

The General Assembly's past practice and engagement on peace operations

Summary excerpts from <u>Assembly for Peace</u>: A Digital Handbook on the UN General Assembly's Past Practice on Peace and Security

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During the 78th session, the General Assembly (GA) adopted <u>resolution 77/335</u>, which recognized the functions, powers and role of the GA in the maintenance of international peace and security. It underlined the need to foster continued interaction with the Security Council (SC), and for greater awareness and practical information on the functions and powers of the GA with respect to peace and security. Pursuant to this, it requested a Digital Handbook, which was published in August 2024 as <u>Assembly for Peace: a digital handbook</u> <u>on the UN General Assembly's past practice on peace and security</u>. The Handbook contained an overview of GA powers and authorities under the UN Charter, and contained five chapters covering different practice areas of GA action with respect to peace and security. This brief provides summarizes key learning from the chapter on Peace Operations, and also includes other supplemental findings.

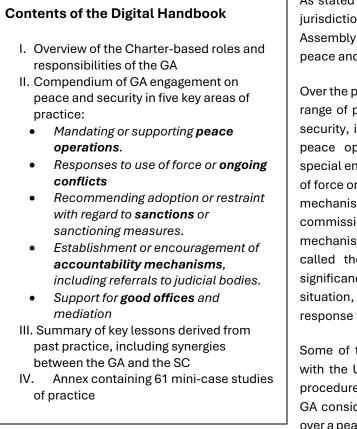
Overview: General Assembly powers and past practice on peace and security

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). Article 10 authorizes the GA to "discuss any questions or any matters within the scope of the present Charter" and "make recommendations…on any such questions or matters". Article 11 empowers the GA to "discuss any questions or matters". Article 11 empowers the GA to "discuss any questions relating to the maintenance of international peace and security" and to "make recommendations" to the States concerned or to call them to the attention of the SC. Article 14 further 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".

While the interpretation of Article 12 was initially seen as restricting the GA from making recommendations on matters on the SC's agenda, over time consideration of matters by the SC and GA in parallel has become "accepted practice" and deemed consistent with the UN Charter by the International Court of Justice (ICJ).¹

¹ <u>A/ES-10/273</u>, paras. 27, 28. The Court also observed a 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 that this did not preclude the GA from engaging on peace and security. Ibid., para. 27.





As stated in the ICJ's *Certain Expenses* case, the SC's jurisdiction is "'primary', not exclusive … the General Assembly is also to be concerned with international peace and security".²

Over the past 78 years, the GA has demonstrated a wide range of practice in relation to maintaining peace and security, including the establishment of or support for peace operations, the mandating of mediators or special envoys, recommendations for responses to use of force or sanctions, and the creation of accountability mechanisms such as fact-finding missions and commissions of inquiry. In addition to creating bodies or mechanisms to take these tasks forward, the GA has called the SC's attention to matters of particular significance, noted past SC failure to address a situation, and/or requested that it take further action in response to GA recommendations.

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 (<u>A/RES/377(V)</u>). Others

have been part of resolutions passed in the course of the GA's regular work.³ The Handbook also covers some of these procedural mechanisms and developments, including the 2022 Veto Initiative.

Summary of General Assembly practice on 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, including both Peacekeeping Operations (PKOs) and Special Political Missions (SPMs). It has directly authorized their establishment, enabled an extension of their mandate or functions, or passed resolutions that provide support for the mission or particular functions.

- In 1951, the GA extended **support for UN forces to engage in enforcement action** by extending support for UN forces in the Korean Peninsula.
- In 1956, the GA established what is now considered the **first armed UN peacekeeping operation**, the UN Emergency Force (UNEF), which was authorized in response to the Suez Crisis.
- In 1962, the GA provided the authority for the **first UN peace operation to administer a territory**, the UN Temporary Executive Authority (UNTEA), and a related security force, the United Nations Security

² Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter), Advisory Opinion, I.C.J. Reports 1962, p. 151, p. 163.

³ The Handbook does not directly consider the work of GA committees or budgetary bodies. While these constitute important arenas of action, they were considered beyond the scope of the GA request.



Force (UNSF), which assumed direct administrative responsibility for the territory of West New Guinea (now part of Indonesia).

- In 1993, the GA authorized the **first joint UN peace operation with a regional body**, a joint monitoring mission in Haiti (International Civilian Mission in Haiti) with the Organization of American States.
- The GA has helped **expand the mandate or tasks or extended peace operations established by the SC**, including in 1958, with the extension of tasks in UN Observation Group in Lebanon (UNOGIL); and from 1960 onward, extending and amplifying authority of UN Operation in the Congo / *Opération des Nations Unies au Congo* (ONUC). The latter included extending the mission's length through the GA's budgetary authorities.

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.

Peace operation	Location of deployment	Relevant GA resolution(s)	Nature of GA engagement
UNSCOB	Greece	<u>A/RES/109(II)</u> (1947)	Mandating peace operation
UN Forces on the Korean Peninsula	Korea	<u>A/RES/498(V)</u> (1951)	Extending support for UN forces
UNEF	Egypt	<u>A/RES/1000(ES-I)</u> (1956)	Mandating peace operation
UNOGIL	Lebanon	<u>A/RES/1237(ES-III)</u> (1958)	Extending / supporting peace operation
ONUC	Congo	<u>A/RES/1474(ES-IV)</u> (1960) <u>A/RES/1885(XVIII)</u> (1963)	Extending / supporting peace operation
UNTEA; UNSF	West New Guinea	<u>A/RES/1752(XVII)</u> (1962)	Providing authority for peace operation
UNOVER	Eritrea	<u>A/47/544</u> (1992)	Mandating peace operation
UNSMA	Afghanistan	<u>A/RES/48/208</u> (1993) <u>A/RES/49/140</u> (1995) <u>A/RES/52/211B</u> (1997)	Mandating peace operation
MCIVIH; MICAH	Haiti	<u>A/RES/47/20B</u> (1993) <u>A/RES/54/193 (</u> 1999)	Mandating peace operation
MINUGUA	Guatemala	<u>A/RES/48/267</u> (1994) <u>A/RES/51/198B</u> (1997)	Mandating peace operation; expanding peace operation



Mandating other operational bodies and conflict management mechanisms

In some situations, the GA has not directly created a peace operation but instead provided the mandate for bodies or mechanisms that have taken on some of the functions of a peace operation (often as a pre-cursor to or bridge between peace operations), or have otherwise played an operational role in conflict management and response.

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 1949	UNRWA's mandate stemmed from the GA's response to the Palestinian refugee crisis during the 1948 Arab-Israeli war. UNRWA was created by <u>A/RES/302(IV)</u> with the dual mandate to provide direct relief and to implement "works" projects to foster self-sufficiency, as well as to engage on political aspects of the refugee crisis. Though not a peace operation, it illustrates the GA's ability to create and sustain multi-dimensional operational bodies that play a central role in conflict management and response.	
Repatriation Commission (Korea), 1952	In December 1952, following the conclusion of the Korean War, the GA established a <u>Repatriation Commission in Korea</u> which was mandated to facilitate the return of prisoners of war, an operational function deemed crucial for ceasefire implementation and conflict de-escalation (<u>A/RES/610(VII)</u>).	
Office of the Secretary- General in Afghanistan and Pakistan (OSGAP), 1990	A GA resolution (A/RES/43/20) related to a comprehensive political settlement in Afghanistan was the basis for OSGAP (a UN field office), which supported implementation of the 1988 Geneva Accords after the drawdown of the SC- mandated good offices mission in Afghanistan and Pakistan (UNGOMAP). OSGAP's purpose was to facilitate a political settlement in Afghanistan, support humanitarian efforts, and lay the groundwork for a future military monitoring or peace operation response. It lay the groundwork for (GA-mandated) UNSMA.	
Special Coordinator for the Middle East Peace Process, 1993/1994	After the signing of the Oslo Accords, the GA passed a resolution (A/RES/48/213 (1993)) leading to the appointment in 1994 of a Special Coordinator who would coordinate the UN's support for the Palestine, and support continued good offices. This Special Coordinator role was later transformed into the Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO) in 1999, which though not technically a SPM (it is a "field office" under DPPA) plays a role similar to a Special Envoy's office.	
Joint Special Envoy to Syria, UN-League of Arab States, 2012	Following SC vetoes of resolutions pertaining to the post-2011 conflict in Syria, the GA backed the League of Arab States' Observer Mission in Syria and requested the SG to appoint a special envoy (A/RES/66/176, 2012; A/RES/66/253, 2012), initially a joint envoy between the UN and League of Arab States. Mediation led by the Special Envoy (Kofi Annan) later enabled the UN Supervision Mission in Syria (UNSMIS), a short-lived SC-mandated peace operation focused on ceasefire monitoring. The Special Envoy role later evolved into the Office of the Special Envoy for Syria, an ongoing SPM.	



Functions and roles of GA-mandated bodies involved in peace operations and conflict management

GA-mandated peace operations, operational bodies and mechanisms have taken on a range of functions and roles related to conflict management, de-escalation and resolution, including:

- Helping negotiate or monitor ceasefires: United Nations Emergency Force (UNEF), United Nations Opération des Nations Unies au Congo (ONUC), United Nations Temporary Executive Authority/United Nations Security Force (UNTEA/UNSF), UN Special Mission in Afghanistan (UNSMA), United Nations Verification Mission in Guatemala (MINUGUA), Joint Special Envoy to Syria.
- **Supporting law and order and policing**: United Nations Operation in the Congo/Opération des Nations Unies au Congo (ONUC), United Nations Security Force (UNSF), International Civilian Support Mission in Haiti (MICAH).
- **Supporting transition processes, including elections or referenda**: UN Observer Mission to Verify the Referendum in Eritrea (UNOVER), International Civilian Support Mission in Haiti (MICAH).
- **Peacemaking, facilitating and monitoring compliance with peace agreements**: United Nations Verification Mission in Guatemala (MINUGUA), Office of the Secretary-General in Afghanistan and Pakistan (OSGAP).
- **Facilitating transfer of prisoners of war, and supporting disarmament and demobilization**: Repatriation Commission in Korea, United Nations Emergency Force (UNEF).
- Supporting mediation and good offices to defuse internal and/or cross-border tensions: United Nations Special Commission on the Balkans (UNSCOB), United Nations Special Mission to Afghanistan (UNSMA), Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO), Office of the Secretary-General in Afghanistan and Pakistan (OSGAP), GA action on Syria post-2011.
- Monitoring human rights or other conditions related to conflict resolution: OAS/UN International Civilian Mission in Haiti (MCIVIH), International Civilian Support Mission in Haiti (MICAH), United Nations Special Mission to Afghanistan (UNSMA), United Nations Verification Mission in Guatemala (MINUGUA).

Other support to peace operations

The GA has also engaged with and supported peace operations in a number of other ways. **The GA's good offices and mediation support have contributed to processes that laid the groundwork for peace operations**, including, as noted above, the follow-on to the Geneva Accords in Afghanistan (leading to UNSMA, then UNAMA) and the peace talks in Guatemala (leading to MINUGUA). In the years following the Khmer rouge regime and also Vietnam's invasion and occupation of Kampuchea in 1978 (profiled in another chapter of the Digital Handbook), it was the GA rather than the SC that provided momentum behind the peace talks leading to the Paris Peace Agreements in November 1991 (A/RES/34/22, A/RES/46/18, para. 2). The agreement's terms provided for the creation of the United Nations Transitional Authority in Cambodia (UNTAC), which was subsequently mandated by the SC.

The GA has supported mandate-fulfillment in ongoing peace operations by encouraging warring parties and Member States to cease activities interfering with the mission, or to undertake activities or compliance with SC resolutions in ways that would support the mission's mandate.



- GA resolutions have called for **respect for the freedom of movement and mandate** of the UN and regional organizations involved in peace operations and cessation of hostilities monitoring in Somalia (<u>A/RES/48/201</u>, 1993); Liberia (<u>A/RES/50/58 A</u>, 1995); and Syria (<u>A/RES/66/253</u>, 2012).
- The GA has **urged full compliance with SC-mandated sanctions regimes** operative in and linked to peace operations contexts, for example, at multiple points throughout UNAMA's mission in Afghanistan,⁴ and those applied to Serbia and Montenegro (the former Yugoslavia) alongside the SC-mandated UNPROFRO. In the latter, while the GA urged full compliance, it also sought to limit negative economic impact of these sanctions on neighboring countries (A/RES/50/58 E).
- GA resolutions have also sought to **mitigate potential spillover effects for neighboring countries** of those where peace operations were ongoing. For example, the GA passed several resolutions related to the need for peacebuilding and humanitarian support in Sierra Leone (see, e.g. <u>A/RES/48/196</u>, 1993) during the period when UNOMIL was active in neighboring Liberia.

The GA has also taken on an important peacebuilding role, recommending collective support and other actions by Member States to **facilitate transitions from peacekeeping to peacebuilding**:

- UNTAET (Timor-Leste) The GA called for continued humanitarian assistance, and additional investment in infrastructure, education, and health, as Timor-Leste moved toward independence (in 2002), and re-assumed responsibility from the SC-mandated transitional administration provided by UNTAET (A/RES/56/104, 2002; A/RES/57/105, 2003).
- ONUMOZ (Mozambique) The GA supported the continuation of tasks in Mozambique during the peacekeeping operation ONUMOZ's drawdown phase, including refugee and IDP support, DDR, reconstruction support and demining (<u>A/RES/48/249</u>, 1994).
- UNMIL (Liberia) In addition to supporting UNMIL's operations, GA resolutions commended the comprehensive peacebuilding approach of ECOWAS, the AU, donor countries, and UN actors, and called on all States, inter-governmental and non-governmental organizations to continue to support an enabling environment for the promotion of peace and regional security (<u>A/RES/61/218</u>, 2007; <u>A/RES/63/136</u>, 2008).
- UNSOM II In anticipation of the drawdown of UNOSOM II, the GA over a series of years called attention to steps by both conflict parties and the international community that would help the country move from active conflict response and peacekeeping to a period of reconstruction, development and peacebuilding (A/RES/48/201, 1993; A/RES/49/21 L, 1994; A/RES/50/58 G, 1995).

The GA has also passed other resolutions related generally to peacekeeping transitions and/or peacebuilding support, for example, several in the 1990s related to supporting "the process of peace-keeping and post-conflict peacebuilding" in Central America (see, e.g., <u>A/RES/50/58 B</u>).

⁴ Examples include: <u>A/RES/66/13</u> (2012); <u>A/RES/67/16</u> (2013); <u>A/RES/71/9</u> (2016); <u>A/RES/74/9</u> (2019).