

29. SECURITY OF UNITED NATIONS OPERATIONS

Initial proceedings

On 27 August 1993, pursuant to a request made by the Council in the presidential statement¹ of 31 March 1993, the Secretary-General submitted a report² to the Security Council on the security of United Nations operations in which he described the existing arrangements for the protection of United Nations forces and their adequacy.

The Secretary-General pointed out that developments in the past year had revealed certain gaps in the existing security system and the need to strengthen it in certain areas. The operating conditions for United Nations personnel had become extremely hazardous, particularly in areas lacking adequate government authority. Moreover, personnel were more often at risk because of their very association with the work of the Organization. As a result, casualties had mounted from one fatality per month in 1992 to one every two weeks in 1993.

The establishment of multidimensional operations involving military operations, humanitarian and electoral assistance, human rights monitoring and development projects had also revealed certain gaps. The United Nations had come to rely to an unprecedented extent on personnel who were not staff of the Organization but who ran similar risks as the regular staff and therefore also required protection. Finally, a new feature involved the use by the Security Council of its enforcement powers under Chapter VII of the Charter. That had led to the establishment of United Nations operations which were not based on consent and cooperation and might face outright opposition.

1 S/25493. See also Chapter VIII, Item 4: "An agenda for peace: preventive diplomacy, peacemaking and peace-keeping" in this *Supplement*.

2 S/26358.

In view of those developments, the Secretary-General proposed the following set of measures: (a) a fresh effort would be made to achieve the necessary integration and accountability to ensure effectiveness. In particular, security matters would become an integral part of the planning for new operations; (b) priority would be given to the improvement and standardization of communications and the training of staff in security matters; (c) expert staff would be recruited to assist the Security Coordinator at Headquarters and designated officials in the field; (d) the “situation room” being established by the Department of Peace-keeping Operations would ensure that security staff could be reached at all times; (e) the Security Coordinator would review regulations to ensure that security measures were adequate and would include categories of personnel not covered under the existing arrangements, but who worked on behalf of the Organization and shared the same risks as United Nations staff.

The Secretary-General also noted that, in the long term, a new international instrument could be elaborated to codify and further develop international law relating to the security and safety of United Nations forces and personnel. Since security and safety issues required more immediate action, however, a short-term strategy should also be considered. He proposed in that regard that the Security Council, when setting up a new operation, should consider including, in the relevant resolution the necessary conditions relating to security and safety, *inter alia*: a) the application to the operation of the provisions of the Convention on the Privileges and Immunities of the United Nations; b) confirmation of the host Government’s obligation to take all necessary measures to ensure the security and safety of the United Nations operation and its personnel; c) extension of those responsibilities to contractors, non-governmental organizations and their personnel engaged in United Nations operations; d) a timetable for the conclusion of an agreement on the status of the operation in the host country; e) a statement reaffirming that attacks against United Nations personnel would be considered interference with the exercise of the responsibilities of the Security Council under the respective provisions of the Charter and might require the Council to consider measures it deemed appropriate; and f) a statement indicating that if the authorities of the host State failed to meet their obligations with regard to the safety and security of the United

Nations operation and its personnel, the Council might consider measures to ensure such security and safety. In conclusion, the Secretary-General said that, pending the conclusion of a new international instrument, the General Assembly could adopt a declaration aimed at drawing attention to the critical importance of the security and safety of United Nations forces and personnel, thus increasing international awareness and commitment.

Decision of 29 September 1993 (3283rd meeting): resolution 868 (1993)

At its 3283rd meeting, on 29 September 1993, the Council included in its agenda the report of the Secretary-General.

After the adoption of the agenda, the President (Venezuela) drew the attention of the members of the Council to the text of a draft resolution³ prepared in the course of its prior consultations. He also drew their attention to a letter⁴ dated 13 September 1993 from the representative of New Zealand, addressed to the President of the Security Council.

Speaking before the vote, the representative of New Zealand stated that his Government had made the issue of the safety of United Nations personnel a particular priority since it began its term on the Council at the beginning of the year. The Secretary-General's report confirmed that the protection of United Nations personnel was a multifaceted issue which had to be tackled on a number of fronts. Moreover, it required concerted action by the Security Council, the General Assembly and the Secretary-General. The draft resolution before the Council reaffirmed that attacks on personnel engaged in operations mandated by the Security Council would be considered interference in the exercise of its responsibilities. It also warned that the Council would take appropriate measures in any such case, and confirmed that if a host country failed or was unable to adequately protect United Nations personnel, the Council would take appropriate action. He noted that, in line with the Secretary-General's proposals and with suggestions New Zealand had put forward before the Council in March 1993, the current

³ S/26499.

⁴ S/26444.

draft resolution put special emphasis on those matters which the Council should address when deciding to establish or to renew a peace-keeping operation. It determined that the host country would now be required to take appropriate steps to ensure the safety of all persons engaged in the operation, and to conclude without delay an agreement establishing the legal framework under which United Nations personnel would operate.

In conclusion, the speaker said that, at New Zealand's initiative, the Sixth Committee had on its agenda a new item on responsibility for attacks on United Nations staff and associated personnel and measures to ensure that those responsible for such attacks were brought to justice. His Government would also propose that the Assembly adopt a new international convention which would establish criminal responsibility for such attacks. He was gratified to note that the Secretary-General in his report had endorsed that proposal and that the draft resolution welcomed New Zealand's initiative in the General Assembly.⁵

The draft resolution was then put to the vote and was adopted unanimously as resolution 868 (1993) which reads as follows:

The Security Council,

Recalling the statement of 31 March 1993 made on its behalf by the President of the Security Council in connection with the Council's consideration of the item entitled "An agenda for peace: preventive diplomacy, peacemaking and peace-keeping",

Having considered the report of the Secretary-General of 27 August 1993 on the security of United Nations operations,

Recalling the provisions of the Charter of the United Nations concerning privileges and immunities and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Expressing grave concern at the increasing number of attacks and use of force against persons engaged in United Nations operations, and resolutely condemning all such actions,

⁵ S/PV.3283, pp. 3-6.

Welcoming the initiatives being taken in the General Assembly to consider the elaboration of new instruments relating to the security and safety of United Nations forces and personnel, and noting the proposals of the Secretary-General in this regard,

1. *Welcomes* the report of the Secretary-General of 27 August 1993 on the security of United Nations operations;

2. *Encourages* the Secretary-General to take forward those measures proposed in his report falling within his responsibilities, with a view, in particular, to ensuring that security matters are an integral part of the planning for an operation and that any such precautions extend to all persons engaged in the operation;

3. *Urges* States and parties to a conflict to cooperate closely with the United Nations to ensure the security and safety of United Nations forces and personnel;

4. *Confirms* that attacks and the use of force against persons engaged in a United Nations operation authorized by the Security Council will be considered interference with the exercise of the responsibilities of the Council and may require the Council to consider measures it deems appropriate;

5. *Confirms also* that if, in the view of the Council, the host country is unable or unwilling to meet its obligations with regard to the safety and security of a United Nations operation and personnel engaged in the operation, the Council will consider what steps should be taken appropriate to the situation;

6. *Determines* that, when considering the establishment of future United Nations operations authorized by the Council, the Council will require, *inter alia* :

(a) That the host country take all appropriate steps to ensure the security and safety of the operation and personnel engaged in the operation;

(b) That the security and safety arrangements undertaken by the host country extend to all persons engaged in the operation;

(c) That an agreement on the status of the operation and all personnel engaged in the operation in the host country be negotiated expeditiously and come into force as near as possible to the outset of the operation;

7. *Requests* the Secretary-General, when recommending the establishment or renewal of a United Nations operation by the Security Council, to take into account the provisions of the present resolution;

8. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of France said that the resolution just adopted showed the Council's will to take appropriate measures to ensure the security of an operation from its very start, or to respond to situations in which the host countries were unable or unwilling to discharge their obligations. In the latter case, the Council would envisage measures that are called for in each situation, without excluding any *a priori*. That could, for example, involve a reconsideration of the operation in the context of its possible withdrawal or, on the other hand, of its strengthening.⁶

The representative of Brazil said that his country fully supported the efforts undertaken by both the Security Council and the General Assembly to enhance the safety and security of all persons engaged in United Nations operations. In that regard, it was very important for the Assembly, the Council and the Secretariat to coordinate their efforts to address the relevant issues within their respective spheres of competence in a mutually reinforcing manner. He also underscored that United Nations missions and operations were established in the name, not of the Security Council alone, but of the United Nations as a whole. Brazil particularly valued provisions in the resolution designed to serve as guidelines for the future work of the Council.⁷

The representative of the United Kingdom stated that it was unacceptable that United Nations personnel were being attacked just because they worked for the Organization. The perpetrators of such acts should be prosecuted and punished. He stressed that security had to be an integral part of operations and that all personnel who worked for the Organization in peace-keeping operations shared the same risks and should therefore be afforded the same protection. Moreover, it was no longer acceptable for host countries to "drag their feet" in establishing the status-of-forces agreements. He also welcomed New Zealand's initiative to consider an international instrument relating to the security of United Nations personnel and the prosecution of those who attacked persons engaged in its operations.⁸

6 S/PV.3283, pp. 9-11.

7 Ibid., pp. 12-14.

8 Ibid., pp. 15-17.

The representative of China said that his delegation was in favour of appropriate action by the Council, within its mandate, to ensure the security and safety of peace-keeping personnel. In taking such action, the United Nations should, however, respect the sovereignty of the host country and refrain from interfering in its internal affairs.⁹

⁹ Ibid., pp. 19-21.