

GENERAL ASSEMBLY RESOLUTION 46/59
DECLARATION ON FACT-FINDING BY THE UNITED NATIONS IN THE
FIELD OF THE MAINTENANCE OF
INTERNATIONAL PEACE AND SECURITY

The topic of fact-finding by the United Nations in the field of the maintenance of international peace and security was first raised during the 1985 session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, in the context of its mandate to examine ways of strengthening the role of the United Nations with regard to the maintenance and consolidation of international peace and security in accordance with General Assembly resolution 3499 (XXX) of 15 December 1975 (A/40/33). However, discussions then proceeded at the Special Committee for the next few years within the context of the consideration of the proposal contained in the working papers on the establishment of a commission for good offices, mediation and conciliation submitted to the General Assembly by Nigeria, the Philippines and Romania (A/C.6/39/L.2).

At the forty-third session of the General Assembly, following the recommendation of its Sixth Committee (A/43/886), the Assembly adopted resolution 43/170 on 9 December 1988, by which it requested, *inter alia*, the Special Committee, at its 1989 session, to accord priority to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations. In that context, the Assembly requested the Special Committee to consider proposals concerning fact-finding activities by the United Nations, and requested the Special Committee to report on its work on the topic to the General Assembly at its forty-fourth session under the ongoing item of its agenda related to the annual report of the Special Committee.

At its 1989 session, the Special Committee held a series of meetings between 29 March and 6 April 1989 during which it considered the matter entrusted to it under General Assembly resolution 43/170. At these meetings, the Special Committee had before it a working paper (A/AC.182/L.60) submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain entitled "Fact-finding by the United Nations to assist in the maintenance of international peace and security", as well as another working paper on the matter (A/AC.182/L.62) submitted by Czechoslovakia and the German Democratic Republic, entitled "Fact-finding activities by the United Nations in the context of the maintenance of international peace and security". These working papers served as the basis for a detailed preliminary discussion in the Committee (A/44/33).

At the forty-fourth session of the General Assembly, following the recommendation of its Sixth Committee (A/44/768), the Assembly adopted resolution 44/37 on 4 December 1989, by which it took note of the report of the Special Committee and requested the Committee, at its 1990 session, to continue to accord priority to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations. In that context, the resolution requested the Special Committee to primarily consider the question of fact-finding activities by the United Nations on the basis of proposals and suggestions before the Committee, and report on its work to the General Assembly at its forty-fifth session.

At its 1990 session, during a series of meetings held between 12 and 15 February and between 20 and 27 February 1990, the Special Committee had before it revised versions of the working papers (A/AC.182/L.60/Rev.1 and A/AC.182/L.62/Rev.1)

submitted during its previous session. A joint discussion of the revised working papers in the Special Committee was undertaken, structured into eight clusters: introduction and definition; the starting of a fact-finding mission; the Secretary-General; the question of consent and that of a unilateral declaration; the co-operation of States with fact-finding missions; information-gathering; savings clauses; and the Security Council and the General Assembly. After debate within the Working Group of the Whole, the co-sponsors presented a unified draft document (A/AC.182/L.66) to the Special Committee entitled "Fact-finding by the United Nations in the field of the maintenance of international peace and security". The unified draft document was subject to extensive commentary made by delegations during informal consultations held by the Chairman of the Special Committee (A/45/33).

At the forty-fifth session of the General Assembly, following the recommendation from its Sixth Committee (A/45/739), the Assembly adopted resolution 45/44 of 28 November 1990, by which the Assembly took note, *inter alia*, of the report of the Special Committee and requested the Committee, at its 1991 session, to endeavour to complete its consideration of the proposal on fact-finding by the United Nations in the field of the maintenance of international peace and security with a view to submitting its conclusions, in an appropriate form, to the General Assembly at its forty-sixth session.

At its 1991 session, during a series of meetings held from 4 to 22 February, the Special Committee considered a revised version of the unified draft document on fact-finding by the United Nations in the field of the maintenance of peace and security submitted by the co-sponsors at the previous session (A/AC.182/L.66/Rev.1), as well as a further revised version of that document (A/AC.182/L.70). As a result of intensive discussions, the Special Committee completed its work and decided to submit to the General Assembly for consideration and adoption a "Draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security" (A/46/33).

At the forty-sixth session of the General Assembly, the Sixth Committee considered the draft declaration at several meetings (A/C.6/46/SR.6-11, 35-38). On 15 November 1991, a joint draft resolution (A/C.6/46/L.9) was introduced by Germany, with 16 co-sponsors, which was based on the proposal of the Special Committee and which was approved by the Sixth Committee on the same day. On 21 November 1991, in its report to the General Assembly (A/46/690), the Sixth Committee thus recommended that the General Assembly adopt a resolution to this effect. On 9 December 1991, the General Assembly accordingly adopted, without a vote, resolution 46/59.