

10. *Requests* all States to respect the measures established by the Economic Community of West African States to bring about a peaceful solution to the conflict in Liberia;

11. *Calls on* Member States to exercise self-restraint in their relations with all parties to the Liberian conflict and to refrain from taking any action that would be inimical to the peace process;

12. *Commends* the efforts of Member States, the United Nations system and humanitarian organizations in providing humanitarian assistance to the victims of the conflict in Liberia, and in this regard reaffirms its support for increased humanitarian assistance;

13. *Requests* the Secretary-General to submit a report to the Security Council on the implementation of the present resolution as soon as possible;

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

Speaking after the vote, the representative of Benin stated that, in addition to sending a very clear message to the warring parties, the resolution that the Council had just adopted provided encouragement to the tireless efforts led by the Heads of State and Government of ECOWAS to restore peace and security to the region. On their behalf, he assured the Council that ECOWAS would cooperate with the Special Representative of the Secretary-General in implementing the peace plan for Liberia.²⁸

²⁸ S/PV.3138, pp. 97-98. Pursuant to resolution 788 (1992), the Secretary-General appointed Mr. Trevor Gordon-Somers as his Special Representative for Liberia. See S/24834 and S/24835 for the exchange of letters dated 20 and 23 November 1992 between the Secretary-General and the President of the Security Council.

3. Items relating to the Libyan Arab Jamahiriya

Initial proceedings

A. Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Bahrain to the United Nations addressed to the President of the Security Council

By a letter dated 4 January 1989 addressed to the President of the Security Council,¹ the representative of the Libyan Arab Jamahiriya informed the Council of the downing on 4 January 1989 of two Libyan reconnaissance aircraft by the United States Air Force over international waters and requested that the Security Council be convened immediately to halt the aggression against his country. The representative of Bahrain made a similar request, in his capacity as Chairman of the Group of Arab States, in a letter dated

¹ S/20364.

4 January 1989 addressed to the President of the Security Council.²

At its 2835th meeting, on 5 January 1989, the Council included the letters from the representatives of the Libyan Arab Jamahiriya and Bahrain in its agenda. It considered the item at its 2835th to 2837th and 2839th to 2841st meetings, from 5 to 11 January 1989.

The Council invited the following, at their request, to participate in the discussion without the right to vote: at the 2835th meeting, the representatives of Bahrain, Burkina Faso, Cuba, the Libyan Arab Jamahiriya, the Syrian Arab Republic and Tunisia; at the 2836th meeting, the representatives of Afghanistan, Democratic Yemen, the Islamic Republic of Iran, the Lao People's Democratic Republic, Madagascar, Mali, Nicaragua, the Sudan and Uganda; at the 2837th meeting, the representatives of Pakistan and Zimbabwe; at the 2839th meeting, the representatives of Bangladesh, India and Morocco; at the 2840th meeting, the representatives of Czechoslovakia, the German Democratic Republic, Malta, Poland, Romania, the United Arab Emirates and Yemen; and at the 2841st meeting, the representatives of Bulgaria, Mongolia and the Byelorussian Soviet Socialist Republic. The Council also extended an invitation

² S/20367.

under rule 39 of its provisional rules of procedure to the following: at its 2835th meeting, to Mr. Samir Mansouri, Acting Permanent Observer of the League of Arab States (LAS); at its 2840th meeting, to Messrs. A. Engin Ansay, Permanent Observer of the Organization of the Islamic Conference (OIC), Leasona S. Makhanda, Secretary for Labour of the Pan Africanist Congress of Azania, and Solly Simelane, Deputy Representative of the African National Congress of South Africa; and at its 2841st meeting, to Mr. Clovis Maksoud, Permanent Observer of LAS. At its 2841st meeting, the Council decided by a vote to invite the Alternate Permanent Observer of Palestine,³ at his request, to participate in the debate, not under rule 37 or rule 39 but with the same rights of participation as under rule 37.⁴

**Decision of 11 January 1989 (2841st meeting):
rejection of a draft resolution**

At the 2835th meeting, on 5 January 1989, the President of the Security Council (Malaysia) drew the attention of the Council members to two letters dated 4 January 1989 from, respectively, the representative of the United States addressed to the President of the Security Council and the representative of Ghana addressed to the Secretary-General.⁵ The representative of the United States, invoking Article 51 of the Charter, reported that his country's forces had exercised their right of self-defence by taking defensive action in response to "hostile actions constituting an armed attack" by the military forces of the Libyan Arab Jamahiriya against United States forces lawfully operating above international waters of the Mediterranean Sea. The representative of Ghana transmitted a statement issued on 26 December 1988 by his Government on the United States threat against the Libyan Arab Jamahiriya.

At the outset of the debate, the representative of the Libyan Arab Jamahiriya stated that the United States had committed an act of premeditated, deliberate aggression by shooting down, without any justification,

two unarmed Libyan reconnaissance aircraft on routine patrol near the Libyan coast. He claimed that this act of aggression was a prelude to a large-scale attack upon economic and military installations in his country. The action, he stated, formed part of the United States policy of aggression pursued against the Libyan Arab Jamahiriya since its revolution of 1969. That policy had reached a peak under the current United States Administration, subjecting the Libyan Arab Jamahiriya to threats, provocations and acts of aggression. He stressed that the United States had systematically conducted provocative naval and air manoeuvres in the territorial waters of the Libyan Arab Jamahiriya and in its airspace in an attempt to draw the country into a direct military confrontation. It had launched a disinformation campaign to destabilize the Libyan Arab Jamahiriya, undermine its security and violate its territorial integrity. The campaign included the baseless allegation that a Libyan pharmaceutical plant was capable of producing chemical weapons. The continuing campaign had paved the way for the United States latest aggression, which had been preceded by provocative manoeuvres off the Libyan coast. He called upon the Council to condemn the American military aggression and take all measures to put an end to it, and to use whatever means were necessary to prevent its repetition. He also urged the Council to call upon the United States, a permanent member of the Council bearing special responsibilities for international peace and security, to withdraw its naval fleet and to put an end to its provocative manoeuvres against his country.⁶

The representative of the United States stated that it was his country which was the aggrieved party and not the Libyan Arab Jamahiriya, whose Air Force had aggressively challenged routine operations conducted by his country well beyond the 12-mile limit of the territorial seas claimed by the Government of the Libyan Arab Jamahiriya. The action by the United States aircraft, in response to provocation and threat by two armed Libyan fighter aircraft, was fully consistent with internationally accepted principles of self-defence. His Government had so informed the Secretary-General and the President of the Security Council under Article 51 of the Charter. He recalled that Libyan aircraft had closed in rapidly on two American planes. The American pilots had repeatedly taken evasive action. However, the Libyan aircraft had

³ For details concerning the use of the designation "Palestine" in lieu of "Palestine Liberation Organization", see General Assembly resolution 43/177 of 15 December 1988.

⁴ For the discussion and vote on this issue, see S/PV.2841, pp. 4-10. See also chapter III of the present *Supplement*, case 6.

⁵ S/20366 and S/20368.

⁶ S/PV.2835, pp. 6-13.

continued to close, in a hostile manner. They were carrying air-to-air missiles, of which the American delegation had photographic evidence. Faced with a growing and imminent threat of being shot down, the United States aircraft had fired on the Libyan planes, shooting down two, in a clear and unambiguous act of self-defence. The United States Government had made it clear that this was a distinct incident, unrelated to other issues; it had nothing to do with its concerns about the Libyan chemical-warfare plant issue or with the routine rotation of the United States Sixth Fleet into and out of the Mediterranean Sea.⁷

The representative of Bahrain, speaking in his capacity as Chairman of the Group of Arab States, expressed indignation at the “unwarranted act of aggression” by the United States, which would only lead to an escalation of tension in the region, thus threatening regional and international peace and security. The Arab States believed such acts of aggression would continue unless deterrent measures were taken to end military operations of that kind. They called on the Security Council to condemn such irresponsible acts of aggression, to adopt appropriate measures to prevent their repetition against the Libyan Arab Jamahiriya and to shoulder its responsibility under the Charter for the maintenance of international peace and security in the Mediterranean region.⁸

Many of the speakers who participated in the debate⁹ characterized the action taken by the United States as an act of aggression, in violation of international law and the Charter of the United Nations, which posed a threat to peace and security in the Mediterranean region. They rejected the claim of self-defence invoked by the United States and urged the Security Council to condemn the act of aggression and to take measures to prevent the recurrence of such acts. Some of those speakers and others called for a suspension of United States military manoeuvres off

the Libyan coast, or for the withdrawal of American or all foreign naval fleets from the region.¹⁰ Several speakers appealed for the exercise of restraint and the prevention of further escalation of tension,¹¹ some recalling the importance of the Charter principles relating to the non-use or threat of force against the territorial integrity or economic independence of any State and the settlement of disputes by peaceful means. A few noted, with approval, Colonel Qaddafi’s offer of a dialogue with the United States to resolve disputes between the two countries.¹² A number of speakers referred to the special responsibilities of the United States, as a permanent member of the Council, for the maintenance of international peace and security, and ensuring respect for the principles of the Charter.¹³

At the 2836th meeting, on 6 January 1989, the representative of Brazil considered it appropriate that the serious incident had been brought to the attention of the Security Council, thus providing the international community with an opportunity to exercise a good-offices role by encouraging the parties to enter into dialogue.¹⁴ His delegation would be prepared to join the Council in an appeal to the parties for a serene and objective assessment of each other’s intentions, in addition to strict compliance with the principles of the Charter regarding the peaceful settlement of disputes, and would consider favourably the possibility of requesting the Secretary-General to

⁷ *Ibid.*, pp. 13-17.

⁸ *Ibid.*, pp. 17-21.

⁹ *Ibid.*, pp. 24-28 (Observer of LAS); pp. 32-38 (Syrian Arab Republic); pp. 39-42 (Cuba); S/PV.2836, pp. 6-10 (Uganda); pp. 23-28 (Madagascar); pp. 28-33 (Nicaragua); pp. 39-42 (Afghanistan); pp. 43-46 (Democratic Yemen); S/PV.2837, pp. 7-11 (Algeria); pp. 16-22 (Islamic Republic of Iran); pp. 22-28 (Zimbabwe); S/PV.2839, pp. 21-25 (Sudan); pp. 22-27 (United Arab Emirates); pp. 27-31 (German Democratic Republic); pp. 41-46 (Yemen); and S/PV.2841, pp. 2831 (Mongolia).

¹⁰ S/PV. 2836, pp. 6-10 (Uganda); pp. 28-33 (Nicaragua); pp. 33-36 (Lao People’s Democratic Republic); S/PV.2837, pp. 3-6 (Yugoslavia); pp. 22-28 (Zimbabwe); S/PV.2840, pp. 12-16 (Observer of OIC); pp. 27-30 (German Democratic Republic); pp. 31-33 (Romania); pp. 38-41 (Poland); and S/PV.2841, pp. 22-25 (Bulgaria); pp. 26-28 (Byelorussian Soviet Socialist Republic).

¹¹ S/PV. 2835, pp. 21-23 (Burkina Faso); pp. 28-32 (Tunisia); S/PV.2836, pp. 18-23 (Nepal); pp. 37-40 (Mali); S/PV.2837, pp. 12-13 (Colombia); pp. 28-32 (Pakistan); S/PV.2839, pp. 16-18 (Senegal); pp. 24-26 (India); pp. 27-31 (Morocco); pp. 31-33 (Bangladesh); S/PV.2840, pp. 8-12 (Malta); pp. 38-41 (Poland); and S/PV.2841, pp. 32-37 (Palestine); pp. 41-45 (Malaysia).

¹² S/PV.2840, p. 15 (Observer of OIC); pp. 29-30 (German Democratic Republic); p. 41 (Poland).

¹³ S/PV.2835, p. 12 (Libyan Arab Jamahiriya); p. 18 (Bahrain); p. 27 (Observer of LAS); S/PV.2836, p. 6 (Uganda); pp. 22-23 (Nepal); p. 32 (Nicaragua); p. 38 (Mali); p. 41 (Afghanistan); S/PV.2837, p. 8 (Algeria); S/PV.2839, p. 22 (Sudan).

¹⁴ See also S/PV.2840, p. 12 (Malta).

explore with the parties ways and means for achieving a peaceful solution of their differences.¹⁵

The representative of the Soviet Union said that his country considered the request made by the Libyan Arab Jamahiriya for an urgent meeting of the Security Council fully justified. He stated that there was absolutely no reason for the United States to use armed force as no one had attacked its aircraft or ships in the region. His country could not accept the argument that the military aircraft of one State were entitled to open fire on the aircraft of another State simply because those aircraft had come close to them in international air space. The invocation by the United States of Article 51 of the Charter, relating to self-defence, was absolutely unfounded. He emphasized that the incident highlighted the question of the adoption of practical measures to strengthen security in the Mediterranean. Noting the link between security in the Mediterranean region and security in Europe, the Soviet Union had proposed that agreement be reached on joint measures in the Mediterranean so that the armed forces in the region might be reduced with a view, in particular, to the withdrawal of nuclear-armed ships from the area. If the United States were to withdraw its navy from the Mediterranean, the Soviet Union would immediately do the same. In concluding, he called upon the Council to evaluate properly what had occurred, to take measures for the normalization of the situation and to avert any repetition of such illegal actions.¹⁶

At the 2837th meeting, also on 6 January 1989, the representative of China called upon the United States to stop all military action against the Libyan Arab Jamahiriya and appealed to the parties to the dispute to exercise restraint in order to prevent further aggravation of the situation and to ensure peace and stability in the region.¹⁷

At the 2839th meeting, on 9 January 1989, the representative of Finland expressed his Government's concern over what appeared to be a continuing pattern of incidents involving the navies and air forces of different nations, particularly in international waters and in the superjacent airspace. He was particularly concerned when such incidents led to the use of force. He urged all sides in situations involving the possibility of incidents to refrain from behaviour that

might lead to misunderstanding as to the intentions of the other side and hence to pre-emptive action in the belief that self-defence, which was a clearly recognized right under international law, was required. In an age of military high technology, the resort to so-called pre-emptive self-defence without warning could have very dangerous consequences. He suggested that there was a need for an international code of conduct concerning both naval forces and aircraft in order to build confidence, to avoid misunderstandings, and to reduce the risk of serious incidents. As to what the Security Council could realistically do in the current situation, he said it could decide to deplore the incident that had occurred and call upon all parties to act with restraint, encouraging them to settle any disputes and disagreements by peaceful means.¹⁸

The representative of Ethiopia expressed the view that, when there was convincing evidence indicating a potential threat to international peace and security, the concerned State should bring the matter before the appropriate bodies of the United Nations. In reading out the text of Article 33, he reminded the permanent members of the Council that parties to a dispute should first seek a solution in accordance with the spirit and letter of Chapter VI of the Charter.¹⁹

The representative of France said that his country had taken note of the statements by the United States on the incident and its assurance that it was not linked to concerns expressed elsewhere in respect of a chemical plant. His Government reaffirmed its commitment to freedom of movement in international waters and airspace, and expressed its particular concern with the maintenance of stability and peace in the sensitive region of the Mediterranean. He hoped that, in this case, reason and calm would prevail and that everyone would exercise restraint and refrain from any act that might heighten tensions.²⁰

At the 2840th meeting, on 10 January 1989, the representative of Czechoslovakia stated that the downing of the Libyan aircraft constituted a violation of international law and a threat to the situation in the Mediterranean and in the Middle East. In the circumstances of the case, in which the cited "hostile intent" of the Libyan planes was based exclusively on a subjective assessment by American pilots acting in an

¹⁵ S/PV. 2836, pp. 8-11.

¹⁶ S/PV.2836, pp. 12-20.

¹⁷ S/PV.2837, pp. 13-16.

¹⁸ S/PV.2839, pp. 6-8.

¹⁹ *Ibid.*, pp. 8-15.

²⁰ *Ibid.*, pp. 18-20.

“obvious psychosis of hostility”, the use of armed force could not be justified by references to the right of self-defence under Article 51 of the Charter. An indispensable condition of the exercise of such a right was the objective existence of circumstances provided by the Charter. Their existence could not be confused with subjective perceptions of military commanders. Otherwise, the provisions of Article 51 would cease to be a mere exception to the general ban on the use of armed force and become an instrument of destruction of that ban.²¹

At the 2841st meeting, on 11 January 1989, the President (Malaysia) drew the attention of the Council members to two letters dated 6 January 1989 and 10 January 1989, from the representative of Ghana and from the representative of Mali, respectively, addressed to the Secretary-General.²² He also drew their attention to a draft resolution submitted by Algeria, Colombia, Ethiopia, Malaysia, Nepal, Senegal and Yugoslavia.²³

By the draft resolution, in its preambular part, the Council would have, *inter alia*, recalled the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security and the Definition of Aggression. In its operative part, the Council would have *inter alia* (a) deplored the downing of the Libyan reconnaissance aircraft by the armed forces of the United States; (b) called upon the United States to suspend its military manoeuvres off the Libyan coast in order to contribute to the reduction of tension in the area; (c) called upon all parties to refrain from resorting to force, to exercise restraint in this critical situation and to resolve their differences by peaceful means in keeping with the Charter; and (d) called upon the United States and the Libyan Arab Jamahiriya to cooperate with the Secretary-General in an effort to bring about a peaceful settlement of the differences between the two countries.

The representative of Canada said that, while his country favoured the call on all parties to exercise restraint and to resolve their problems by peaceful means, it had accepted the explanation by the United States for its actions during the incident. It could not therefore, associate itself with a draft resolution that

contained a one-sided treatment of the incident, and would vote against it.²⁴

The representative of the United Kingdom regretted both the incident of 4 January and that conclusions had been drawn from it that were not justified by the facts. He emphasized the importance his Government attached to upholding the freedom of ships and aircraft to operate in international waters and airspace and their inherent right to self-defence as recognized by Article 51 of the Charter. In his delegation’s view, the draft resolution was couched in the wrong terms and proceeded from wrong assumptions. It could not help the underlying problems referred to in the debate. His delegation would therefore vote against it.²⁵

The Council then started the voting procedure on the draft resolution. Prior to the vote, statements were made by the representatives of France, Finland and the United States. The representative of France said that his delegation would vote against the draft resolution because it was insufficiently balanced. He noted in this respect that the reference made to the definition of aggression in the preamble could imply a deliberate will on the part of the United States to create the incident. Similarly, the difference in the terminology employed in operative paragraph 1 between Libyan “reconnaissance aircraft” and the “armed forces of the United States” presented a problem. Furthermore, the principle of freedom of navigation, in international space, on the sea and in the air, to which France was committed, seemed to be questioned, at least implicitly, in operative paragraph 2, which mentioned the question of manoeuvres.²⁶ The representative of Finland considered that the text was out of proportion with the incident itself, particularly because of operative paragraph 2; his country would not, therefore, vote in favour of the draft resolution.²⁷ The representative of the United States said that his country would vote against the draft resolution because its clear purpose was to criticize the United States for actions taken in self-defence that were entirely lawful and consistent with the Charter. Moreover, the draft resolution contained language inconsistent with the principle of

²¹ S/PV.2840, pp. 33-36.

²² S/20385 and S/20386.

²³ S/20378.

²⁴ S/PV.2841, pp. 37-40.

²⁵ *Ibid.*, p. 41.

²⁶ *Ibid.*, pp. 44-46.

²⁷ *Ibid.*, p. 46.

freedom of navigation in international waters, a matter which should concern all nations.²⁸

The draft resolution was then put to vote. It received 9 votes in favour, 4 against (Canada, France, United Kingdom and United States) and 2 abstentions (Brazil and Finland), and was not adopted owing to the negative votes of three permanent members of the Council.²⁹

Speaking after the vote, the representative of the Libyan Arab Jamahiriya expressed his delegation's disappointment that, in view of the use of the veto power by some Member States, the Council had not been able to take the action that it should have taken. He added that recourse to the so-called inherent right to self-defence and the invocation of Article 51 of the Charter had become all too familiar. They were misinterpretations of the provisions of that Article, which were used to justify aggression.³⁰

B. Letters dated 20 and 23 December 1991

By a letter dated 20 December 1991 addressed to the Secretary-General,³¹ the representative of France transmitted a communiqué from the Presidency of the French Republic and the Ministry of Foreign Affairs concerning a judicial inquiry that had been conducted into the attack on UTA flight 772, on 19 September 1989, which had resulted in 171 deaths. The communiqué stated that the judicial inquiry implicated several Libyan nationals in the crime and that the Government of France accordingly reiterated its demand that the Libyan authorities cooperate immediately, effectively and by all possible means with the French justice system in order to help to establish responsibility for the terrorist act. To that end, France called upon the Libyan Arab Jamahiriya (a) to produce all the material evidence in its possession and to facilitate access to all documents that might be useful for establishing the truth; (b) to facilitate the necessary contacts and meetings, inter alia, for the assembly of witnesses; and (c) to authorize the responsible Libyan officials to respond to any request made by the examining magistrate for judicial information.

²⁸ Ibid., pp. 46-47.

²⁹ Ibid., p. 48.

³⁰ Ibid., pp. 48-52.

³¹ S/23306.

By a letter dated 20 December 1991 addressed to the Secretary-General,³² the representative of the United Kingdom transmitted three statements made, respectively, by the Lord Advocate of Scotland on 14 November 1991, by the Foreign Secretary in the House of Commons on the same day, and by the British Government on 27 November 1991. In his statement, the Lord Advocate announced his conclusion, following an investigation of almost three years, that there was sufficient evidence to justify the issuance of warrants for the arrest of two named Libyan intelligence officers on charges alleging their involvement in the destruction of Pan Am flight 103 on 21 December 1988. He stated that a demand was being made to the Libyan Arab Jamahiriya for the surrender of the accused for trial. He added that a simultaneous announcement was being made in Washington by the Attorney General of the United States following the handing down of an indictment by a grand jury in Washington.

The Foreign Secretary recalled, in his statement, that 270 people had been killed in the crash of the flight at Lockerbie, 66 of them British. He repeated the demand, on behalf of the whole Government, that the Libyan authorities surrender the accused to stand trial, stressing that the accusations were of the gravest possible kind: this was a mass murder, which was alleged to involve the organs of government of a State.

In the statement issued by the British Government, it was indicated that, following the issue of warrants against the two Libyan officials for their involvement in the Lockerbie incident, the Government had demanded of the Libyan Arab Jamahiriya the surrender of the two accused for trial but that it had thus far received no satisfactory response from the Libyan authorities. It also referred to a joint declaration made that day by the British and American Governments in which they had declared that the Government of the Libyan Arab Jamahiriya must take the following steps: surrender for trial all those charged with the crime, and accept complete responsibility for the actions of Libyan officials; disclose all it knew of the crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence; and pay appropriate compensation.

³² S/23307.

By a letter dated 20 December 1991 addressed to the Secretary-General,³³ the representative of the United States transmitted a statement that had been issued by his Government on 27 November 1991 regarding the bombing of Pan Am flight 103. The Government stated that the indictments of 14 November had been conveyed to the Libyan regime.

By a further letter dated 20 December 1991 addressed to the Secretary-General,³⁴ the representatives of France, the United Kingdom and the United States transmitted the text of a tripartite declaration on terrorism issued by their Governments on 27 November, following the investigation into the bombings of flights Pan Am 103 and UTA 772. The declaration noted that, following an investigation, the three States had presented specific demands to the Libyan authorities related to the judicial proceedings that were under way. They required that the Libyan Arab Jamahiriya comply with all those demands, and, in addition, commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups. The Libyan Arab Jamahiriya must promptly, by concrete actions, prove its renunciation of terrorism.

By a letter dated 23 December 1991 addressed to the Secretary-General,³⁵ the representative of the United States transmitted a copy of the indictment handed down by the United States District Court for the District of Columbia on 14 November 1991 in connection with the bombing of Pan Am flight 103.

**Decision of 21 January 1992 (3033rd meeting):
resolution 731 (1992)**

At its 3033rd meeting, held on 21 January 1992 in accordance with the understanding reached in its prior consultations, the Council included in its agenda the item entitled "Letters dated 20 and 23 December 1991 (S/23306, S/23307, S/23308, S/23309, S/23317)". The Council considered the item at the same meeting. The Council invited the representatives of Canada, the Congo, Iraq, the Islamic Republic of Iran, Italy, the Libyan Arab Jamahiriya, Mauritania, the Sudan and Yemen, at their request, to participate in the discussion without the right to vote. The Council also decided, at the request of the representative of Morocco, to extend

an invitation under rule 39 of its provisional rules of procedure to Adnan Omran, Under-Secretary-General of LAS, and Engin Ansay, Permanent Observer of OIC.

The President (United Kingdom) drew the attention of the Council members to a draft resolution submitted by France, the United Kingdom and the United States.³⁶ He also drew their attention to four letters from the representative of the Libyan Arab Jamahiriya addressed to the Secretary-General and the President of the Security Council, respectively: letters dated 20 and 29 November 1991³⁷ and letters dated 17 and 18 January 1992.³⁸ The latter two letters transmitted an Arab League resolution of 16 January 1992, reiterating its call for a joint commission of the United Nations and the League and mediation by the Secretary-General of the United Nations; and a letter from the Government of the Libyan Arab Jamahiriya to the Secretary of State of the United States and the Minister for Foreign Affairs of the United Kingdom, calling for arbitration under article 14 of the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

At the outset of the debate, the representative of the Libyan Arab Jamahiriya stated that, although the announcement by the Lord Advocate of Scotland and the indictment by the United States grand jury were ostensibly based on an arduous four-year investigation, no supporting evidence or proof had been made available. That meant either that the United States and United Kingdom indictments were intended as final, unequivocal judgements on which there was to be no further discussion or that the evidence and proof behind them were not serious, and that the accusations were based on guesswork. Despite the weakness of the indictments, the Libyan Arab Jamahiriya had treated the matter seriously and had taken a number of steps to conduct its own judicial investigation. However, that investigation had not made significant progress, owing to the lack of cooperation by the United Kingdom, the United States and France and their refusal to hand over the files of their investigations. Despite the considerations supporting Libyan national jurisdiction, the competent Libyan authorities had indicated that they would welcome a neutral international investigating committee or a reference of the question to the International Court of Justice. The other parties,

³³ S/23308.

³⁴ S/23309.

³⁵ S/23317.

³⁶ S/23422.

³⁷ S/23416 and S/23417.

³⁸ S/23436 and S/23441.

however, had not only rejected that position, but had requested the extradition of the two Libyan nationals to stand trial in their own courts. He affirmed that the Libyan Arab Jamahiriya had cooperated and was still ready to cooperate to the fullest extent, within the context of absolute respect for international arguments, established norms, prevailing legal systems, and human rights. He stressed that in his country's view the issue before the Security Council was a legal one — concerning a conflict of jurisdiction and a dispute in connection with a request for extradition — over which the Council had no competence. In making recommendations in this respect, the Council should bear in mind that, pursuant to Article 36, paragraph 3, of the Charter, “legal disputes should as a general rule be referred to the International Court of Justice in accordance with the Statute of the Court”. What the Council was competent to consider was a dispute of a political nature in which the parties had not followed any of the means for peaceful settlement set out in Article 33 of the Charter. In such a case, the Council could call upon the parties to settle their dispute by such peaceful means. The Libyan Arab Jamahiriya had frequently declared its readiness to negotiate and accept mediation and other peaceful means to settle the dispute. The Council should at least call upon the other parties to respond favourably to that expression of readiness. It should also recommend settlement of the dispute through the diverse legal channels that were available, not only within the framework of the Charter but under the more relevant international conventions, such as the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (the Montreal Convention). The speaker stated that on the basis of that Convention, particularly its article 14, his country had officially requested of the United States and the United Kingdom that the dispute be referred to arbitration. Before the Council, it requested that those countries be invited to enter promptly into negotiations with the Libyan Arab Jamahiriya on proceedings leading to arbitration and an arbitration panel. A short and fixed deadline could be set for those proceedings, after which, if no agreement was reached on arbitration, the matter would be brought before the International Court of Justice. Turning to the draft resolution, the speaker questioned how the Council could adopt a resolution urging the Libyan Arab Jamahiriya to respond fully and effectively to illegal requests and asking other countries to urge it to do so. He added that the participation of the parties to the

dispute in the voting on the draft resolution would constitute a violation of the explicit provisions of Article 27, paragraph 3, of the Charter.³⁹

The Under-Secretary-General of the League of Arab States, Mr. Adnan Omran, stated that during the past month the League had made every possible effort, through the contacts made by its Secretary-General with all the parties concerned, to reach a peaceful solution to the situation. The Council of the League had also held two emergency meetings, on 5 December 1991 and 16 January 1992, and adopted two resolutions.⁴⁰ The two resolutions could, he said, be summed up by the following two points: first, condemnation of terrorism in all its forms and of the incident of the downing of the American aircraft; and, second, support for the position of the Libyan Arab Jamahiriya, which denied any responsibility for the incident, condemned terrorism in all its forms, and expressed its willingness to find a solution of the question in accordance with Article 33 of the Charter and to place the question before a neutral international commission of inquiry. Based on that willingness, the League had proposed the establishment of a joint commission of the United Nations and LAS to study all documentation relating to the matter. In the light of those investigations, suitable measures could be taken. The League also hoped that the Council would entrust the Secretary-General with the task of exercising his good offices with all the parties concerned.⁴¹

The representative of Mauritania, speaking on behalf of the five States members of the Arab Maghreb Union,⁴² said it was desirable for the spirit of dialogue and compromise to replace the logic of confrontation of the cold war era. He drew attention to Article 33 of the Charter, which called upon the parties to a dispute to seek a solution by peaceful means. In the present case, which appeared to be a question essentially juridical in nature — a question for the settlement of which the Libyan side had made concrete proposals for cooperation — the Council should explore all ways and means leading to a peaceful solution based on international legality. It should take into account the appeals for moderation made, in particular, by the Arab Maghreb Union, OIC and LAS. He also expressed

³⁹ S/PV.3033, pp. 6-25.

⁴⁰ See S/23274 and S/23436, respectively.

⁴¹ S/PV.3033, pp. 26-31.

⁴² Algeria, Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia.

concern at seeing the Council having recourse to controversial procedures that might negatively affect the authority of its decisions and risk setting a dangerous precedent.⁴³

A number of other non-members of the Council,⁴⁴ while condemning all forms and types of terrorism, expressed support for the position of the Libyan Arab Jamahiriya and emphasized the need to resolve the dispute by negotiations, mediation and judicial machinery, in accordance with Article 33 of the Charter; some stressed that the question should be dealt with in a legal framework. One regretted that the draft resolution went beyond the explicit rule of international law set out in the 1971 Montreal Convention, which gave contracting States the choice to prosecute or extradite alleged offenders.⁴⁵ Others welcomed the involvement of the Security Council, recalling that its concern in respect of matters of international terrorism was not new.⁴⁶ They hoped that it would build upon its prior condemnation of all acts of unlawful interference against the security of civil aviation and make a constructive contribution to bringing such criminal acts to an end. They strongly endorsed the draft resolution and hoped that the Libyan authorities would promptly and effectively comply with its provisions.

The Council then started the voting procedure on the draft resolution. Speaking before the vote, the representative of Zimbabwe said that the Security Council was doing the right thing in addressing the issue before it, as international terrorism constituted a grave threat to international peace and security. The draft resolution sought to achieve two main objectives, namely, to send a clear message that the Council was determined to deal firmly with terrorism; and to ensure that the accused were brought to trial. In Zimbabwe's view, that had to be achieved on the basis of the established legal norms and the existing international legal instruments applicable to acts of terrorism, in particular the 1971 Montreal Convention, which sought to implement the traditional precept of *aut dedere, aut punire* (extradite or punish). Zimbabwe welcomed the clear role given to the Secretary-General in resolving

the dispute, believing that it was appropriate that the Council took full advantage of his good offices.⁴⁷

The representative of Morocco considered that the cooperation requested in the draft resolution was fully justified with regard to the establishment of the facts, particularly the identity of the suspects in the case. However, with regard to the implications to be drawn from the responsibility of such persons, his country felt that the Council was touching upon the well-established principle of international law of "extradite or prosecute". Morocco did not share the view that adoption of the draft resolution enshrined any exception to that principle. The speaker added that the participation of the Secretary-General was the best guarantee of moving towards cooperation by all parties in establishing the truth and in implementing the legal proceedings already in train.⁴⁸

The representatives of Ecuador and Cape Verde echoed those views, stressing that their votes in favour of the draft resolution could not be regarded as favouring the setting of any precedent that could change the well-established rules and international practice on extradition; they looked to the Secretary-General to play a pivotal role in helping to bring about a negotiated solution.⁴⁹

The draft resolution⁵⁰ was then put to the vote and adopted unanimously as resolution 731 (1992), which reads:

The Security Council,

Deeply disturbed by the world-wide persistence of acts of international terrorism in all its forms, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and jeopardize the security of States,

Deeply concerned by all illegal activities directed against international civil aviation, and affirming the right of all States, in accordance with the Charter of the United Nations and relevant principles of international law, to protect their nationals from acts of international terrorism that constitute threats to international peace and security,

Reaffirming its resolution 286 (1970) of 9 September 1970, in which it called on States to take all possible legal steps to prevent any interference with international civil air travel,

⁴³ S/PV.3033, pp. 48-52.

⁴⁴ *Ibid.*, pp. 62-65 (Islamic Republic of Iran); pp. 37-40 (Iraq); pp. 31-37 (Sudan); pp. 53-57 (Yemen); and pp. 66-69 (Permanent Observer of OIC).

⁴⁵ *Ibid.*, pp. 62-65 (Islamic Republic of Iran).

⁴⁶ *Ibid.*, pp. 46-48 (Canada); and pp. 43-46 (Italy).

⁴⁷ *Ibid.*, pp. 70-71.

⁴⁸ *Ibid.*, pp. 57-61.

⁴⁹ *Ibid.*, pp. 72-73 and 74-77, respectively.

⁵⁰ S/23422.

Reaffirming also its resolution 635 (1989) of 14 June 1989, in which it condemned all acts of unlawful interference against the security of civil aviation and called upon all States to cooperate in devising and implementing measures to prevent all acts of terrorism, including those involving explosives,

Recalling the statement made on 30 December 1988 by the President of the Security Council on behalf of the members of the Council strongly condemning the destruction of Pan Am flight 103 and calling on all States to assist in the apprehension and prosecution of those responsible for this criminal act,

Deeply concerned over the results of investigations, which implicate officials of the Libyan Government and which are contained in Security Council documents that include the requests addressed to the Libyan authorities by France, the United Kingdom of Great Britain and Northern Ireland and the United States of America in connection with the legal procedures related to the attacks carried out against Pan Am flight 103 and Union de transports aériens flight 772,

Determined to eliminate international terrorism,

1. *Condemns* the destruction of Pan Am flight 103 and Union de transports aériens flight 772 and the resultant loss of hundreds of lives;

2. *Strongly deplores* the fact that the Libyan Government has not yet responded effectively to the above requests to cooperate fully in establishing responsibility for the terrorist acts referred to above against Pan Am flight 103 and Union de transports aériens flight 772;

3. *Urges* the Libyan Government immediately to provide a full and effective response to those requests so as to contribute to the elimination of international terrorism;

4. *Requests* the Secretary-General to seek the cooperation of the Libyan Government to provide a full and effective response to those requests;

5. *Urges* all States individually and collectively to encourage the Libyan Government to respond fully and effectively to those requests;

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

Speaking after the vote, the representative of the United States observed that the Council had been confronted with the extraordinary situation of a State and its officials being implicated in two ghastly bombings of civilian airliners. This was a situation to which standard procedures clearly did not apply. The issue at hand was not some difference of opinion or approach that could be mediated or negotiated. It was, as the Council had just recognized, conduct threatening to everyone, and a direct threat to international peace and security. The mandate of the Council required that it squarely face its responsibilities in this case; it must not be distracted by Libyan attempts to convert this

issue of international peace and security into one of bilateral differences. In adopting resolution 731 (1992), the Council had responded in a careful and prudent manner to a unique situation involving State-sponsored terrorist attacks on civil aviation. It had clearly reaffirmed the right of all States, in accordance with the Charter, to protect their citizens. The resolution made it clear that neither the Libyan Arab Jamahiriya nor any other State could seek to hide support for international terrorism behind traditional principles of international law and State practice. The Council would now be watching carefully how the Libyan Arab Jamahiriya responded. If further action should be necessary, which it hoped would not be the case, the United States was convinced that the Council was ready on a continuing basis to face up to its responsibilities.⁵¹

The President, speaking in his capacity as the representative of the United Kingdom, noted that the Council was meeting that day to consider two of the most horrific acts of terrorism that the world had seen. He stressed that it was the clear indication of Libyan Government involvement which had led his Government, together with those of France and the United States, to bring before the Council the failure of the Libyan Arab Jamahiriya to comply with their requests that the accused be made available for trial in Scotland or the United States and to cooperate with the French judicial authorities. It was this exceptional circumstance of government involvement that had made it appropriate for the Council to adopt a resolution urging the Libyan Arab Jamahiriya to comply with those requests. Over two months had passed since the requests had been made. No effective response had been received. Instead, the Libyan authorities had prevaricated and resorted to diversionary tactics. The request of the Libyan Arab Jamahiriya for arbitration under article 14 of the Montreal Convention was not relevant to the issue before the Council. The Council was not, in the words of that provision, dealing with a dispute between two or more contracting parties concerning the interpretation or application of the Montreal Convention. It was concerned, rather, with the proper reaction of the international community to the situation arising from failure of the Libyan Arab Jamahiriya, thus far, to respond effectively to the most serious accusations of State involvement in acts of terrorism.

⁵¹ S/PV.3033, pp. 78-81.

The two accused of bombing Pan Am flight 103 must face and receive a proper trial, either in Scotland where the crime had occurred or in the United States, as the aircraft was American. It had been suggested that the men might be tried in the Libyan Arab Jamahiriya. However, in the particular circumstances, there could be no confidence in the impartiality of the Libyan courts. As for the suggestion of a trial before some international tribunal, it was simply not practical: the International Court of Justice had no criminal jurisdiction; nor was there any other international tribunal with such jurisdiction. The speaker stated that, in addition to the need to bring to justice the perpetrators of those crimes, it was vital that the Council send an unequivocal message to other would-be terrorists. The Council's action should have an important deterrent effect. In future, terrorists operating with the connivance or support of a Government would know that they could be brought to trial in the country where their crime had been committed. The speaker stated that the Council was not, by the resolution just adopted, seeking to challenge in any way the domestic rules in those countries which prohibited the extradition of nationals, or to establish a broad precedent. It was dealing only with terrorism in which there was State involvement. In the circumstances of the present case, it must be clear to all that the State which was itself implicated in the acts of terrorism could not try its own officials.⁵²

The representative of France stated that the deliberate and wilful destruction of the French and American aircraft, causing the death of hundreds of victims, was a clear-cut case of international terrorism. The exceptional gravity of the attacks and the considerations connected with the restoration of law and security justified the Council's action. Like the previous speakers, he affirmed that the action could not constitute a precedent. He hoped that the unanimous reaction of the international community, as expressed in the resolution just adopted, would induce the Government of the Libyan Arab Jamahiriya to respond quickly to the requests of the juridical authorities conducting the investigation.⁵³

The representative of the Russian Federation stated that it was important, in accordance with universally acknowledged legal norms, that the judicial

organs of those countries to which the downed aircraft belonged and over whose territory the crime was committed should be allowed to deal with the case under consideration. The trial should be open and impartial. He added that the efforts of the international community to respond to the threat to international security and stability posed by acts of terrorism against civil aviation must be strengthened. The Russian Federation had supported the resolution just adopted in the belief that it was a step in that direction.⁵⁴

The representative of China said that his delegation had voted in favour of the resolution just adopted as it condemned terrorism and incorporated constructive proposals made by the non-aligned members which his delegation supported. However, he wished to reiterate his country's belief that the problem could be solved through consultations and diplomacy. Such an approach would avoid increasing the tension and would contribute to the maintenance of regional peace and security, as well as to upholding the Charter and the principles of international law. He stressed that the adoption of the resolution should not lead to any drastic action or exacerbate tensions.⁵⁵

The representative of India stated that by adopting resolution 731 (1992) the Council had taken cognizance of a dispute involving two or more States in an issue of manifest concern to the international community — international terrorism; the Council's need to act in the maintenance of international peace and security was therefore legitimate. However, the Council's decision could not be considered precedent setting. He stressed, moreover, the importance of recognizing and respecting national sovereignty, particularly in cases such as the one under consideration where delicate and complex international issues with implications for national sovereignty were concerned. He welcomed the Council's invocation of the services of the Secretary-General in the matter, adding that it was his delegation's understanding that the Secretary-General would report to the Council on the outcome of his efforts.⁵⁶

The representative of Venezuela said that the inability of the General Assembly to take a stand on the establishment of an international criminal tribunal had made it necessary for the Council to act. Although the

⁵² *Ibid.*, pp. 102-106.

⁵³ *Ibid.*, pp. 81-82.

⁵⁴ *Ibid.*, pp. 87-89.

⁵⁵ *Ibid.*, pp. 84-87.

⁵⁶ *Ibid.*, pp. 93-97.

measure just adopted was exceptional and had involved problems for many countries in the area of jurisdiction and extradition of nationals, the Council did have the necessary competence and had to be prepared to assume the enormous responsibility involved in filling the institutional gap, the result of the lack of alternative machinery to deal with crimes against mankind. There was no doubt that the action taken unanimously by the Council conferred legitimacy and representativeness on the resolution, the premise of which was limited strictly to acts of terrorism involving State participation. The speaker added in that regard that the countries that had sponsored resolution 731 (1992) — France, the United Kingdom and the United States — had worked with the group of non-aligned countries represented in the Council and had declared that the resolution was exceptional by its nature and could not be regarded in any way as a precedent, but was intended solely for those cases in which States were involved in acts of terrorism. Like other speakers, he expressed the hope that a peaceful settlement of the dispute could be achieved and, accordingly, deemed the urgent and active participation of the Secretary-General to be of special political and institutional importance.⁵⁷

Letters dated 20 and 23 December 1991

Report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992)

Further report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 731 (1992)

Decision of 31 March 1992 (3063rd meeting): resolution 748 (1992)

On 11 February 1992, the Secretary-General, pursuant to resolution 731 (1992), submitted to the Security Council a report on his efforts to seek the cooperation of the Government of the Libyan Arab Jamahiriya to provide a full and effective response to the requests referred to in resolution 731 (1992).⁵⁸ He informed the Council that the position of the Libyan authorities was as follows: (a) the Libyan Arab Jamahiriya had decided to accept “the French demands

since they were in conformity with international law and did not infringe upon the sovereignty of the Libyan Arab Jamahiriya”, and had asked the Secretary-General to so inform the Government of France. The Libyan authorities had also requested that the Secretary-General either set up a mechanism for the implementation of that aspect of the resolution or ask France and the Libyan Arab Jamahiriya to negotiate such a mechanism themselves; (b) as far as resolution 731 (1992) as a whole was concerned, the Libyan Arab Jamahiriya was ready to cooperate fully with the Security Council and with the Secretary-General “in the light of the statements made in the Security Council and in a way that would not infringe upon State sovereignty or violate the Charter of the United Nations and principles of international law”. Believing that a mechanism should be created for the implementation of resolution 731 (1992), the Libyan Arab Jamahiriya had invited the Secretary-General to create such a mechanism or to call upon the parties concerned to set one up. The Secretary-General had explained that his own role under resolution 731 (1992) was determined by the provisions of paragraph 4 of that resolution.

On 3 March 1992, the Secretary-General submitted to the Council a further report pursuant to paragraph 4 of resolution 731 (1992).⁵⁹ He stated that, after the issuance of his previous report, he had met on 17 February with the representatives of France, the United Kingdom and the United States. They had asked him to convey to the Libyan leader the following points on behalf of their Governments: (a) the expressed readiness of the Libyan Arab Jamahiriya to abide by resolution 731 (1992) represented a step forward only if it was supported by action; (b) in that connection, the three Governments supported the request of the Government of France and wished to be informed of the mechanism by which the Libyan authorities would hand over the records and documentation requested, and of where and when they intended to do so; (c) they also would like to know the time, place and modality of the hand-over by the Libyan authorities of the two persons charged and the information and evidence requested, and the precise measures the Libyan Government intended to take in order to end its support for terrorism in all its forms; (d) the three Governments had no objection to the hand-over taking place through the Secretary-General

⁵⁷ Ibid., pp. 98-102.

⁵⁸ S/23574.

⁵⁹ S/23672.

of the United Nations, in accordance with paragraph 4 of resolution 731 (1992); (e) they believed that their requests were clear and precise and that they did not require further clarification; and (f) with regard to the question of compensation, they sought to obtain assurances from the Libyan Arab Jamahiriya on its responsibility.

The Secretary-General reported that, in the course of two meetings with the Secretary-General's envoy, Colonel Qaddafi, the head of the Libyan State, had made the following points: (a) there were constitutional obstructions preventing the Libyan Arab Jamahiriya from handing over its citizens for trial abroad in the absence of an extradition treaty; (b) he might address an appeal to the Libyan people through the People's Committee, which might result in the removal of those obstructions; he did not indicate how long it might take to overcome the existing constitutional hurdles; (c) once the constitutional problems had been solved, the Libyan Arab Jamahiriya could be inclined to consider France as a possible venue for a trial of the Libyan citizens; however, France had not requested that any suspects be handed over to it for trial; (d) the suspects were free to hand themselves over voluntarily and the Government of the Libyan Arab Jamahiriya would not prevent them from doing so; (e) the possibility of handing over the suspects to the authorities of a third country, such as Malta or any Arab country, for trial might be considered; (f) improvement of bilateral relations between the Libyan Arab Jamahiriya and the United States would make it possible to hand over the two suspects to the United States authorities; (g) the Libyan Arab Jamahiriya was prepared to cooperate in every way possible to put an end to terrorist activities and sever its relations with all groups and organizations that targeted innocent civilians; it would not allow its territory, citizens or organizations to be used in any way for carrying out terrorist acts directly or indirectly, and would punish most severely anyone proved to be involved in such acts; (h) the Libyan Arab Jamahiriya considered that it was premature to discuss the question of compensation, which could only follow from a civil judgement; however, it guaranteed the payment of any compensation should Libyan nationals be found responsible and be unable to pay; and (i) the Libyan Arab Jamahiriya agreed to the French requests, and set out the means for giving effect to them.

The Secretary-General concluded from the foregoing that, while resolution 731 (1992) had not yet been complied with, there had been a certain evolution in the position of the Libyan authorities since his last report. He added that the Council might wish to consider that in deciding on its future course of action.

At its 3063rd meeting, held on 31 March 1992 in accordance with the understanding reached in its prior consultations, the Council included the Secretary-General's two reports in its agenda. The Council invited the representatives of Iraq, Jordan, the Libyan Arab Jamahiriya, Mauritania and Uganda, at their request, to participate in the discussion without the right to vote. The Council also extended, at the request of the representative of Morocco, an invitation under rule 39 of its provisional rules of procedure to Mr. Engin Ansay, Observer of OIC.

The President (Venezuela) then drew the attention of the Council members to a draft resolution submitted by France, the United Kingdom and the United States.⁶⁰ He also drew their attention to the following letters: letters dated 25 February and 18 March 1992 from the representative of the Libyan Arab Jamahiriya addressed to the Secretary-General;⁶¹ a letter dated 26 February 1992 from the representative of Portugal addressed to the Secretary-General;⁶² and a letter dated 23 March 1992 from the representative of Jordan addressed to the President of the Security Council.⁶³

At the same meeting, the representative of the Libyan Arab Jamahiriya stated that the primary objective of the United Nations and the Security Council, as laid down in Article 1 of the Charter, was to act by peaceful means in conformity with the principles of justice and international law in order to settle international disputes which might lead to a breach of the peace. Proceeding from that principle, the Libyan Arab Jamahiriya had expressed its willingness to find a peaceful and just solution to the dispute under consideration, reaffirmed its readiness to cooperate with the Secretary-General, and put forward many proposals. It was incorrect, therefore, to claim that his Government had not fully and effectively responded to the demands contained in resolution 731 (1992). He noted that, in accordance with Chapter VI of the

⁶⁰ S/23762.

⁶¹ S/23641 and S/23731.

⁶² S/23656.

⁶³ S/23745.

Charter, particularly paragraphs 2 and 3 of Article 36, the Council should take into consideration any procedures for the settlement of the dispute which had already been adopted by the parties, and the fact that legal disputes should, as a general rule, be referred by the parties to the International Court of Justice. He recalled, in that regard, that the Libyan Arab Jamahiriya had submitted the dispute to the International Court of Justice. Instead of taking those factors into account, however, the Council had bent to the requests of three States and moved directly to the implementation of Chapter VII of the Charter. He stated that the sponsors of the draft resolution had ignored Articles 39 and 40 and jumped directly to Article 41, threatening the Libyan Arab Jamahiriya with sanctions. He recalled that Article 39 related to action with respect to a threat to the peace, breach of the peace or act of aggression. That was not the case in the matter before the Council; the matter was a legal dispute concerning who should investigate the accused and who should put them on trial. Article 40 called upon the Council, before making the recommendations or deciding upon the measures provided for in Article 39, to call upon the parties to a dispute to comply with such provisional measures as it deemed necessary or desirable; the Council must take account of whether the parties to the dispute did or did not take such provisional measures. None of that had taken place. He concluded by expressing the hope that the Council would not take any measures that would adversely affect the credibility of the United Nations.⁶⁴

The representative of Jordan, speaking in his capacity as Chairman of the Group of Arab States at the United Nations, recalled that the League of Arab States had called for the establishment of a joint committee of the United Nations and LAS to achieve a peaceful settlement of the crisis; emphasized the need to resolve the conflict through negotiations, in accordance with Article 33 of the Charter; and urged the Security Council to avoid adopting any resolution calling for military, economic or diplomatic actions that might have a negative impact on the region, pending a decision by the International Court of Justice on the case submitted to it, and before giving a chance to the Committee established by LAS to produce results. He stressed that the Arab efforts within the League had not yet been exhausted and that they would be adversely affected by the adoption of the draft

⁶⁴ S/PV.3063, pp. 4-22.

resolution before the Council. He noted that the Libyan Arab Jamahiriya had confirmed its desire to contain the crisis and resolve it in accordance with international law and the provisions of Chapter VI of the Charter. Instead of rushing to put the draft resolution to the vote, the Council should give adequate time to all parties concerned and the Secretary-General, to seek a peaceful settlement within the framework of the Charter, especially its Article 33.⁶⁵

The representative of Mauritania, speaking on behalf of the five States members of the Arab Maghreb Union,⁶⁶ expressed concern that the draft resolution, in providing for sanctions, would condemn the Libyan people for an act for which responsibility had not yet been established. He believed that sanctions could be avoided, especially since the issue was basically juridical in nature and was currently before the International Court of Justice. Moreover, the Libyan Government had stated its willingness to comply with resolution 731 (1992), as well as with any judgement of the Court.⁶⁷

Mr. Engin Ansay, Observer of OIC, urged that economic or military action against the Libyan Arab Jamahiriya be averted, especially since the latter had indicated its willingness to cooperate with the Council.⁶⁸

The representative of Iraq asked, in relation to the draft resolution, whether the Council had exhausted all the means available to it under Chapter VI to secure compliance by the Libyan Arab Jamahiriya with resolution 731 (1992) and whether the Libyan Arab Jamahiriya had rejected that resolution, enabling the Council to move on to enforcement measures under Chapter VII; whether the Council had taken into account the adverse economic effects of the resolution on neighbouring States; and whether it had taken into account the humanitarian needs of the Libyan civilian population when it had considered and opted for enforcement measures.⁶⁹

The Council then started the voting procedure on the draft resolution. Speaking before the vote, the representative of Cape Verde stated that he intended to

⁶⁵ *Ibid.*, pp. 23-30.

⁶⁶ Algeria, Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia.

⁶⁷ S/PV.3063, pp. 31-33.

⁶⁸ *Ibid.*, pp. 42-44.

⁶⁹ *Ibid.*, pp. 34-38.

abstain for several reasons. First, the International Court of Justice should have a role to play whenever a legal issue was at stake, as mentioned in Article 36 (3) of the Charter. It would therefore be more appropriate for the Council to act after the Court — which was now seized with the matter — had decided the issue of jurisdiction. It was difficult, moreover, for Cape Verde to endorse measures that could run counter to its constitution which did not allow the extradition of its own nationals. Finally, his delegation believed that sanctions should be adopted only as a last resort and that the Council should first exhaust all possibilities for a negotiated peaceful solution. In the present case, had there been more time, a negotiated solution might have been worked out for the surrender of the two individuals.⁷⁰

The representative of Zimbabwe also expressed disquiet at invoking Chapter VII of the Charter in the circumstances. He thought that such action would be hasty, disregarded the Secretary-General's views, and overlooked some pertinent provisions of the Charter. In his view, recourse to sanctions should be considered only as a last resort, following the exhaustion of peaceful diplomatic means provided for under Chapter VI. That stage had not yet been reached. He observed, moreover, that the dispute before the Council was also the subject of consideration by the International Court of Justice. While there were no specific provisions in the Charter that precluded parallel considerations of the matter by the Council and the Court, he believed that the authors of the Charter intended the two bodies to complement each other's efforts rather than proceed in a manner that could produce contradictory results. He warned that by taking the Chapter VII route while the case was still pending before the world Court, the Council was risking a major institutional crisis. In his view, it would have been preferable for the Council to await the outcome of the judicial proceedings.⁷¹

The representative of India expressed support for the primary objective of the sponsors of the draft resolution — namely, to serve an unambiguous notice on all those engaged in acts of terrorism of the determination of the international community to combat terrorism and eradicate it. He had some differences, however, with the sponsors about the methods and means suggested at that stage, and would

accordingly abstain in the voting. He considered that the Council should take into account the considered judgement of the Secretary-General and the prevailing sentiment among the wider membership of the United Nations in taking such significant decisions. There had been some recent developments which suggested that more time and patience in the quest for a peaceful solution could have yielded better results. A related matter concerned the definition of the circumstances under which the sanctions either would not come into force at all or would be lifted. The non-aligned members of the Council and others had explored with the sponsors the injection of more precision into the relevant paragraphs. Regrettably, however, it had not been possible to remove the vagueness from the draft resolution on that point. He noted, further, that the judicial proceedings before the International Court of Justice had not yet run their course. A little delay in the Council's moving on to the next stage of its action would, therefore, have merited positive consideration. Finally, he highlighted the importance of Article 50 of the Charter. It was intended as the acknowledgement of the Council's responsibility to alleviate special problems of third countries arising from their carrying out enforcement measures under Chapter VII. In the light of past experience, his delegation considered that the draft resolution should have reflected that responsibility more clearly, as well as the Council's commitment to take concrete and effective measures to address urgently all such problems brought to its notice.⁷²

The representative of China explained that his country would abstain in the voting as it did not support the imposition of sanctions against the Libyan Arab Jamahiriya; they would not help settle the question but would further complicate the issue, aggravate regional tension and have serious economic consequences for the countries in the region. He appealed to the parties to continue their efforts to resolve their differences and hoped that the Secretary-General would continue to play an active role in that regard.⁷³

The representative of Morocco stated that his country, too, would abstain. Calling the attention of the sponsors of the draft resolution to Chapter VI of the Charter and Article 33, he said there remained every

⁷⁰ *Ibid.*, pp. 45-47.

⁷¹ *Ibid.*, pp. 50-55.

⁷² *Ibid.*, pp. 56-59.

⁷³ *Ibid.*, pp. 59-61.

reason to hope that a peaceful diplomatic solution was achievable. His country would pursue its efforts, both through direct contacts and within the framework of the Arab Maghreb Union and LAS, to achieve such a solution.⁷⁴

The draft resolution was then put to the vote and adopted by 10 votes in favour to none against, with 5 abstentions (Cape Verde, China, India, Morocco, Zimbabwe), as resolution 748 (1992), which reads:

The Security Council,

Reaffirming its resolution 731 (1992) of 21 January 1992,

Noting the reports of the Secretary-General of 11 February and 3 March 1992 submitted pursuant to paragraph 4 of Security Council resolution 731 (1992),

Deeply concerned that the Libyan Government has still not provided a full and effective response to the requests in its resolution 731 (1992),

Convinced that the suppression of acts of international terrorism, including those in which States are directly or indirectly involved, is essential for the maintenance of international peace and security,

Recalling that, in the statement issued on 31 January 1992 on the occasion of the meeting of the Security Council at the level of heads of State and Government, the members of the Council expressed their deep concern over acts of international terrorism, and emphasized the need for the international community to deal effectively with all such acts,

Reaffirming that, in accordance with the principle in Article 2, paragraph 4, of the Charter of the United Nations, every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when such acts involve a threat or use of force,

Determining, in this context, that the failure by the Libyan Government to demonstrate by concrete actions its renunciation of terrorism and in particular its continued failure to respond fully and effectively to the requests in resolution 731 (1992) constitute a threat to international peace and security,

Determined to eliminate international terrorism,

Recalling the right of States, under Article 50 of the Charter, to consult the Security Council where they find themselves confronted with special economic problems arising from the carrying out of preventive or enforcement measures,

Acting under Chapter VII of the Charter,

1. *Decides* that the Libyan Government must now comply without any further delay with paragraph 3 of resolution

731 (1992) regarding the requests addressed to the Libyan authorities by France, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

2. *Decides also* that the Libyan Government must commit itself definitively to cease all forms of terrorist action and all assistance to terrorist groups and that it must promptly, by concrete actions, demonstrate its renunciation of terrorism;

3. *Decides* that, on 15 April 1992, all States shall adopt the measures set out below, which shall apply until the Security Council decides that the Libyan Government has complied with paragraphs 1 and 2 above;

4. *Decides also* that all States shall:

(a) Deny permission to any aircraft to take off from, land in or overfly their territory if it is destined to land in or has taken off from the territory of Libya, unless the particular flight has been approved on grounds of significant humanitarian need by the Security Council Committee established by paragraph 9 below;

(b) Prohibit, by their nationals or from their territory, the supply of any aircraft or aircraft components to Libya, the provision of engineering and maintenance servicing of Libyan aircraft or aircraft components, the certification of airworthiness for Libyan aircraft, the payment of new claims against existing insurance contracts and the provision of new direct insurance for Libyan aircraft;

5. *Decides further* that all States shall:

(a) Prohibit any provision to Libya by their nationals or from their territory of arms and related material of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts for the aforementioned, as well as the provision of any types of equipment, supplies and grants of licensing arrangements, for the manufacture or maintenance of the aforementioned;

(b) Prohibit any provision to Libya by their nationals or from their territory of technical advice, assistance or training related to the provision, manufacture, maintenance, or use of the items in subparagraph (a) above;

(c) Withdraw any of their officials or agents present in Libya to advise the Libyan authorities on military matters;

6. *Decides* that all States shall:

(a) Significantly reduce the number and the level of the staff at Libyan diplomatic missions and consular posts and restrict or control the movement within their territory of all such staff who remain; in the case of Libyan missions to international organizations, the host State may, as it deems necessary, consult the organization concerned on the measures required to implement this subparagraph;

(b) Prevent the operation of all Libyan Arab Airlines offices;

⁷⁴ Ibid., pp. 61-64.

(c) Take all appropriate steps to deny entry to or expel Libyan nationals who have been denied entry to or expelled from other States because of their involvement in terrorist activities;

7. *Calls upon* all States, including States not members of the United Nations, and all international organizations, to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to 15 April 1992;

8. *Requests* all States to report to the Secretary-General by 15 May 1992 on the measures they have instituted for meeting the obligations set out in paragraphs 3 to 7 above;

9. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports submitted pursuant to paragraph 8 above;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the measures imposed by paragraphs 3 to 7 above;

(c) To consider any information brought to its attention by States concerning violations of the measures imposed by paragraphs 3 to 7 above and, in that context, to make recommendations to the Council on ways to increase their effectiveness;

(d) To recommend appropriate measures in response to violations of the measures imposed by paragraphs 3 to 7 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

(e) To consider and to decide upon expeditiously any application by States for the approval of flights on grounds of significant humanitarian need in accordance with paragraph 4 above;

(f) To give special attention to any communications in accordance with Article 50 of the Charter of the United Nations from any neighbouring or other State with special economic problems that might arise from the carrying out of the measures imposed by paragraphs 3 to 7 above;

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

11. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

12. *Invites* the Secretary-General to continue his role as set out in paragraph 4 of resolution 731 (1992);

13. *Decides* that the Security Council shall, every one hundred and twenty days or sooner, should the situation so require, review the measures imposed by paragraphs 3 to 7 above in the light of the compliance by the Libyan Government with paragraphs 1 and 2 above taking into account, as appropriate, any reports provided by the Secretary-General on his role as set out in paragraph 4 of resolution 731 (1992);

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

Speaking after the vote, the representative of the United States stated that the evidence of Libyan involvement in the terrorist acts against the two civilian airliners indicated a serious breach of international peace and security. It fully justified the adoption of sanctions under Chapter VII of the Charter as the appropriate next step in response to the refusal of the Libyan Arab Jamahiriya to comply with the specific requests made in resolution 731 (1992). The sanctions were measured, precise and limited. They were a multilateral, non-violent and peaceful response to violent and brutal acts. They were tailored to fit the offence and designed to penalize the Government of the Libyan Arab Jamahiriya, not its neighbours or any other State. By imposing sanctions, the international community was sending two clear signals: that it would not tolerate such threats to international peace and security; and that it was prepared to take concerted political action against the continuing defiance of international obligations and norms of behaviour represented by Libyan State-supported terrorism. That message was the surest guarantee that the Security Council, using its specific, unique powers under the Charter, would preserve the rule of law and ensure the peaceful resolution of threats to international peace and security, now and in the future. The pause in the implementation of the sanctions gave the Libyan Arab Jamahiriya the opportunity to bring this chapter to an end quickly; the choice was up to it.⁷⁵

The representative of the United Kingdom noted that 10 weeks had passed since the adoption of resolution 731 (1992); yet the Libyan Government had taken no serious step towards compliance with the requests of the three Governments as it had been urged to do. It was some four months since those requests had first been made, and the Libyan Arab Jamahiriya continued to prevaricate and to impede action by the Council. One of the Libyan suggestions had been that

⁷⁵ S/PV.3063, pp. 66-68.

compliance with the requests in resolution 731 (1992) should await the outcome of the proceedings instituted by it in the International Court of Justice. The United Kingdom believed that the application of the Libyan Arab Jamahiriya was in fact directed at interfering with the exercise by the Council of its functions and prerogatives under the Charter of the United Nations. The Council was fully entitled to deal with issues of terrorism and the measures needed to address acts of terrorism in any particular case or to prevent it in the future. Any other view would undermine the primary responsibility for the maintenance of peace and security conferred on the Council by Article 24 of the Charter. Regrettably, the efforts made by the Secretary-General, by many Governments, and the Arab Ministers who had gone to Tripoli the week before had been unsuccessful in persuading the Libyan Arab Jamahiriya to comply with resolution 731 (1992). That was why the Council now needed to take a further step. The resolution just adopted was a proportionate and carefully measured response to the threat posed by the Libyan Government's actions in support of terrorism and its failure to respond positively to resolution 731 (1992). The sole objective of the sanctions imposed by the resolution was to secure compliance with paragraphs 1 and 2 thereof. The sanctions themselves were tailored precisely to that objective, being limited to three specific areas: aviation, arms and Libyan Government overseas offices and officials. The speaker added that the resolution took account of a number of concerns raised by members of the Council. Thus, for example, the exception for humanitarian flights had been designed so as to cover flights connected with the hajj. It also included, at the request of certain neighbouring countries, references to the right of States, under Article 50, to consult the Council if they were confronted with special economic problems as a result of the sanctions. Noting that the sanctions, themselves, would not be brought into force until 15 April, he expressed the hope that the Libyan Arab Jamahiriya would use the pause to take the steps required to avoid the imposition of sanctions. Finally, he noted that the review clause in paragraph 13 of the resolution made it clear that the Council would be ready to respond positively in the event of Libyan compliance.⁷⁶

The representative of France, too, underlined that the sanctions imposed were balanced, appropriate and

⁷⁶ *Ibid.*, pp. 68-72.

selective. They applied to three areas — arms, aviation and diplomatic and consular personnel — that could be used to support international terrorism; and were not aimed at the Libyan people. He concluded by stressing that the resolution provided the Libyan leaders with a final deadline of 15 April and hoped that they would make proper use of the delay.⁷⁷

The representatives of Belgium, Hungary and the Russian Federation observed that for two months the Secretary-General, LAS and other countries had sought to convince the Libyan authorities to heed the will of the international community. As those efforts had not produced the desired results, the Council had no alternative but to adopt another resolution providing for enforcement action, to preserve the Council's credibility and ensure compliance with its previous resolution. The speakers hoped that the Libyan Government would take advantage of the two-week delay before the imposition of sanctions to reconsider its position.⁷⁸

The representative of Austria echoed the view that the envisaged sanctions were not punishment; they were intended to make a member of the international community comply with its obligations under the Charter of the United Nations. He added that they would have to be lifted once full implementation by the country concerned had been achieved. That was why Austria had always stressed the necessity of establishing objective criteria for the provisions on the termination of sanctions. In that context, the speaker drew attention in particular to paragraphs 12 and 13 of resolution 748 (1992).⁷⁹

The President, speaking in his capacity as the representative of Venezuela, said that it was his delegation's understanding that the Council and the International Court of Justice were independent of each other, and that each of those organs in the United Nations system should exercise its jurisdiction autonomously. Although it would have been desirable for there to be a simultaneous decision by the two forums, the absence of such a decision could not inhibit the actions which one or other of them might take.⁸⁰

⁷⁷ *Ibid.*, pp. 73-74.

⁷⁸ *Ibid.*, pp. 81-82 (Belgium); pp. 76-77 (Hungary); pp. 79-81 (Russian Federation).

⁷⁹ *Ibid.*, pp. 77-78.

⁸⁰ *Ibid.*, pp. 82-84.

**Decision of 12 August 1992: statement by the
President**

On 12 August 1992, following consultations among the members of the Council, the President of the Council made the following statement on behalf of the Council:⁸¹

The members of the Council held informal consultations on 12 August 1992 pursuant to paragraph 13 of resolution 748 (1992) of 31 March 1992, by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

After hearing all the opinions expressed in the course of the consultations, the President concluded that there was no agreement among members of the Council that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992).

**Decision of 9 December 1992: statement by the
President**

On 9 December 1992, following consultations among the members of the Council, the President of the Council made the following statement on behalf of the Council:⁸²

The members of the Council held informal consultations on 9 December 1992 pursuant to paragraph 13 of resolution 748 (1992) of 31 March 1992, by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992).

**C. Letter dated 2 April 1992 from the
Permanent Representative of
Venezuela to the United Nations
addressed to the President of the
Security Council**

By a letter dated 2 April 1992 addressed to the President of the Security Council,⁸³ the representative of Venezuela, invoking rule 3 of the provisional rules

⁸¹ S/24424.

⁸² S/24925.

⁸³ S/23771.

of procedure of the Security Council, requested an urgent meeting of the Council to bring to its attention the violation of the diplomatic mission of Venezuela in Tripoli on 2 April 1992. He stated that the incident not only constituted a direct violation of international law, as it involved the non-observance by the Libyan Arab Jamahiriya of the basic duties of all host States to provide appropriate security and protection to diplomatic missions in their territories; it was also a hostile act directly related to action taken against the Libyan Arab Jamahiriya by the Security Council in resolution 748 (1992), adopted on 31 March 1992.⁸⁴

**Decision of 2 April 1992 (3064th meeting):
statement by the President**

At its 3064th meeting, on 2 April 1992, the Security Council included the letter from Venezuela in its agenda and began consideration of the item. At the same meeting, following consultations held earlier among the members of the Council, the President (Zimbabwe) made the following statement on behalf of the Council:⁸⁵

The Council strongly condemns the violent attacks on and destruction of the premises of the Embassy of Venezuela in Tripoli that took place today. The fact that these intolerable and extremely grave events have been directed not only against the Government of Venezuela but also against and in reaction to Council resolution 748 (1992) of 31 March 1992 underlines the seriousness of the situation.

The Council demands that the Government of the Libyan Arab Jamahiriya take all necessary measures to honour its international legal obligations to ensure the security of the personnel and to protect the property of the Embassy of Venezuela and of all other diplomatic and consular premises or personnel present in the Libyan Arab Jamahiriya, including

⁸⁴ See also a letter of 2 April 1992 from the representative of Venezuela to the President of the Council, transmitting a public statement issued by the Government of Venezuela concerning the attack (S/23776). The statement reported that a mob of students had broken into the Embassy, shouting slogans against Venezuela because of the latter's vote in the Security Council in favour of the "anti-terrorist" resolution on 31 March 1992, and had ransacked and destroyed the premises. Neither the Libyan guards assigned to protect the Embassy nor anyone from the Tripoli police force had intervened to stop the looting and arson, which had been carried out with complete impunity. On the adoption of resolution 748 (1992), see section 3.B of the present chapter.

⁸⁵ S/23772.

those of the United Nations and related organizations, from acts of violence and terrorism.

The Council further demands that the Libyan Arab Jamahiriya pay to the Government of Venezuela immediate and full compensation for the damage caused.

Any suggestion that those acts of violence were not directed against the Government of Venezuela but against and in reaction to resolution 748 (1992) is extremely serious and totally unacceptable.

By a letter dated 8 April 1992 addressed to the President of the Security Council,⁸⁶ the representative of Venezuela reported on the official reply received from the Libyan Arab Jamahiriya to the Venezuelan protest note. The Libyan Arab Jamahiriya had conveyed its “deepest regret and apologies” for the damage sustained by the Venezuelan Embassy in Tripoli. It had also stated in its note that it took responsibility for the consequences of the incident and would provide compensation “in the fairest manner so as to satisfy the Government of Venezuela”.

⁸⁶ S/23796.

4. The situation in Mozambique

Initial proceedings

By a letter dated 10 August 1992 addressed to the Secretary-General,¹ the representative of Mozambique transmitted the text of a Joint Declaration signed at Rome on 7 August 1992 by the President of Mozambique and the President of the Resistência Nacional Moçambicana (RENAMO), in connection with the ongoing peace process in Mozambique. The parties agreed therein, inter alia, to accept the role of the international community, and especially that of the United Nations, in monitoring and guaranteeing the implementation of a contemplated General Peace Agreement, particularly the ceasefire and the electoral process.

By a letter dated 6 October 1992 addressed to the Secretary-General,² the representative of Mozambique transmitted a letter dated 4 October 1992 from the President of Mozambique to the Secretary-General, enclosing the text of a General Peace Agreement for Mozambique signed that day in Rome by the Government of Mozambique and RENAMO. In his letter, the President of Mozambique requested the participation of the United Nations in monitoring and ensuring implementation of the Agreement, in providing technical assistance for the general elections, and in monitoring those elections. He also asked the Secretary-General to inform the Security Council of his request that a United Nations team be sent to Mozambique to monitor the Agreement until the

holding of general elections which would take place one year after the signing of the Agreement. According to protocol IV, the United Nations was expected to start its functions of verifying and monitoring the ceasefire upon the entry into force of the Agreement, which should take place no later than 15 October 1992. However, the Government wished to see the monitoring mechanisms established in the field as soon as possible.

On 9 October 1992, the Secretary-General submitted to the Security Council a report,³ in which he described the status of the peace process, summarized the principal features of the General Peace Agreement, including the role proposed by the United Nations in monitoring it, and outlined an immediate plan of action. He noted that the Agreement provided for the following: a ceasefire which was to come into effect on the day on which the Agreement itself entered into force, not later than 15 October 1992; the separation of the two sides' forces and their concentration in certain designated assembly areas; demobilization and reintegration of those troops who were not to serve in the new Mozambican Defence Force, within six months of the entry into force of the Agreement; and, in parallel with these military arrangements, the creation of new political parties; preparations for presidential and legislative elections to take place simultaneously, one year after the entry into force of the Agreement; and the provision of

¹ S/24406.

² S/24635 and Corr.1.

³ S/24642.