

103^D CONGRESS
1ST SESSION

H. J. RES. 227

Calling upon the President to initiate discussions with members of the United Nations for the purpose of entering into agreements providing for an equitable sharing of responsibility among those members relating to armed forces available to the United Nations Security Council, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1993

Mr. TORRICELLI introduced the following joint resolution; which was referred to the Committee on Foreign Affairs

JOINT RESOLUTION

Calling upon the President to initiate discussions with members of the United Nations for the purpose of entering into agreements providing for an equitable sharing of responsibility among those members relating to armed forces available to the United Nations Security Council, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This joint resolution may be cited as the “Collective
3 Security Participation Resolution”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) the global framework embodied in the
7 United Nations Charter for maintaining inter-
8 national peace and security, forged with American
9 leadership at the end of World War II, for four dec-
10 ades largely failed to provide security guarantees
11 promised by the Charter;

12 (2) the end of the Cold War has opened unprec-
13 edented opportunity for multilateral cooperation,
14 under United Nations auspices, to maintain and,
15 where necessary, restore the peace through collective
16 military and other actions;

17 (3) collective military action in response to
18 Iraq’s invasion of Kuwait was taken under Article
19 42 of the United Nations Charter, under which the
20 Security Council may undertake “operations by air,
21 sea, or land forces of Members of the United Na-
22 tions”;

23 (4) with the authorization of the Security Coun-
24 cil under Chapter VII of the Charter, and pursuant
25 to authorization by the Congress, the United States
26 undertook military actions in Kuwait and Iraq as

1 leader of a multinational coalition with United Na-
2 tions sanction;

3 (5) despite Security Council approval of an
4 armed mission to Somalia to protect international
5 relief operations from attack, efforts to assemble an
6 effective force faltered until the United States of-
7 fered to make a substantial military commitment
8 there under United Nations auspices, after which a
9 considerable number of other nations volunteered
10 small military contingents;

11 (6) the Charter contemplates that the Security
12 Council might take action to maintain or restore
13 international peace and security with forces made
14 available to the Council pursuant to Article 43,
15 which provides that “all members undertake to make
16 available to the Security Council, on its call and in
17 accordance with a special agreement or agreements,
18 armed forces, assistance, and facilities, including
19 rights of passage necessary for the purpose of main-
20 taining international peace and security”;

21 (7) although Article 43 provides that “the
22 agreement or agreements shall be negotiated as soon
23 as possible,” no agreement under Article 43 has ever
24 been reached during the United Nations forty-eight-
25 year history;

1 (8) from the American perspective, the formal
2 designation of forces from various nations under Ar-
3 ticle 43 offers the opportunity to involve other na-
4 tions more promptly and reliably in future collective
5 security actions, and could thereby strengthen the
6 institutions of collective security while spreading the
7 burden of collective security more equitably;

8 (9) United States leadership in achieving spe-
9 cial agreements among members of the United Na-
10 tions under Article 43 would therefore serve the na-
11 tional interests of the United States and of all Unit-
12 ed Nations members; and

13 (10) The United Nations Participation Act of
14 1945 (22 U.S.C. 287d) provides that—

15 (A) the President is authorized to nego-
16 tiate an agreement with the Security Council
17 “providing for the numbers and types of armed
18 forces, their degree of readiness and general lo-
19 cations, and the nature of facilities and assist-
20 ance, including rights of passage, to be made
21 available to the Security Council on its call for
22 the purpose of maintaining international peace
23 and security in accordance with Article 43 of
24 the charter”;

1 (B) any such agreement “shall be subject
2 to the approval of the Congress by appropriate
3 Act or joint resolution”;

4 (C) “the President shall not be deemed to
5 require the authorization of the Congress to
6 make available to the Security Council on its
7 call . . . pursuant to such special agreement or
8 agreements the armed forces, facilities, or as-
9 sistance provided for therein”; and

10 (D) this authorization shall not be “con-
11 strued as an authorization to the President by
12 the Congress to make available to the Security
13 Council for such purpose armed forces, facili-
14 ties, or assistance in addition to the forces, fa-
15 cilities, and assistance provided for in such spe-
16 cial agreement or agreements”.

17 **SEC. 3. AGREEMENT AND ACTION UNDER ARTICLE 43 OF**
18 **THE UNITED NATIONS CHARTER.**

19 (a) OBLIGATIONS UNDER ARTICLE 43 OF THE
20 UNITED NATIONS CHARTER.—Congress finds that mem-
21 bers of the United Nations are obligated under the Char-
22 ter to act “as soon as possible on the initiative of the Secu-
23 rity Council” to negotiate “a special agreement or agree-
24 ments” under Article 43 to make available to the Security

1 Council forces and facilities necessary “for the purpose of
2 maintaining international peace and security”.

3 (b) NEGOTIATION OF AGREEMENT.—Congress urges
4 the President to initiate discussions among members of
5 the Security Council, the General Assembly, and the Mili-
6 tary Staff Committee leading to negotiations, under Arti-
7 cle 43 of the United Nations Charter, of “a special agree-
8 ment or agreements” with equitable terms under which
9 designated forces from various countries, including the
10 United States, would be available to the Security Council.

11 (c) UNITED STATES SITE FOR INTERNATIONAL
12 FORCES TRAINING.—Congress affirms its support of the
13 commitment made to the United Nations General Assem-
14 bly by President George Bush to make bases and facilities
15 available to the Security Council for multinational training
16 of forces under the United Nations.

17 (d) CONGRESSIONAL ROLE.—Congress—

18 (1) urges the President to consult with the
19 Committee on Foreign Affairs and the Committee on
20 Armed Services of the House of Representatives and
21 the Committee on Foreign Relations and the Com-
22 mittee on Armed Services of the Senate in the
23 course of negotiating an Article 43 agreement; and

1 (2) expresses its intent to give prompt consider-
2 ation to any such agreement negotiated under Arti-
3 cle 43 of the charter.

4 (e) PRESIDENTIAL AUTHORITY PURSUANT TO CON-
5 GRESSIONAL APPROVAL OF AN ARTICLE 43 AGREE-
6 MENT.—Congress reaffirms its commitment to the prin-
7 ciple, embodied in the United Nations Participation Act
8 of 1945, that congressional approval of a United States
9 agreement under Article 43 of the charter shall have the
10 effect of providing the President with full authority to di-
11 rect that the United States Armed Forces designated in
12 such agreement be employed as may be necessary to sup-
13 port decisions of the United Nations Security Council.

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