

103^D CONGRESS
1ST SESSION

S. J. RES. 112

Entitled the “Collective Security Participation Resolution”.

IN THE SENATE OF THE UNITED STATES

JULY 14 (legislative day, JUNE 30), 1993

Mr. BIDEN (for himself, Mr. PELL, Mr. BOREN, and Mr. SIMON) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

JOINT RESOLUTION

Entitled the “Collective Security Participation Resolution”.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. TITLE.**

4 This resolution may be cited as the “Collective Secu-
5 rity Participation Resolution”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) The global framework embodied in the
9 United Nations Charter for maintaining inter-
10 national peace and security, forged with American
11 leadership at the end of World War II, for four dec-

1 ades largely failed to provide security guarantees
2 promised by the charter.

3 (2) The end of the cold war has opened unprec-
4 edented opportunity for multilateral cooperation,
5 under United Nations auspices, to maintain and,
6 where necessary, restore the peace through collective
7 military and other actions.

8 (3) Collective military action in response to
9 Iraq's invasion of Kuwait was taken under article 42
10 of the United Nations Charter, under which the Se-
11 curity Council may undertake "operations by air,
12 sea, or land forces of members of the United
13 Nations".

14 (4) With the authorization of the Security
15 Council under chapter VII of the charter, and pursu-
16 ant to authorization by the Congress, the United
17 States undertook military actions in Kuwait and
18 Iraq as leader of a multinational coalition with
19 United Nations sanction;

20 (5) Despite Security Council approval of an
21 armed mission to Somalia to protect international
22 relief operations from attack, efforts to assemble an
23 effective force faltered until the United States of-
24 fered to make a substantial military commitment
25 there under United Nations auspices, after which a

1 considerable number of other nations volunteered
2 small military contingents.

3 (6) The charter contemplates that the Security
4 Council might take action to maintain or restore
5 international peace and security with forces made
6 available to the Council pursuant to article 43,
7 which provides that “all members undertake to make
8 available to the Security Council, on its call and in
9 accordance with a special agreement or agreements,
10 armed forces, assistance, and facilities, including
11 rights of passage necessary for the purpose of main-
12 taining international peace and security”.

13 (7) Although article 43 provides that “the
14 agreement or agreements shall be negotiated as soon
15 as possible,” no agreement under article 43 has ever
16 been reached during the United Nations’ forty-eight-
17 year history.

18 (8) From the American perspective, the formal
19 designation of forces from various nations under ar-
20 ticle 43 offers the opportunity to involve other na-
21 tions more promptly and reliably in future collective
22 security actions, and could thereby strengthen the
23 institutions of collective security while spreading the
24 burden of collective security more equitably.

1 (9) United States leadership in achieving spe-
2 cial agreements among members of the United
3 Nations under article 43 would therefore serve the
4 interests of the United States and of all United
5 Nations members.

6 (10) The United Nations Participation Act of
7 1945 (22 U.S.C. 287d) provides that—

8 (A) the President is authorized to nego-
9 tiate an agreement with the Security Council
10 “providing for the numbers and types of armed
11 forces, their degree of readiness and general lo-
12 cations, and the nature of facilities and assist-
13 ance, including rights of passage, to be made
14 available to the Security Council on its call for
15 the purpose of maintaining international peace
16 and security in accordance with article 43 of
17 the charter”;

18 (B) any such agreement “shall be subject
19 to the approval of the Congress by appropriate
20 Act or joint resolution”;

21 (C) “the President shall not be deemed to
22 require the authorization of the Congress to
23 make available to the Security Council on its
24 call . . . pursuant to such special agreement

1 or agreements the Armed Forces, facilities, or
2 assistance provided for therein”; and

3 (D) this authorization shall not be “con-
4 strued as an authorization to the President by
5 the Congress to make available to the Security
6 Council for such purpose armed forces, facili-
7 ties, or assistance in addition to the forces, fa-
8 cilities, and assistance provided for in such spe-
9 cial agreement or agreements.”

10 **SEC. 3. AGREEMENT AND ACTION UNDER ARTICLE 43 OF**
11 **THE UNITED NATIONS CHARTER.**

12 (a) OBLIGATIONS UNDER ARTICLE 43 OF THE
13 UNITED NATIONS CHARTER.—Congress finds that mem-
14 bers of the United Nations are obligated under the charter
15 to act “as soon as possible on the initiative of the Security
16 Council” to negotiate “a special agreement or agree-
17 ments” under article 43 to make available to the Security
18 Council forces and facilities necessary “for the purpose of
19 maintaining international peace and security”.

20 (b) NEGOTIATION OF AGREEMENT.—Congress urges
21 the President to initiate discussions among members of
22 the Security Council, the General Assembly, and the Mili-
23 tary Staff Committee leading to negotiations, under article
24 43 of the United Nations Charter, of “a special agreement
25 or agreements” with equitable terms under which des-

1 ignated forces from various countries, including the
2 United States, would be available to the Security Council.

3 (c) UNITED STATES SITE FOR INTERNATIONAL
4 FORCES TRAINING.—Congress affirms its support of the
5 commitment made to the United Nations General Assem-
6 bly by President George Bush to make bases and facilities
7 available to the Security Council for multinational training
8 of forces under the United Nations.

9 (d) CONGRESSIONAL ROLE.—Congress—

10 (1) urges the President to consult with the
11 Committee on Foreign Affairs and the Committee on
12 Armed Services of the House of Representatives and
13 the Committee on Foreign Relations and the Com-
14 mittee on Armed Services of the Senate in the
15 course of negotiating an article 43 agreement; and

16 (2) expresses its intent to give prompt consider-
17 ation to any such agreement negotiated under article
18 43 of the charter.

19 (e) PRESIDENTIAL AUTHORITY PURSUANT TO CON-
20 GRESSIONAL APPROVAL OF AN ARTICLE 43 AGREE-
21 MENT.—Congress reaffirms its commitment to the prin-
22 ciple, embodied in the United Nations Participation Act
23 of 1945, that congressional approval of a United States
24 agreement under article 43 of the charter shall have the
25 effect of providing the President with full authority to di-

1 rect that the United States armed forces designated in
2 such agreement be employed as may be necessary to sup-
3 port decisions of the United Nations Security Council.

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