA's Charter powers to pass resolutions on a matter under consideration by the SC. The Court's findings on this reinforced those in the *Certain Expenses* and *Wall* cases.	A/RES/63/3 (2008) Opinion rendered 2010, A/64/881
Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965	Status of territory	Concurrent with other GA resolutions concerning the decolonization of Mauritius, the GA requested the ICJ to consider whether continued UK administration of the Chagos Archipelago was consistent with full decolonization.	A/RES/71/292 (2017) Opinion rendered 2019
Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem	Human rights and international law violations	Following on from many years of GA resolutions raising concerns about legal violations in the OPT and efforts to alter the status of East Jerusalem, the GA requested this advisory opinion to consider the legal consequences arising from Israel's occupation and annexation of Palestinian territory since 1967.	A/RES/77/247 (2022) Opinion rendered 2024
Obligations of States in respect of climate change	Human rights and international law violations	The ICJ was requested to offer an opinion on State obligations under international law to ensure protection of the climate system and the environment, and any legal consequences flowing from causing environmental harm.	A/RES/77/276 (2023) Opinion not yet rendered

Request for an advisory opinion on the legality of the threat or use of nuclear weapons (1994)

On 15 December 1994, the GA requested an ICJ advisory opinion on the legality of the threat or use of nuclear weapons, noting that "the continuing existence and development of nuclear weapons pose serious risks to humanity", and that the "complete elimination of nuclear weapons is the only guarantee against the threat of nuclear war" (A/RES/49/75 K). The GA had previously and repeatedly declared the use of nuclear weapons a violation of the UN Charter and a crime against humanity.[257]

Following on from a similar request by the World Health Organization in May 1993,[258] the GA requested the ICJ to render an advisory opinion on the following: "Is the threat or use of nuclear weapons in any circumstance

[257] A/RES/1653 (XVI); A/RES/33/71 B; A/RES/34/83 G; A/RES/35/152 D; A/RES/36/92 I; A/RES/45/59 B; A/RES/46/37 D.
[258] One year prior to the GA's request, the World Health Organization had requested the ICJ to provide an advisory opinion on whether the use of nuclear weapons by a State in war or other armed conflict would constitute a breach of its international law obligations. International Court of Justice, "Request for advisory opinion: legality of the use by a state of nuclear weapons in armed conflict", 14 May 1993. Available at https://www.icj-cij.org/sites/default/files/case-related/93/7648.pdf (accessed 5 August 2024).

permitted under international law?" (A/RES/49/75 K).[259] On 8 July 1996, the Court concluded that "in view of the present state of international law ... it cannot reach a definitive conclusion as to the legality or illegality of the use of nuclear weapons by a State in an extreme circumstance of self-defence, in which its very survival would be at stake".[260] The ICJ further agreed, however, on the "obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".[261]

Return to ICJ referrals in the discussion of accountability measures.

Request for an advisory opinion on Western Sahara (1974)

The GA first became involved in the Western Sahara case in 1965 when it adopted resolution 2072 (XX) (A/RES/2072(XX)) requesting Spain to "take all necessary measures for the liberation" of the territory, and to "enter into negotiations on problems relating to sovereignty". From 1966 to 1973, the GA passed an additional seven resolutions concerning the territory, each reaffirming the requirement to conduct a referendum on self-determination.[262] Observing that the "persistence of a colonial situation in Western Sahara jeopardizes stability and harmony in the north-west African region", on 13 December 1974, the GA requested an advisory opinion from the ICJ related to the status of Western Sahara (A/RES/3292 (XXIX)). Specifically, it asked the ICJ to consider whether "Western Sahara (Rio de Oro and Sakiet El Hamra) was at the time of colonization by Spain a territory belonging to no one (terra nullius)" (ibid., para. 1). If the ICJ replied negatively to this question, the following was to be addressed by the Court: "What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?" (ibid.). The resolution also urged Spain to postpone the referendum it considered holding in Western Sahara until the ICJ opinion had been offered, in order to inform the decolonization process (ibid., para. 3).

In response to the GA's request, the ICJ delivered its advisory opinion on 16 October 1975. It did not find that Western Sahara was a "terra nullius" (belonging to no one). However, while it did find ties both with Morocco and with Mauritania, it did not find that these ties overrode the right to self-determination of the peoples of Western Sahara.[263] Specifically, the Court concluded it had "not found legal ties of such nature that might affect the application of the General Assembly Resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory" and specifically referenced the Spanish referendum process, initiated in part in response to prior GA resolutions and good offices.[264]

In October 1975, Moroccan troops entered Western Sahara. The Spanish Government withdrew its forces in January 1976. Since the end of 1976, Morocco has administered most of the territory of Western Sahara.

Return to ICJ referrals in the discussion of accountability measures.

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[259] See also Martin Lailach, "The General Assembly's request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons", *Leiden Journal of International Law*, vol. 8, No. 2 (1995).
[260] A/51/28, p. 266.
[261] Ibid., p. 267.
[262] A/RES/2229(XXI) (1966); A/RES/2354(XXII) (1967); A/RES/2428(XXIII) (1968); A/RES/2591(XXIV) (1969); A/RES/2711(XXV) (1970); A/RES/2983(XXVII) (1972); A/RES/3162(XXVIII) (1973).
[263] *Western Sahara: Advisory Opinion of 16 October 1975, Advisory Opinion, I.C.J. Reports 1975*, p. 12. See also A/RES/1514(XV).
[264] Ibid.

Request for an advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory (2003)

In one of the December 2003 convenings within the 10th emergency special session, the GA passed a resolution requesting the ICJ to render an advisory opinion "urgently" on the legal consequences of the construction of a separation wall in the OPT (A/RES/ES-10/14). Previously, in October 2003, the GA had passed a resolution (A/RES/ES-10/13) in which it demanded "that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem". The specific question put to the ICJ was: "What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem ...?" (ibid.).

On 9 July 2004, the ICJ rendered its opinion, concluding that the construction of the wall by Israel in the OPT "is contrary to international law" and "severely impedes the exercise by the Palestinian people of its right to self-determination" (A/ES-10/273, paras. 184, 200). It called on the UN to "consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall", drawing particular attention to the GA to encourage these efforts (ibid., paras. 200, 201).

In response, the GA acknowledged the ICJ's opinion in its resolution of 2 August 2004 (A/RES/ES-10/15), demanding that "Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion". In the same resolution, it also requested the Secretary-General to establish a "register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion" (ibid., para. 4). The UN Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory was subsequently established as a subsidiary organ of the GA by resolution ES-10/17 of 24 January 2007 (A/RES/ES-10/17), which was still active at the time of writing.[265]

The ICJ's advisory opinion in this case also considered the scope of the GA's authority, given objections by some Member States that in considering a peace and security matter concurrently dealt with by the SC, it was exceeding its authority. The ICJ's finding that the GA was within its authority to consider the matters in question reinforced the legal interpretation that the GA can consider matters related to the maintenance of peace and security in parallel with the SC (see further discussion of the findings of this and other cases with regard to the GA's role in peace and security in the introduction section).

Return to ICJ referrals in the discussion of accountability measures.

Request for an advisory opinion on the status of Kosovo (2008)

On 10 June 1999, the SC issued resolution 1244 (S/RES/1244), which provided a roadmap for the resolution of the Kosovo crisis, including through a phased withdrawal of all forces. It also authorized the deployment of an international civilian and military presence that would provide an international transitional administration and security presence in Kosovo, and facilitate a political process to determine its future status (ibid., paras. 5–11). This became the UN Interim Administration Mission in Kosovo. Following the breakdown of UN-mediated talks surrounding the final status of Kosovo in 2007, Kosovo unilaterally declared its independence from Serbia

[265] For the latest progress report of the UN Register of Damage see United Nations, "Progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory", A/ES-10/949 (2023).

on 17 February 2008, which was immediately contested by Serbia as an illegal act of secession and a contravention of resolution 1244 (S/PV.5839, p. 4). The SC held an open meeting to discuss the independence declaration on 18 February 2008 (ibid.), during which there appeared to be divided views among SC members (including of the permanent five members) on the validity of the declaration.[266] This was not followed by any resolution, nor even a presidential statement with regard to the issue.

On 8 October 2008, the GA responded to this deadlock by requesting an advisory opinion from the ICJ on whether the unilateral declaration of independence was in accordance with international law (A/RES/63/3). In its 22 July 2010 advisory opinion, the ICJ concluded that it did not violate international law.[267] As a general matter, the ICJ found no principle of international law that would prohibit the declaration of independence.[268] It further found that SC resolution 1244 was designed to be a temporary, interim measure, and did not contain a prohibition on concerned parties declaring independence; therefore, it could not conclude that the declaration contravened resolution 1244.[269] In response to the ICJ's advisory opinion, the GA adopted resolution 64/298 (adopted without vote) on 9 September 2010, acknowledging the content of the Court's opinion (A/RES/64/298).

Further, the Court offered reflections on the respective roles of the SC and the GA with regard to the situation in Kosovo, and offered insights into its interpretation of Charter authorities and concurrence between the two bodies.[270] These are discussed further in the background section of this Handbook.

Return to ICJ referrals in the discussion of accountability measures.

Request for an advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 (2017)

In its resolution 71/292 of 22 June 2017, the GA requested an ICJ advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 (A/RES/71/292). This was not the first time the GA had considered the status of the territory. In 2011, the GA had passed a resolution noting that it was "deeply concerned about the fact that, fifty years after the adoption of the Declaration, colonialism has not yet been totally eradicated" (A/RES/65/118). However, GA consideration of the issue in 2017 appeared partly prompted by the determination of African Union Heads of State to increase efforts towards the complete decolonization of Mauritius.[271]

The GA requested an opinion on whether the "process of decolonization of Mauritius was lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from

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[266] The representative of the Russian Federation expressed support for Serbia's position; the Chinese representative recalled the need to continue ongoing negotiations on Kosovo's final status; representatives of other Member States offered support for the idea of "supervised independence" being a natural culmination of the interim administration and process initiated in resolution 1244 (S/PV.5839). The representative for the US noted a blocked draft SC resolution from 2007 that would have facilitated a move towards independence under supervision (ibid., p. 18).
[267] A/64/881. For further discission see Richard Falk, "The Kosovo Advisory Opinion: conflict resolution and precedent", *The American Journal of International Law,* vol. 105, No. 1 (2011).
[268] A/64/881, para. 84.
[269] Ibid., paras. 99–100, 118–119.
[270] Ibid., paras. 36–48.
[271] United Nations, "General Assembly welcomes International Court of Justice opinion on Chagos Archipelago, adopts text calling for Mauritius' complete decolonization", meetings coverage, 22 May 2019.

Mauritius", as well as the legal consequences "arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago" (A/RES/71/292). The GA also recalled its resolution 2066 (XX) of 16 December 1965, inviting the UK to "take no action which would dismember the Territory of Mauritius and violate its territorial integrity" (A/RES/2066 (XX)).

In its ensuing advisory opinion on 25 February 2019, the ICJ found that "as a result of the Chagos Archipelago's unlawful detachment and its incorporation into a new colony … the process of decolonization of Mauritius was not lawfully completed" in 1968.[272] Further, the UK had "an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible".[273] Notably, in addressing the resettlement of Mauritian nationals on the Chagos Archipelago, the ICJ concluded that "this is an issue relating to the protection of the human rights of those concerned, which should be addressed by the General Assembly during the completion of the decolonization of Mauritius".[274]

A few months later on 22 May 2019, the GA adopted resolution 73/295, welcoming the ICJ's advisory opinion and demanding that the UK "withdraw its colonial administration from the Chagos Archipelago unconditionally within a period of no more than six months from the adoption of the present resolution" (A/RES/73/295). The resolution passed with 116 for, 6 against (the UK, the Maldives, the US, Australia, Israel and Hungary), and 56 abstentions.

Return to ICJ referrals in the discussion of accountability measures.

Request for an advisory opinion on the legal consequences of Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem (2022)

On 30 December 2022, the GA passed resolution 77/247 requesting an ICJ advisory opinion on the legal consequences arising from the policies and practices of Israel in the OPT, including East Jerusalem (A/RES/77/247). In the resolution, the GA expressed "grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power", as well as the "tensions and violence in the recent period throughout the Occupied Palestinian Territory, including East Jerusalem" (ibid.). The resolution also referenced the findings of a Special Committee that the GA had previously created to investigate the effect of Israeli practices,[275] and the ICJ's previous 2004 advisory opinion on Israel's construction of a wall in the OPT, also at the request of the GA.[276] First, the GA asked the Court to advise on the legal consequences arising from Israel's occupation and annexation of Palestinian territory since 1967, including measures aimed at altering the "demographic composition, character and status" of Jerusalem as well as other legislation and policies. Secondly, it asked the Court to advise on the "legal status of the occupation" and the "legal consequences that arise for all States and the United Nations from this status".

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[272] *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019,* p. 46.
[273] Ibid., pp. 48–9.
[274] Ibid., p. 48.
[275] In its report, the Special Committee called upon the international community "to give effect to its legal obligations, as contained in the 2004 advisory opinion of the International Court of Justice, on the separation wall" (A/77/501, para. 63(E)). The resolution also cited the Secretary-General's report on the Special Committee's work (A/76/333).
[276] A/ES-10/273.

The ICJ delivered its advisory opinion on 19 July 2024.[277] The opinion found that a number of Israel's policies were in violation of its obligations under international law. It determined that the transfer of settlers to the West Bank and East Jerusalem, and "forcible evictions, extensive house demolitions and restrictions on residence and movement" had violated Israel's obligations under the Fourth Geneva Conventions.[278] It found that Israel's land policies overall, its use of natural resources and policies on water, and extension of Israeli law to the West Bank and East Jerusalem were not in conformity with the Hague regulations.[279] The Court also observed that "Israel remains bound to comply with its obligation to respect the right of the Palestinian people to self-determination and its obligations under international humanitarian law and international human rights law"[280] and found that "Israel's systematic failure to prevent or to punish attacks by settlers against the life or bodily integrity of Palestinians, as well as Israel's excessive use of force against Palestinians", was inconsistent with its legal obligations.[281]

In terms of the legal effects for other States, the ICJ determined that the GA and the SC have a particular responsibility with regard to ending Israel's "illegal presence in the Occupied Territory and the full realization of the right of the Palestinian people to self-determination", but that all States have a responsibility to cooperate with the UN to put these into effect.[282] It also found that all States have obligations under the Geneva Conventions to ensure Israel's compliance with IHL.[283] A majority also decided that "the United Nations, and especially the General Assembly, which requested this opinion, and the Security Council, should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of the State of Israel in the Occupied Palestinian Territory".[284]

Return to ICJ referrals in the discussion of accountability measures.

Request for an advisory opinion on the obligations of States in respect of climate change (2023)

On 29 May 2023, the GA requested from the ICJ an opinion on the obligations of States in respect of climate change (A/RES/77/276). In 2023, spearheaded by the Pacific Island nation of Vanuatu and the support of over 130 countries, resolution 77/276 recognized that climate change "is an unprecedented challenge of civilizational proportions and that the well-being of present and future generations of humankind depends on our immediate and urgent response to it" (ibid.). It requested an opinion on "the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for present and future generations", and "the legal consequences under these obligations for States where they, by their acts and omissions, have caused

[277] *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, I.C.J. Reports 2024.*
[278] Ibid., paras.115–119, 142–147.
[279] Ibid., para. 157. See also generally, ibid., paras. 120–141.
[280] Ibid., para. 272.
[281] Ibid., para. 154. See also: ibid., paras. 148–154.
[282] Ibid., para. 275. See also: ibid., paras. 273–279.
[283] Ibid., paras. 273–279.
[284] Ibid., para. 285.

significant harm to the climate system and other parts of the environment" (ibid.).[285] The GA recalled a July 2022 resolution on the human right to a clean, healthy and sustainable environment (A/RES/76/300), as well as a December 2022 resolution on the protection of the global climate for present and future generations (A/RES/77/165). Further, the resolution expressed "serious concern that the goal of developed countries to mobilize jointly $100 billion per year by 2020 in the context of meaningful mitigation actions and transparency on implementation has not yet been met" (A/RES/77/276). At the time of writing, the ICJ had not yet rendered its advisory opinion, which is expected in early 2025 following oral proceedings scheduled for October 2024.

Return to ICJ referrals in the discussion of accountability measures.

Referral of the Democratic People's Republic of Korea to the International Criminal Court (2014 on)

On 18 December 2014, the GA passed resolution 69/188 with 116 votes in favour to 20 against (including the DPRK) with 53 abstentions. The resolution first condemned the "long-standing and ongoing systematic, widespread and gross violations of human rights" in DPRK, including those identified by an HRC-mandated COI as potentially amounting to crimes against humanity (A/RES/69/188). After detailing some of the violations noted in that report and by other bodies, the GA then referred the SC to the COI's report and urged the SC to "take appropriate action to ensure accountability, including through consideration of referral of the situation in the DPRK to the ICC" (ibid., paras. 2, 8).[286] It notably also urged the SC to consider "the scope for effective targeted sanctions against those who appear to be most responsible for acts that the commission has said may constitute crimes against humanity" (ibid., para. 8). While the SC did not make a referral, it held a meeting on the DPRK a few days following resolution 69/188, the first instance in which the SC had considered the human rights situation in the country as a separate agenda item.[287]

One year later, in December 2015, the GA again requested that the SC refer the situation in the DPRK to the ICC, calling for it, in exactly the same terms, to consider a referral to the ICC and the "scope for effective targeted sanctions" (A/RES/70/172). While the GA welcomed the SC's decision to add the situation to its agenda, it stressed the importance of following up on the recommendations contained in the COI on human rights in the 2014 DPRK report (ibid.). In 2016, following continued SC inaction, and in the same terms as previous resolutions, the GA once again called on the SC to refer the situation to the ICC in resolution 71/202 (A/RES/71/202). The same recommendations have been repeated annually in GA resolutions on the DPRK up through the latest in December 2023 (A/RES/78/218).[288]

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[285] The second question relates to harm caused "to the climate system and other parts of the environment, with respect to: (i) States, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change … [and] (ii) Peoples and individuals of the present and future generations affected by the adverse effects of climate change".

[286] In February 2014 the HRC-created COI on human rights in the DPRK had recommended that the SC refer the situation to the ICC based on its finding of "long-standing and ongoing patterns of systematic and widespread violations" that met the threshold for "crimes against humanity in international law" (A/HRC/25/63). The GA resolution highlighted some of the key findings of the Commission, including persistent reports of torture, cruel, inhumane and degrading treatment, extrajudicial executions, political prison camps, forcible transfer of populations and other violations of human rights (A/RES/69/188).

[287] United Nations "Security Council, in divided vote, puts Democratic People's Republic of Korea's situation on agenda following findings of unspeakable human rights abuses", meetings coverage, 22 December 2014.

[288] For all GA resolutions on the situation of human rights in the DPRK, see: https://seoul.ohchr.org/en/general-assembly-resolutions (last accessed 15 August 2024).

To date, the SC has not taken up most of these recommendations, including that it refer the DPRK to the ICC. However, it held formal discussions on the human rights situation in the DPRK each year between 2014 and 2017, most recently on 17 August 2023 (S/PV.9398) – the first such meeting in the prior five years.

Return to referrals to judicial bodies in the discussion of accountability measures.

Referral of the Syrian Arab Republic to the International Criminal Court (2016)

On 19 December 2016, the GA adopted resolution 71/203, "expressing outrage at the continuing escalation of violence in the Syrian Arab Republic" (A/RES/71/203). The resolution was passed amid escalating violence in eastern Aleppo resulting from the offensive launched by Syrian authorities and their allies that year, leading to hundreds of civilian casualties and repeated attacks against medical and civilian infrastructure. Resolution 71/203 noted the concerns raised by the (HRC-created) Independent International Commission of Inquiry on the Syrian Arab Republic and its observation that "since March 2011, the Syrian authorities have conducted widespread attacks against the civilian population as a matter of policy" (ibid.). It also expressed "deep concern" for the findings of the 2016 reports of the Organization for the Prohibition of Chemical Weapons–UN Joint Investigative Mechanism, notably that "the Syrian Arab Armed Forces were responsible for the use of chemical weapons in at least three attacks … and that so-called ISIL-Da'esh was responsible for one mustard gas attack in the Syrian Arab Republic" (ibid.).

While the GA resolution did not explicitly request a referral of the situation in the Syrian Arab Republic to the ICC, it implicitly did so by encouraging the SC "to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard" (ibid., para. 42). In condemning the use of toxic chemicals, including chlorine, the GA argued that "those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable" (ibid., para. 5). Further, the GA regretted that an SC draft resolution in 2014 that would have enabled a referral (S/2014/348) was not adopted "notwithstanding broad support from Member States".[289] As a further measure, only two days later, the GA established the IIIM (A/RES/71/248), an investigatory body mandated to support criminal proceedings through collection and analysis of evidence of violations of IHL and human rights law.

Return to referrals to judicial bodies in the discussion of accountability measures.

[289] China and the Russian Federation vetoed the SC draft resolution that would have referred the situation in Syria to the ICC.

Annex 7: Good offices

The GA has authorized a wide range of actions that broadly fall under the category of "good offices", including supporting mediators, special envoys, commissions or committees that undertake diplomatic good offices, supporting conferences or international consultations that contribute to ongoing peace processes or crisis resolution, or other measures. This annex includes a select number of cases, providing further detail on some of the examples considered in the part II discussion of GA good offices.

Western Sahara

The dispute over the status of the territory of Western Sahara began during the wave of decolonization that followed the conclusion of World War II. Western Sahara had been colonized by Spain, but sovereignty over Western Sahara was also claimed by Morocco, Mauritania and an Indigenous movement known as the Polisario Front.

In 1965, the GA formally declared Western Sahara to be a non-self-governing territory and requested that it be decolonized (from Spain) (A/RES/2072(XX)). The GA subsequently requested Spain to organize a referendum on self-determination, under UN supervision, and requested the Secretary-General to appoint a special mission to recommend practical steps for the implementation of the relevant GA resolutions in 1966 (A/RES/2229(XXI)). This demand was repeated annually from 1967 to 1974.[290] With the dispute still outstanding, in 1974 the GA requested an ICJ advisory opinion on the legal status of Western Sahara before the colonization of Spain (A/RES/3292(XXIX)).

After Spain relinquished control of Spanish (now Western) Sahara in 1975, Morocco and Mauritania partitioned the territory between themselves. The GA subsequently recommended that the Secretary-General appoint a UN representative to ensure the self-determination of the West Saharan population (A/RES/3458(XXX)[A]; A/RES/3458(XXX)[B]).[291] The SC did not intervene in the dispute until 1975, but when it did its recommendations and requests largely complemented GA action on the matter. In October 1975, the SC requested the Secretary-General to enter into negotiations with the concerned parties, also noting that this should be undertaken "without prejudice" to any actions taken by the GA under resolution 3292(XXIX) (referral of the matter to the ICJ) (S/RES/377). The subsequent SC resolution 379 of 2 November 1975 reaffirmed GA resolution 1514(XV) of 1960 "and all other General Assembly resolutions on the Territory", urging all parties to avoid escalating the situation, and continue supporting the Secretary-General's good offices (S/RES/379). One week later, the SC issued another resolution (S/RES/380) calling on Morocco to immediately withdraw from the territory of Western Sahara, and for all parties to cooperate with the Secretary-General's mandate.

In 1976, the GA took up the Western Sahara issue again, acknowledging the role of the OAU (now the African Union), in finding a resolution to the dispute (A/RES/3412(XXX)). Successive GA resolutions reiterated that the parties should enter into direct negotiations and urged them to implement the referendum on self-determination (A/RES/32/22 (1977); A/RES/36/46 (1981)).

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[290] A/RES/2354(XXII) (1967); A/RES/2428(XXIII) (1968); A/RES/2591(XXIV) (1969); A/RES/2711(XXV) (1970); A/RES/2983(XXVII) (1972); A/RES/3162(XXVIII) (1973).

[291] See also: Riccardo Fabiani, "The Western Sahara conflict: a fragile path to negotiations", Atlantic Council, 3 August 2023.

In 1984, after Morocco and the Polisario Front failed to achieve a political solution, the GA requested direct negotiations for a ceasefire between the two (A/RES/39/40), and in the subsequent year requested the parties to negotiate a ceasefire and the modalities for organizing a referendum (A/RES/43/33). The Secretary-General subsequently facilitated talks that led in 1986 to a Settlement Plan, which laid the basis for the 1991 ceasefire and was subsequently supported by the SC in 1991 (S/RES/690). Following this, the SC established the UN Mission for the Referendum in Western Sahara and authorized the Secretary-General to appoint a Special Representative in 1988 (S/RES/621). Subsequent resolutions by the GA continued to support these initiatives by urging all parties and regional States to fully cooperate with the Secretary-General and his Personal Envoy, as well as with each other.[292]

Return to the discussion of good offices in part II.

Zones of peace

As part of wider disarmament efforts in the late 1960s and early 1970s, the GA encouraged so-called zones of peace through support for good offices, among other measures.[293] Sri Lanka first raised the proposal of the Indian Ocean as a zone of peace in October 1964 at the Non-Aligned Heads of State Conference in Cairo.[294] Following a draft resolution by Ceylon and the United Republic of Tanzania (A/8584), GA resolution 2832 (XXVI) of 16 December 1971 declared the Indian Ocean, "within limits to be determined, together with the air space above and the ocean floor subjacent thereto", as a zone of peace (A/RES/2832(XXVI), para. 1). The resolution was adopted by 61 votes in favour and none against, with 55 abstentions (including all SC permanent members except for China). The peace zone declaration was "designed to relax international tensions and strengthen international peace and security".[295] The resolution also requested the Secretary-General to report to the GA at its 27th session on the progress made on the implementation of this declaration of the Indian Ocean as a zone of peace, and he did so in July 1972 (A/8809). Although the proposal received broad member support, several States, including major maritime users of the Indian Ocean like France, Japan, the USSR, the UK and the US, expressed reservations (ibid.).

One year later, in December 1972, the GA decided to establish an Ad Hoc Committee on the Indian Ocean, "to study the implications of the proposal, with special reference to the practical measures that may be taken in furtherance of the objectives of General Assembly resolution 2832 (XXVI)" (A/RES/2992 (XXVII), para. 2). Resolution 3080 (XXVIII) of 6 December 1973 also urged States to "accept the principles and objectives contained in General Assembly resolution 2832 (XXVI) ... as a constructive contribution to the strengthening of regional and international security" (A/RES/3080 (XXVIII), para. 1). The latest report of the Ad Hoc Committee on the Indian Ocean was published in July 2023 (A/78/29).

Similarly, in 1986 the GA declared (A/RES/41/11) the South Atlantic Ocean (situated between Africa and South America) to be a zone of peace.[296] Brazil, which proposed the inclusion of this matter on the agenda, had noted

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[292] A/RES/46/67 (1991); A/RES/47/25 (1992); A/RES/48/49 (1994); A/RES/50/36 (1995); A/RES/51/143 (1996); A/RES/52/75 (1997); A/RES/53/64 (1998).
[293] Chandra Kumar, "The Indian Ocean: arc of crisis or zone of peace?", *International Affairs* (Royal Institute of International Affairs 1944–), vol. 60, No. 2 (1984), pp. 233–246.
[294] Hedley Bull, *Hedley Bull on Arms Control* (London, Palgrave Macmillan, 1987), p. 264.
[295] M.C.W. Pinto, "Declaration of the Indian Ocean as a zone of peace", *Journal of the National Aquatic Resources Agency*, vol. 32 (1985), pp. 1–10.
[296] Brazil sponsored this resolution with Angola, Argentina, Bangladesh, Brazil, Cape Verde, Congo, Cote d'Ivoire, Equatorial Guinea, Gabon, Ghana, Guinea-Bissau, Liberia, Nepal, Nigeria, Saint Lucia, Sao Tome and Principe and Uruguay. A/41/143 (1986).

that this declared zone of peace could protect developing countries in Latin America and Africa from being affected by global tensions.[297] In keeping with this, resolution 41/11 called on all States to eliminate sources of tension in the South Atlantic, respect national sovereignty and refrain from the threat or use of force (ibid.).

The early 2000s saw another wave of activity related to zones of peace. In July 1998, Bolivia and Chile had signed an agreement committing to their territories as a Peace Zone free of weapons of mass destruction. In September 2000, the presidents of Brazil, Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay and Venezuela signed the Communiqué of Brasilia, agreeing to establish a South American Zone of Peace. After a follow-up meeting and re-commitment to this idea of a South American zone of peace, the GA in 2003, commended the decision of the Member States involved to ban the use or threat of force amongst themselves, to make South America free of any testing, development or use of weapons of mass destruction, and other commitments made to contribute to a South American zone of peace and cooperation (A/RES/57/13). The GA similarly welcomed the declaration of an Andean Zone of Peace in 2005 (A/RES/59/54).

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Nuclear-weapon-free zones

NWFZs are considered a regional approach to encouraging nuclear non-proliferation and disarmament – an issue which the GA has been active on throughout its history. In 1975, the GA defined (3472 (XXX) B) NWFZs as "any zone recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercises of their sovereignty, has established by virtue of a treaty or convention whereby:

> (a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined;
>
> (b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute."

Early movement toward NWFZs can be seen in several treaties related to the denuclearization of specific regions, notably the Antarctic Treaty of 1959 (which prohibited any nuclear testing, radioactive waste storage, or use of the territory of Antarctica for anything but peaceful purposes), and the Outer Space Treaty of 1967.

Throughout this period, the GA was active in encouraging disarmament measures and denuclearization of certain regions or areas, through declarations in its resolutions, by organizing conferences or other convenings, and by supporting the Secretary-General to exercise his good offices to support regions and Member States working toward these goals. In 1961, the GA called on Member States to refrain from using the territory of Africa for "testing, storing or transporting nuclear weapons," and to consider the continent a "denuclearized zone" (A/RES/1652 (XVI)). In 1963 it passed another resolution (A/RES/1911(XVIII)) supporting steps taken for the "denuclearization of Latin America", and requested the Secretary-General to extend support to the States of Latin America to achieve those aims, including any providing any "technical facilities"

[297] For a summary of the meeting, see United Nations Department of Information, "Chapter X: Other political questions", pp. 369–370. Available at https://cdn.un.org/unyearbook/yun/chapter_pdf/1986YUN/1986_P1_SEC1_CH10.pdf (accessed 5 August 2024).

that might be required (A/RES/1911(XVIII), para. 4). Following this, in 1967, the landmark Treaty of Tlatelolco was signed. It created the first NWFZ, in Latin America and the Caribbean.

In 1975, the GA passed resolution 3476(XXX) (A/RES/3476(XXX)), urging States in South Asia to establish a NWFZ, and resolution 3477 (XXX) (A/RES/3477(XXX)) endorsing the idea of a NWFZ in the South Pacific. The latter resolution in particular highlighted the importance of using the Secretary-General's good offices to facilitate discussions among the concerned States. In the 10th special session that followed a few years later, in 1978, the GA reiterated many of these calls, encouraging the establishment of NWFZs in many regions (the Middle East, South Asia, the Indian Ocean) and calling on Member States to fully implement the Treaty of Tlatelolco (A/RES/S-10/2).

The GA continued to encourage NWFZs in a number of regions throughout the 1980s, and indeed, the Treaty of Rarotonga, which established a NWFZ in the South Pacific, was signed in 1985. However, the end of the Cold War introduced new opportunities for realizing GA recommendations on denuclearization and saw a wave of activity on NWFZs. In 1991, the GA renewed (A/RES/48/86) its past calls for a denuclearized zone in Africa, requesting the Secretary-General to support the finalization of a draft treaty for an African NWFZ. This was realized in the Treaty of Pelindaba signed in 1996, which prohibits the development, possession and testing of nuclear weapons in Africa.[298] In 1995, Member States in South-East Asia signed the Treaty of Bangkok, establishing a NWFZ in South-East Asia.

In 1996, the GA passed resolution 51/45, which called for a "nuclear-weapon-free" southern hemisphere and adjacent areas (A/RES/51/45[B]). It also called for ratification of existing treaties by all regional States (including those of Tlatelolco, Rarotonga, Bangkok and Pelindaba), and for States in the Middle East to consider proposals to establish NWFZs (ibid., para. 3). In 1998, the GA passed resolution 55/33 which reiterated many of the principles in the prior resolutions and invited all States in Central Asia to support a NWFZ in Central Asia, also requesting the Secretary-General to provide assistance to this end (A/RES/52/38[S], para. 1). Member States in Central Asia did conclude a treaty on this in 2006, establishing a NWFZ for Central Asia.

In addition to calling for regional NWFZ treaties, and supporting them through extension of good offices, the GA also supported the denuclearization of specific Member States in this period. In 1992, Mongolia declared itself an NWFZ. The GA endorsed this status with resolution 53/77D in 1998, recognizing Mongolia's unique position and supporting its nuclear-weapon-free status (A/RES/53/77[D], paras. 1, 2). Subsequently, the five permanent members of the SC issued a joint statement, providing political and security assurances to Mongolia (A/55/530-S/2000/1052). In that statement, they declared that the commitments regarding positive and negative security assurances that they had made separately in 1995 (S/RES/984) applied to Mongolia, which proved a crucial move in establishing Mongolia's international recognition as an NWFZ.[299]

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[298] The Treaty of Pelindaba for Africa was ratified on 12 April 1996 and came into effect on 15 July 2009 (CM/Res.1529 (LX)).
[299] In SC resolution 984 of 1995, the permanent members recognized, inter alia, "the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used" (S/RES/984(1995), para. 2).

Myanmar

The GA has a long record of engagement on Myanmar, beginning in the early 1990s. Following a military coup in 1988 and the annulment of subsequent elections, the GA passed resolutions in 1991 and 1992 urging the military regime in Myanmar to respect the 1990 election results (A/RES/46/132) and to restore democracy (A/RES/47/144). Beginning in 1993, the GA then adopted resolutions on a near-annual basis that expressed concern over the human rights situation and requested the Secretary-General to use his good offices to help address the ongoing political issues and assist in the national reconciliation process.[300] This marked the start of a series of resolutions over a decade where the GA called for mediation and dialogue facilitation through the Secretary-General's good offices. This period saw the appointment of special envoys by the Secretary-General, who engaged with Myanmar's authorities and opposition leaders, aiming to foster dialogue and encourage democratic reforms. The resolutions consistently highlighted the role of the good offices in promoting human rights, democratization and the rule of law in Myanmar.

After Myanmar's democratic transition in 2015, there was a brief pause in GA activity on this matter. However, beginning in 2017, Myanmar was again brought onto the GA's agenda, in particular to consider the human rights implications of military operations affecting Rohingya communities. In 2017, the GA adopted a resolution that called for an end to the continuing military operations against the Rohingya community and requested the Secretary-General to continue to provide his good offices to address the situation (A/RES/72/248). This was followed by resolution 74/246 adopted in 2019 (A/RES/74/246), also significantly focused on the Rohingya crisis, and requesting use of the Secretary-General's good offices in seeking a peaceful resolution to the conflict, in taking forward the recommendations of various accountability bodies, and ensuring humanitarian access (ibid., para. 18).

Following the military coup in Myanmar in February 2021, on 25 June 2021, the GA passed resolution 75/287 by a vote of 119 States in favour, 1 against (Belarus) and 36 abstentions (A/RES/75/287). Among other recommendations and pronouncements (discussed in an accountability-related case study on Myanmar) the resolution reaffirmed its support for the Special Envoy of the Secretary-General and her efforts to engage constructively with the situation, and urged the armed forces in Myanmar to cooperate with her efforts.

On 22 December 2023, the GA issued a resolution on the situation of Rohingya and other minorities in Myanmar, calling for the Secretary-General to again continue his good offices, renewing the mandate for the Special Envoy, and requesting the development of a more effective and coordinated strategy concerning Myanmar (A/RES/78/219, paras. 30(a)–(d)).

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[300] This provision recurred in different forms in most of the GA resolutions on Myanmar from 1993 until the present. Three examples of this, taken from different time periods, are: A/RES/49/197 (1994); A/RES/58/247 (2003); A/RES/72/248 (2017).

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