

Chapter V

SUBSIDIARY ORGANS OF THE SECURITY COUNCIL

CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE	69
PART I. OCCASIONS ON WHICH SUBSIDIARY ORGANS OF THE SECURITY COUNCIL WERE ESTABLISHED OR PROPOSED	
Note	69
A. Involving, to facilitate their work, meetings at places away from the seat of the Organization	72
1. Subsidiary organs established	72
**2. Subsidiary organs proposed but not established	81
B. Not involving, to facilitate their work, meetings at places away from the seat of the Organization	81
1. Subsidiary organs established	81
**2. Subsidiary organs proposed but not established	82
**PART II. CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS	
**A. Consideration of procedure in the establishment of subsidiary organs	82
**B. Consideration of the procedure of consultation between permanent members	82
**C. Consideration of the procedure of delegation of functions	82
**D. Consideration of the procedure of modification of terms of reference	82
**E. Consideration of the procedure of termination	82

INTRODUCTORY NOTE

The material included in this chapter covers procedures of the Security Council relating to the establishment and control of its subsidiary organs deemed necessary for the performance of its functions under the Charter of the United Nations.

Part I, "Occasions on which subsidiary organs of the Security Council have been established or proposed", includes seven instances (cases 1-3, 5, 7, 10 and 11) in which the Council authorized the Secretary-General to set up a subsidiary organ and five instances (cases 4, 6, 8, 9 and 12) in which the Council itself decided to establish a subsidiary organ.

During the period covered by the present *Supplement*, there were no instances in which a subsidiary organ was formally proposed but not established.

In cases where subsidiary organs were set up by the Secretary-General pursuant to Council resolutions, no

implication is intended whether these bodies do or do not come within Article 29.

Part II of the present chapter contains no entries, as there were no instances during the period under review of consideration by the Council of procedures to be followed relative to the establishment of subsidiary organs.

Article 29 of the Charter

"The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions."

Rule 28 of the provisional rules of procedure

"The Security Council may appoint a commission or committee or a rapporteur for a specified question."

Part I

OCCASIONS ON WHICH SUBSIDIARY ORGANS OF THE SECURITY COUNCIL WERE ESTABLISHED OR PROPOSED

NOTE

During the period under review, the Council: (a) requested the Secretary-General to enter into immediate consultations with the parties concerned and interested and to report to the Council on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the situation in Western Sahara;¹ (b) requested the Secretary-General to send a special representative to East Timor for the purpose of making an on-the-spot assessment of the situation and of establishing contact with the parties in the Territory and all States concerned, and, taking into account the report of his special representative, to submit recommendations to the Council;² (c) accepted the invitation of the Government of Botswana, in connection with its complaint against the illegal régime in Southern Rhodesia concerning violations of its territorial sovereignty, to dispatch a mission to assess the needs of Botswana in carrying out its development projects under the current circumstances, and requested the Secretary-General to organize financial and other forms of assistance and to report to the Council;³ (d) decided to send a special mission composed of three members of the Council to Benin to investigate the events at Cotonou of 16 January 1977 and to report to the Council;⁴ (e) requested the Secretary-General to appoint, in consultation with the members of the Council, a representative to enter into discussions with the British Resident Commissioner designate and with all the parties concerning the military and associated arrangements considered necessary to effect

the transition to majority rule in Southern Rhodesia, and to report to the Council;⁵ (f) decided to establish a Committee of the Council to survey the implementation of resolution 418 (1977) concerning the question of South Africa;⁶ (g) decided to establish immediately a United Nations Interim Force in Lebanon;⁷ (h) requested the Secretary-General to appoint a special representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;⁸ (i) established a commission consisting of three members of the Council to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, and requested the commission to report to the Council;⁹ (j) decided to establish an *ad hoc* committee composed of four members of the Council to assist the Council in the implementation of resolution 455 (1979) concerning the complaint by Zambia, and requested the committee to report to the Council;¹⁰ (k) requested the Secretary-General to lend his good offices for the release of the United States personnel held at Teheran and the peaceful resolution of the remaining issues between the United States and Iran, and to report to the Council;¹¹ and (l) welcomed and supported the Secretary-General's offer of his good offices to resolve the conflict between Iran and Iraq, and his decision in that connection to send a special representative to the region.¹²

¹Case 5, resolution 415 (1977).

²Case 12, resolution 421 (1977).

³Case 6, resolution 425 (1978).

⁴Case 7, resolution 431 (1978).

⁵Case 8, resolution 446 (1979).

⁶Case 9, resolution 455 (1979).

⁷Case 10, resolution 457 (1979).

⁸Case 11, President's statements dated 23 September 1980 and 5 November 1980, representing the consensus of the members of the Council.

¹Case 1, resolution 379 (1975).

²Case 2, resolution 384 (1975).

³Case 3, resolution 403 (1977).

⁴Case 4, resolution 404 (1977).

The following subsidiary organs, which had been established prior to 1975, continued to exist during part or all of the period under review: two standing committees, the Committee of Experts and the Committee on the Admission of New Members, and a number of *ad hoc* bodies: the United Nations Military Observer Group in India and Pakistan (UNMOGIP), the United Nations Truce Supervision Organization in Palestine (UNTSO), the United Nations Emergency Force (Middle East) (UNEF), the United Nations Disengagement Observer Force (UNDOF), the Special Representative of the Secretary-General in the Middle East, the United Nations Representative for India and Pakistan, the Special Representative for humanitarian problems under resolution 307 (1971), the United Nations Peace-keeping Force in Cyprus (UNFICYP), the Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia, the *Ad Hoc* Sub-Committee on Namibia, the Committee of Experts established by the Security Council at its 1506th meeting and the Committee on Council Meetings Away from Headquarters.

Whereas the Committee of Experts did not meet during the period under review, the Committee on the Admission of New Members was asked to consider the application for admission to membership in the United Nations of the Republic of South Viet-Nam,¹³ the Democratic Republic of Viet-Nam,¹⁴ Cape Verde,¹⁵ Sao Tome and Principe,¹⁶ Mozambique,¹⁷ Papua New Guinea,¹⁸ the Comoros,¹⁹ Suriname,²⁰ Angola,²¹ Seychelles,²² the Socialist Republic of Viet Nam,²³ Western Samoa,²⁴ Djibouti,²⁵ Solomon Islands,²⁶ Dominica,²⁷ Saint Lucia,²⁸ Saint Vincent and the Grenadines²⁹ and Zimbabwe.³⁰ and to report to the Council in accordance with rule 59 of the provisional rules of procedure of the Security Council.³¹

UNTSO continued to function throughout the period under review. Following the establishment of the United Nations Interim Force in Lebanon (UNIFIL),³² on 19 March 1978, military observers from UNTSO were detached to UNIFIL to staff the temporary headquarters at Naqoura and to make the necessary arrangements for the arrival and deployment of the first units of UNIFIL. During the initial phase of deployment, UNTSO military observers assisted UNIFIL by filling selected staff positions at the Force headquarters and by manning mobile teams for liaison between the UNIFIL battalions and Israeli forces in the area of operation. Subsequently, the military observers were assigned various tasks in accordance with the requirements of the Force, in addition to which UNTSO provided administrative support for

UNIFIL, particularly during the initial stages of its deployment.³³

The mandate of UNEF was extended six times during the period under review.³⁴ Through a series of progress reports,³⁵ the Secretary-General kept the Council apprised of the situation in the UNEF area of operation and other developments related to the functioning of the Force. Following its consideration of the Secretary-General's report dated 16 July 1975,³⁶ the Council, at its 1832nd meeting, adopted an appeal to the Government of Egypt to reconsider its decision not to consent to the renewal of UNEF, to which the Government of Egypt subsequently agreed.³⁷ Upon the establishment of UNIFIL on 19 March 1978, one reinforced company of the Swedish battalion, along with movement control and signals detachments from the Canadian logistic unit of UNEF, was temporarily transferred to UNIFIL.³⁸ In his final progress report on UNEF, dated 19 July 1979,³⁹ the Secretary-General noted that, as a treaty of peace between Egypt and Israel had entered into force as at 25 April 1979, the original context under which UNEF had been established had basically changed during the period under review. Accordingly, following consultations among the members of the Council, the mandate of UNEF was allowed to expire at midnight on 24 July 1979.⁴⁰

UNDOF continued to function throughout the period under review, during which time the Council extended its mandate 12 times,⁴¹ following consideration of the Secretary-General's regular progress reports.⁴² In March 1978, one reinforced company of the Iranian battalion was temporarily transferred to UNIFIL; it was returned to UNDOF on 14 June 1978.⁴³ When the mandate of UNEF was terminated in July 1979, the Secretary-General proposed to increase the logistic component of UNDOF by 200 men, bringing the overall strength of the Force to about 1,450, to which the Council acceded.⁴⁴

Regarding the peace-keeping operations established by the Council in the Middle East, the Secretary-General on

³³ See the Secretary-General's report on UNIFIL: S/12845, paras. 2 and 28-31, *OR*, 33rd yr., *Suppl. for July-Sept. 1978*.

³⁴ The mandate of the Force was extended by resolution 368 (1975), 371 (1975), 378 (1975), 396 (1976), 416 (1977) and 438 (1978).

³⁵ The Secretary-General submitted the following progress reports: S/11536/Add.1, *OR*, 30th yr., *Suppl. for Jan.-March 1975*; S/11670, *ibid.*, *Suppl. for April-June 1975*; S/11758, *ibid.*, *Suppl. for July-Sept. 1975*; S/11849, *ibid.*, *Suppl. for Oct.-Dec. 1975*; S/12212, *ibid.*, 31st yr., *Suppl. for Oct.-Dec. 1976*; S/12416, *ibid.*, 32nd yr., *Suppl. for Oct.-Dec. 1977*; S/12897, *ibid.*, 33rd yr., *Suppl. for Oct.-Dec. 1978*; and S/13460 and Corr.1, *ibid.*, 34th yr., *Suppl. for July-Sept. 1979*.

³⁶ S/11758, *OR*, 30th yr., *Suppl. for Jan.-March 1975*.

³⁷ See the note from the President of the Council, dated 23 July 1975: S/11771, *OR*, 30th yr., *Suppl. for July-Sept. 1975*.

³⁸ See S/12897, *OR*, 33rd yr., *Suppl. for Oct.-Dec. 1978*.

³⁹ See S/13460 and Corr.1, *OR*, 34th yr., *Suppl. for July-Sept. 1979*.

⁴⁰ See the letter from the Secretary-General dated 24 July 1979: S/13468, *OR*, 34th yr., *Suppl. for July-Sept. 1979*.

⁴¹ The mandate of the Force was extended by resolutions 369 (1975), 381 (1975), 390 (1976), 398 (1976), 408 (1977), 420 (1977), 429 (1978), 441 (1978), 449 (1979), 456 (1979), 470 (1980) and 481 (1980).

⁴² The Secretary-General submitted the following progress reports: S/11563/Add.1, *OR*, 30th yr., *Suppl. for Jan.-March 1975*; S/11694, *ibid.*, *Suppl. for April-June 1975*; S/11883 and Add.1, *ibid.*, *Suppl. for Oct.-Dec. 1975*; S/12083 and Add.1, *ibid.*, 31st yr., *Suppl. for April-June 1976*; S/12210, *ibid.*, *Suppl. for Oct.-Dec. 1976*; S/12333, *ibid.*, 32nd yr., *Suppl. for April-June 1977*; S/12453, *ibid.*, *Suppl. for Oct.-Dec. 1977*; S/12710, *ibid.*, 33rd yr., *Suppl. for April-June 1978*; S/12934, *ibid.*, *Suppl. for Oct.-Dec. 1978*; S/13350, *ibid.*, 34th yr., *Suppl. for April-June 1979*; S/13637, *ibid.*, *Suppl. for Oct.-Dec. 1979*; S/13957, *ibid.*, 35th yr., *Suppl. for April-June 1980*; and S/14263, *ibid.*, *Suppl. for Oct.-Dec. 1980*.

⁴³ See S/12845, *OR*, 33rd yr., *Suppl. for July-Sept. 1978*.

⁴⁴ See the note from the President of the Security Council dated 1 August 1979 indicating the agreement of the members of the Council: S/13480, *OR*, 34th yr., *Suppl. for July-Sept. 1979*. China dissociated itself from the matter.

¹³ 1834th, 1836th, 1842nd and 1846th mtgs.

¹⁴ *Ibid.*

¹⁵ 1837th and 1838th mtgs.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ 1839th and 1841st mtgs.

¹⁹ 1847th and 1848th mtgs.

²⁰ 1857th and 1858th mtgs.

²¹ 1931st, 1932nd, 1973rd and 1974th mtgs.

²² 1951st and 1952nd mtgs.

²³ 1955th, 1970th-1972nd and 2022nd-2025th mtgs.

²⁴ 1976th and 1977th mtgs.

²⁵ 2020th and 2021st mtgs.

²⁶ 2083rd and 2084th mtgs.

²⁷ 2104th and 2105th mtgs.

²⁸ 2166th and 2167th mtgs.

²⁹ 2197th and 2198th mtgs.

³⁰ 2243rd and 2244th mtgs.

³¹ For further information, consult chapter VII on the admission of new members.

³² See case 6 below.

4 August 1975 addressed a communication to the President of the Council proposing the establishment of a co-ordination mechanism for UNTSO, UNEF and UNDOF, which would retain their operational identities. Accordingly, he proposed—and the Council agreed—to appoint Lieutenant-General Ensio Siilasvuo, the Commander of UNEF, as the Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East.⁴⁵

There was no activity on the part of the Special Representative of the Secretary-General in the Middle East during the period under review.

UNMOGIP, the United Nations Representative for India and Pakistan and the Special Representative for humanitarian problems under resolution 307 (1971) continued in existence.

The mandate of UNFICYP was renewed 12 times during the period under review.⁴⁶ Following the developments of February 1975, including the breakdown of intercommunal talks, the Council, by resolution 367 (1975), requested the Secretary-General to undertake a new mission of good offices. In his reports on his good offices⁴⁷ and his periodic reports⁴⁸ on UNFICYP, the Secretary-General kept the Council informed about the progress of negotiations and intercommunal talks held under his auspices in the presence of his Special Representative, which were resumed in May 1975 and continued intermittently throughout the period under review. In his report dated 1 December 1977,⁴⁹ the Secretary-General informed the Council that, owing to the low rate of incidents and the disciplines of the confronting forces, the Finnish battalion had not been replaced upon its withdrawal on 13 October 1977 because of financial considerations, resulting in a partial redeployment of the Force.

The Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia remained active during part of the period under review and submitted a number of regular, interim and special reports to the Council.⁵⁰ In a note verbale dated

3 April 1979,⁵¹ Benin recommended that the meetings of the Committee, as well as those of the Committee established under resolution 421 (1977),⁵² should be public and open to participation by States and individuals who could help the Committees to do objective and profitable work. In December 1979, following the conclusion of the Lancaster House agreements on Southern Rhodesia, the Council, by resolution 460 (1979), decided to terminate the measures taken against Southern Rhodesia under Chapter VII of the Charter and to dissolve the Committee established in pursuance of resolution 253 (1968) in accordance with rule 28 of its provisional rules of procedure.⁵³

The *Ad Hoc* Sub-Committee on Namibia, the Committee of Experts established by the Security Council to study the question of "associate membership" and the Security Council Committee on Council Meetings Away from Headquarters continued in existence but did not meet during the period covered by the present *Supplement*.

There was one instance during the period under review in which a subsidiary organ was formally established by the Council but was never actually constituted, owing to the failure of one of the parties concerned to agree to the conditions under which it would have been set up. Following the appointment of a Special Representative for Namibia,⁵⁴ the Security Council, by resolution 435 (1978), approved the report of the Secretary-General⁵⁵ on the implementation of the proposal for a settlement of the Namibian situation⁵⁶ and decided to establish a United Nations Transition Assistance Group (UNTAG) whose functions, under the direction of the Special Representative, would include: (a) monitoring the cessation of hostilities and the restriction to base of the parties concerned; (b) monitoring the phased withdrawal of all but the specified number of the South African forces and the restriction to base of the remainder; (c) surveillance of borders and the prevention of infiltration; (d) monitoring the demobilization of citizen forces, commandos and ethnic forces and the dismantling of their command structures; (e) assisting in the arrangements for the release of all political prisoners or detainees and the peaceful, voluntary return of Namibians outside the Territory; (f) supervising and controlling all aspects of the electoral process; (g) assisting in arrangements intended to inform the electorate as to the significance of the elections and the procedure for voting; (h) advising the Special Representative as to the repeal of discriminatory laws or measures; (i) accompanying the existing police forces when appropriate and ensuring their good conduct; (j) taking measures against intimidation or interference with the electoral process from any quarter; and (k) ensuring the absence or investigating complaints of any factors that might impede the objective of free and fair elections.⁵⁷

There were also several occasions during the period covered by the present *Supplement* on which the Council requested action on the part of the Secretary-General:

⁴⁵S/11808, OR, 30th yr., *Suppl. for July-Sept. 1975*. China and Iraq dissociated themselves from the matter.

⁴⁶The mandate of the Force was extended by resolution 370 (1975), 383 (1975), 391 (1976), 401 (1976), 410 (1977), 422 (1977), 430 (1978), 443 (1978), 451 (1979), 458 (1979), 472 (1980) and 482 (1980).

⁴⁷The Secretary-General submitted the following reports on his good offices: S/11684, OR, 30th yr., *Suppl. for April-June 1975*; S/11789 and Add.1 and Add.2, *ibid.*, *Suppl. for July-Sept. 1975*; S/11993, *ibid.*, 31st yr., *Suppl. for Jan.-March 1976*; S/12031, *ibid.*; S/12222, *ibid.*, *Suppl. for Oct.-Dec. 1976*; S/12323, *ibid.*, 32nd yr., *Suppl. for April-June 1977*; and S/14100, *ibid.*, 35th yr., *Suppl. for July-Sept. 1980*. He also submitted one special report: S/11684, OR, 30th yr., *Suppl. for April-June 1975*.

⁴⁸The Secretary-General submitted the following periodic reports: S/11717, OR, 30th yr., *Suppl. for April-June 1975*; S/11900 and Add.1, *ibid.*, *Suppl. for Oct.-Dec. 1975*; S/12093, *ibid.*, 31st yr., *Suppl. for April-June 1976*; S/12253 and Add.1, *ibid.*, *Suppl. for Oct.-Dec. 1976*; S/12342 and Add.1, *ibid.*, 32nd yr., *Suppl. for April-June 1977*; S/12463 and Add.1, *ibid.*, *Suppl. for Oct.-Dec. 1977*; S/12723 and Add.1, *ibid.*, 33rd yr., *Suppl. for April-June 1978*; S/12946 and Add.1, *ibid.*, *Suppl. for Oct.-Dec. 1978*; S/13369 and Add.1, *ibid.*, 34th yr., *Suppl. for April-June 1979*; S/13672 and Add.1, *ibid.*, *Suppl. for Oct.-Dec. 1979*; S/13972 and Add.1, *ibid.*, 35th yr., *Suppl. for April-June 1980*; and S/14275 and Add.1, *ibid.*, *Suppl. for Oct.-Dec. 1980*.

⁴⁹See S/12463 cited in the preceding footnote.

⁵⁰The Committee submitted the following regular reports: seventh report (S/11594/Rev.1, OR, 30th yr., *Special Suppl. No. 2*); eighth report (S/11927/Rev.1, *ibid.*, 31st yr., *Special Suppl. No. 2*); ninth report (S/12265, *ibid.*, 32nd yr., *Special Suppl. No. 2*); tenth report (S/12529/Rev.1, *ibid.*, 33rd yr., *Special Suppl. No. 2*); eleventh report (S/13000, *ibid.*, 34th yr., *Special Suppl. No. 2*); and twelfth report (S/13750, *ibid.*, 35th yr., *Special Suppl. No. 2*). It submitted the following interim reports: S/12450, *ibid.*, 32nd yr., *Suppl. for Oct.-Dec. 1977*; and S/13191, *ibid.*, 34th yr., *Suppl. for Jan.-March 1979*. It also submitted the following special reports: S/11597, *ibid.*, 30th yr., *Special Suppl. No. 3*; S/11913, *ibid.*, *Suppl. for Oct.-Dec. 1975*; and S/12296, *ibid.*, 32nd yr., *Suppl. for Jan.-March 1977*.

⁵¹S/13247, *ibid.*, 34th yr., *Suppl. for April-June 1979*.

⁵²See case 12 below.

⁵³See 2181st mtg.

⁵⁴See case 7 below.

⁵⁵S/12827, OR, 33rd yr., *Suppl. for July-Sept. 1978*.

⁵⁶S/12636, *ibid.*, *Suppl. for April-June 1978*.

⁵⁷In the course of the Council's debates on Namibia, a number of delegations expressed reservations or clarified their positions regarding the proposal for a settlement of the Namibian situation and the establishment of UNTAG. See, especially, 2082nd mtg.: Mr. Sam Nujoma (SWAPO), paras. 69-108; Mauritius, paras. 126-151; China, paras. 154-161; USSR, paras. 175-191; Kuwait, paras. 193-200; Czechoslovakia, paras. 209-215; Bolivia, paras. 220-224; and South Africa, paras. 252-281; and 2088th mtg.: Zambia (on behalf of the front-line States), paras. 70-85.

(a) by resolution 386 (1976), in connection with the request by Mozambique under Article 50 of the Charter in relation to the situation that had arisen as a result of its decision to impose sanctions against Southern Rhodesia, the Council requested the Secretary-General to organize all forms of financial, technical and material assistance to Mozambique; (b) by resolution 402 (1976), in connection with the complaint by Lesotho against South Africa, the Council requested the Secretary-General to organize all forms of financial, technical and material assistance to Lesotho and to report to the Council; (c) by resolution 405 (1977), in connection with the complaint by Benin, the Council requested the Secretary-General to provide appropriate technical assistance to help the Government of Benin in assessing and evaluating the damage resulting from the act of armed aggression committed at Cotonou on 16 January 1977; and (d) by resolution 411 (1977), in connection with the complaint by Mozambique, the Council requested the Secretary-General to co-ordinate the efforts of the United Nations system and to organize an effective programme of international assistance to Mozambique.⁵⁸

While the Council was seized of a complaint by Malta against the Libyan Arab Jamahiriya, the Secretary-General informed the President of the Council that, following consultations with the parties and with their consent, he had decided to send a senior official of the Secretariat as his Special Representative to discuss the question with the two Governments.⁵⁹ The Council agreed⁶⁰ and the Secretary-General subsequently submitted a report⁶¹ on the mission of his Special Representative.

During the Council's consideration of the question of the situation in South-East Asia and its implications for international peace and security, Indonesia, Malaysia, the Philippines and Singapore submitted a draft resolution⁶² by which the Council would have, among other things, welcomed the offer of the good offices of the Secretary-General in the search for a peaceful solution.⁶³

There were several instances where participants in the Council proceedings and members of the Organization proposed the creation of subsidiary organs without submitting their suggestions in the form of draft resolutions.⁶⁴

⁵⁸In each case, the Secretary-General complied with the Council's request and submitted a report on the implementation of the resolution in question.

⁵⁹S/14228, *OR*, 35th yr., *Suppl. for Oct.-Dec. 1980*.

⁶⁰S/14229, *ibid.*

⁶¹S/14256, *ibid.*

⁶²S/13162, *ibid.*, 34th yr., *Suppl. for Jan.-March 1979*.

⁶³At the 2129th meeting, on 16 March 1979, the draft resolution received 13 votes to 2 and was not adopted owing to the negative vote of one of the permanent members of the Council.

⁶⁴The Council discussed the dispatch of a fact-finding body to Cyprus on several occasions: (a) the USSR reminded the Council of its previous proposal for sending a special mission composed of members of the Council to make an on-the-spot assessment of the implementation of resolution 353 (1974) (for the proposal see S/11391, *OR*, 29th yr., *Suppl. for July-Sept. 1974*; for the relevant statements see 1813th mtg., para. 204, and 1979th mtg., para. 219); (b) Cyprus argued in favour of the Council's sending a fact-finding body to Cyprus and formally invited a fact-finding mission of the Council (1814th mtg., paras. 60-63; 1817th mtg., para. 192, and 1926th mtg., para. 219); and (c) Panama pointed out that under Article 39 of the Charter the Council was empowered to appoint a mission of inquiry consisting of some of its members, and expressed the belief that it should do so before the current mandate of UNFICYP had expired (2055th mtg., para. 122).

Two informal proposals were made in connection with the situation in the occupied Arab territories: the representative of Oman, as current Chairman of the African Group at the United Nations, addressed a letter to the Secretary-General requesting him to send a representative to look into the matter of Israeli acquisition of land in the occupied Arab territories (S/12053, *OR*, 31st yr., *Suppl. for April-June 1976*); and Jordan proposed that the Council set up a three-man monitoring team to oversee strict observance of the Fourth Geneva Convention in the occupied Arab territories and to report monthly to the Council on violations of the integrity and inviolability of the territories and

A. INVOLVING, TO FACILITATE THEIR WORK, MEETINGS AT PLACES AWAY FROM THE SEAT OF THE ORGANIZATION

1. Subsidiary organs established

CASE I

Mission of the Secretary-General under Security Council resolution 377 (1975)

At its 1850th meeting, on 22 October 1975, during its consideration of the situation concerning Western Sahara, the Council adopted by consensus a draft resolution⁶⁵ agreed upon by the members of the Council in consultations as resolution 377 (1975), the operative part of which reads as follows:

The Security Council,

1. *Acting* in accordance with Article 34 of the Charter of the United Nations and without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or to negotiations that the parties concerned and interested might undertake under Article 33 of the Charter, *requests* the Secretary-General to enter into immediate consultations with the parties concerned and interested and to report to the Security Council as soon as possible on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the present situation concerning Western Sahara;

2. *Appeals* to the parties concerned and interested to exercise restraint and moderation, and to enable the mission of the Secretary-General to be undertaken in satisfactory conditions.

In accordance with this decision, the Secretary-General held consultations at Headquarters with representatives of the parties concerned and interested, and visited Morocco, Mauritania, Algeria and Spain between 25 and 28 October 1975. Upon leaving Spain he sent Mr. André Lewin as his personal representative to brief the Governments of Morocco, Mauritania and Algeria on the results of his consultations.⁶⁶ In his report to the Security Council dated 31 October 1975,⁶⁷ the Secretary-General stated that consultations with the parties were continuing and the results were expected to be known shortly.

the people (1993rd mtg., paras. 60-63. A commission fulfilling similar functions was subsequently established by the Council under resolution 446 (1979); see case 8 below).

Thailand addressed a letter to the Secretary-General requesting the stationing of a United Nations observer team on the Thai side of the Thai-Kampuchean border (S/14046, *OR*, 35th yr., *Suppl. for July-Sept. 1980*). In his reply, the Secretary-General pointed out that he was not in a position to dispatch United Nations observers to Thailand under his personal authority, and that any such action would have to be carried out under the authority of the Council (S/14058, *OR*, 35th yr., *Suppl. for July-Sept. 1980*).

The following suggestions were also made: in a statement transmitted by the Ivory Coast, the President of the Ivory Coast called upon the United Nations to dispatch a mission to verify the accuracy or inaccuracy of accusations made against the Ivory Coast by Guinea (S/12125, *OR*, 31st yr., *Suppl. for July-Sept. 1976*); Indonesia extended an invitation to the Security Council to visit East Timor, which the Council declined (S/12104, *OR*, 31st yr., *Suppl. for April-June 1976*); Liberia inquired whether South Africa would accept and co-operate with a fact-finding mission of the Council in connection with the complaint by Zambia against South Africa (1945th mtg., para. 124); Indonesia transmitted a statement on behalf of the foreign ministers of the States members of the Association of South-East Asian Nations (ASEAN) regarding the Viet Nam-Kampuchea conflict, suggesting a visit to the area by the Secretary-General or his special representative (S/13014, *OR*, 34th yr., *Suppl. for Jan.-March 1979*); and Morocco transmitted a message from the King of Morocco appealing to the Secretary-General to join his efforts to those of the President of the OAU to procure the release of Moroccan citizens who he charged had been kidnapped and were being held hostage in Algeria (S/12537, *OR*, 33rd yr., *Suppl. for Jan.-March 1979*).

⁶⁵S/11858. Adopted without change.

⁶⁶S/11863, paras. 5-10, *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975*.

⁶⁷*Ibid.*

The Council considered the Secretary-General's report at its 1852nd meeting, on 2 November 1975, and adopted a draft resolution⁶⁸ agreed upon in consultations as resolution 379 (1975), which, *inter alia*, requested the Secretary-General to continue and intensify his consultations and to report to the Council on the results as soon as possible.

In pursuance of resolution 379 (1975), the Secretary-General submitted three reports⁶⁹ to the Council, informing it of his consultations at Headquarters, the activities of Mr. André Lewin, his special envoy to Morocco, Mauritania, Algeria and Spain, and recent developments in the situation as conveyed to him by the Governments involved.

CASE 2

Special Representative of the Secretary-General under Security Council resolution 384 (1975)

At its 1869th meeting, on 22 December 1975, in the course of its consideration of the situation in Timor, the Security Council unanimously adopted a draft resolution⁷⁰ prepared in the course of consultations as resolution 384 (1975), paragraphs 5 and 6 of which read as follows:

The Security Council,

5. *Requests* the Secretary-General to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the Territory and all States concerned in order to ensure the implementation of the present resolution;

6. *Further requests* the Secretary-General to follow the implementation of the present resolution and, taking into account the report of his special representative, to submit recommendations to the Security Council as soon as possible;

At the same meeting, the representative of China stated that, regarding paragraph 5 of the resolution, his delegation doubted the necessity and usefulness of sending a representative of the Secretary-General.⁷¹ The representative of the United Republic of Tanzania emphasized his delegation's view that the role of the Secretary-General and of his special representative was confined to that resolution.⁷²

In his report to the Security Council dated 12 March 1976,⁷³ the Secretary-General indicated that on 29 December 1975 he had appointed as his Special Representative Mr. Vittorio Winspeare Guicciardi, whose report, submitted to the Secretary-General on 29 February 1976, he included as an annex. Mr. Winspeare Guicciardi had travelled extensively in pursuance of his mission but for technical and security reasons he had been prevented from visiting certain areas, and thus from making a satisfactory assessment of the situation. However, useful contacts had been established with the parties and States concerned, and the Secretary-General suggested that consultations by his Special Representative should be continued, on the understanding that any developments would be reported to the Council.

The Council considered the Secretary-General's report at its 1908th to 1915th meetings, from 12 to 22 April 1976. At its 1914th meeting, on 22 April 1976, the Council

adopted by 12 votes to none, with 2 abstentions,⁷⁴ a draft resolution⁷⁵ sponsored by Guyana and the United Republic of Tanzania as resolution 389 (1976), which, *inter alia*, requested the Secretary-General to have his Special Representative continue the assignment entrusted to him under paragraph 5 of resolution 384 (1975) and to report to the Council as soon as possible.

In accordance with the request contained in resolution 389 (1976), the Secretary-General submitted a report to the Council on 22 August 1976,⁷⁶ in which the second report of his Special Representative was included as an annex. Having given an account of his activities and consultations, the Special Representative concluded that it had not been possible to assess accurately the prevailing situation in East Timor, particularly as regarded the implementation of resolutions 384 (1975) and 389 (1976).

CASE 3

Mission to Botswana under Security Council resolution 403 (1977)

At its 1984th meeting, on 13 January 1977, in connection with the complaint by the Government of Botswana against the illegal régime in Southern Rhodesia concerning violations of its territorial sovereignty, the Council adopted, by 13 votes to none, with 2 abstentions, a draft resolution⁷⁷ sponsored by Benin, India, the Libyan Arab Republic, Mauritius, Pakistan, Panama, Romania and Venezuela as resolution 403 (1977), paragraphs 6 and 8 of which read as follows:

The Security Council,

6. *Accepts* the invitation of the Government of Botswana to dispatch a mission to assess the needs of Botswana in carrying out its development projects under the present circumstances and, accordingly, requests the Secretary-General, in collaboration with appropriate organizations of the United Nations system, to organize with immediate effect financial and other forms of assistance to Botswana and to report to the Security Council not later than 31 March 1977;

8. *Appeals* to all States to respond positively in providing assistance to Botswana, in the light of the report of the Mission of the Secretary-General, in order to enable Botswana to carry out its planned development projects;

By a note dated 28 March 1977,⁷⁸ the Secretary-General transmitted to the Council the report of the Mission to Botswana,⁷⁹ which gave an account of the activities of the Mission and included its conclusions and recommendations. The report indicated that, following consultations with the Minister for External Relations of Botswana, the Secretary-General had appointed a mission of seven members, headed by the Assistant Secretary-General for Special Political Questions of the Office of the Secretary-General. The Mission had arrived in Gaborone on 15 February 1977 and spent 14 days in Botswana.

⁶⁸S/11865. Adopted without change.

⁶⁹S/11874, OR, 30th yr., Suppl. for Oct.-Dec. 1975; S/11876, *ibid.*; and S/11880, *ibid.*

⁷⁰S. 11915. Adopted without change.

⁷¹1869th mtg., para. 15.

⁷²*Ibid.*, para. 76.

⁷³S/12011, OR, 31st yr., Suppl. for Jan.-March 1976.

⁷⁴One member (Benin) did not participate in the voting.
⁷⁵S/12056. Adopted without change. After the vote, the representative of Panama stated that his delegation wished it to be placed on record that it had intended to co-sponsor the draft resolution (1914th mtg., para. 50).

⁷⁶S/12116, OR, 31st yr., Suppl. for Jan.-March 1976.

⁷⁷S/12276. Adopted without change.

⁷⁸S/12307, OR, 32nd yr., Suppl. for Jan.-March 1977.

⁷⁹The report was subsequently transmitted to all States Members of the United Nations and members of the specialized agencies, under cover of a letter dated 18 April 1977 from the Secretary-General expressing confidence that all States would respond positively to the appeal made by the Council by providing Botswana with the financial and material assistance it so urgently needed (S/12326, OR, 32nd yr., Suppl. for April-June 1977).

At its 2008th meeting, on 25 May 1977, the Council adopted unanimously, without a vote, a draft resolution⁸⁰ sponsored by Benin, India, the Libyan Arab Jamahiriya, Mauritius, Pakistan, Panama, Romania and Venezuela as resolution 406 (1977), by which it, *inter alia*: expressed its appreciation to the Secretary-General for having arranged to send the Mission to Botswana; took note of the Mission's report; fully endorsed the assessment and recommendations of the Mission; and requested the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep the Council informed.⁸¹

CASE 4

Special Mission to the People's Republic of Benin established under Security Council resolution 404 (1977)

At its 1987th meeting, on 8 February 1977, during its consideration of the complaint by Benin, the Council adopted by consensus, without a vote, a revised draft resolution⁸² sponsored by Benin, the Libyan Arab Republic and Mauritius as resolution 404 (1977), paragraphs 2 to 4 of which read as follows:

The Security Council,

2. *Decides* to send a Special Mission composed of three members of the Security Council to the People's Republic of Benin in order to investigate the events of 16 January 1977 at Cotonou and report not later than the end of February 1977;

3. *Decides* that the members of the Special Mission will be appointed after consultations between the President and the members of the Security Council;

4. *Requests* the Secretary-General to provide the Special Mission with the necessary assistance;

In a note dated 10 February 1977,⁸³ the President of the Council indicated that, following consultations with the members of the Council, it had been agreed that the Special Mission would be composed of India, the Libyan Arab Republic and Panama, with Panama serving as its Chairman. In another note, dated 23 February 1977,⁸⁴ the President indicated that, having held consultations, the members of the Council had agreed to extend the date for the submission of the report of the Special Mission, as requested by the Chairman of the Special Mission in a telegram dated 22 February 1977.

The report of the Special Mission to Benin, dated 7 March 1977,⁸⁵ gave an account of the investigation it had conducted during its visit to Benin, from 16 to 25 April 1977, and included the conclusions it had drawn from the testimony received and the evidence examined.

The Council considered the Special Mission's report at its 2000th to 2005th meetings, from 6 to 14 April 1977. At its 2005th meeting, the Council adopted by consensus, without a vote, a draft resolution⁸⁶ sponsored by Benin, the Libyan Arab Jamahiriya and Mauritius, later joined by India and Panama, as resolution 405 (1977), by which, *inter alia*, it took note of the report of the Special Mission and expressed its appreciation for the work accomplished.

⁸⁰S/12334. Adopted without change.

⁸¹The Secretary-General subsequently submitted to the Council the following reports: S/12421, *OR*, 32nd yr., *Suppl. for Oct.-Dec. 1977*; S/13506, *ibid.*, 34th yr., *Suppl. for July-Sept. 1979*; and S/13870, *ibid.*, 35th yr., *Suppl. for April-June 1980*.

⁸²S/12282/Rev.1. Adopted without change.

⁸³S/12286, *OR*, 32nd yr., *Suppl. for Jan.-March 1977*.

⁸⁴S/12289, *ibid.*

⁸⁵S/12294 and Add.1. Replaced by S/12294/Rev.1, *OR*, 32nd yr., *Special Suppl. No. 3*.

⁸⁶S/12322. Adopted without change.

CASE 5

Representative of the Secretary-General under Security Council resolution 415 (1977)

At its 2034th meeting, on 29 September 1977, in connection with its consideration of the situation in Southern Rhodesia, the Council adopted, by 13 votes to none, with 1 abstention,⁸⁷ a revised draft resolution⁸⁸ sponsored by the United Kingdom as resolution 415 (1977), the operative part of which reads as follows:

The Security Council,

1. *Requests* the Secretary-General to appoint, in consultation with the members of the Security Council, a representative to enter into discussions with the British Resident Commissioner designate and with all the parties concerning the military and associated arrangements that are considered necessary to effect the transition to majority rule in Southern Rhodesia;

2. *Further requests* the Secretary-General to transmit a report on the results of these discussions to the Security Council as soon as possible;

3. *Calls upon* all parties to co-operate with the representative of the Secretary-General in the conduct of the discussions referred to in paragraph 1 of the present resolution.

In a note dated 4 October 1977,⁸⁹ the President of the Council stated that, following consultations at which 14 of the members of the Council⁹⁰ had agreed to his proposal, the Secretary-General had appointed Lieutenant-General D. Prem Chand as his representative and had asked him to come to United Nations Headquarters to consult with him and to organize his mission.

At its 2067th meeting, on 14 March 1978, the Council adopted by 10 votes to none, with 5 abstentions, a draft resolution⁹¹ sponsored by Bolivia, Gabon, India, Kuwait, Mauritius, Nigeria and Venezuela as resolution 423 (1978), by which the Council, *inter alia*, recalling its resolutions on the question of Southern Rhodesia and resolution 415 (1977) in particular, encouraged the United Kingdom, with the assistance of the Secretary-General, to enter into immediate consultations with the parties concerned, and requested the Secretary-General to report not later than 15 April 1978 on the results.

In his report on the implementation of resolution 423 (1978), dated 1 May 1978,⁹² the Secretary-General indicated that he had been kept informed by the representative of the United Kingdom and by his own representative of all pertinent developments that had taken place during the course of consultations between the United Kingdom and the parties concerned, and that the Governments of the United Kingdom and the United States had both found it valuable that the representative of the Secretary-General had been able to participate in many of the discussions.

CASE 6

United Nations Interim Force in Lebanon (UNIFIL)

At its 2074th meeting, on 19 March 1978, during its consideration of the situation in the Middle East, the Council adopted a draft resolution⁹³ sponsored by the

⁸⁷One permanent member (China) did not participate in the voting.

⁸⁸S/12404/Rev.1. Adopted without change.

⁸⁹S/12411, *OR*, 32nd yr., *Suppl. for Oct.-Dec. 1977*.

⁹⁰China dissociated itself from the matter.

⁹¹S/12597. Adopted without change.

⁹²S/12704, *OR*, 33rd yr., *Suppl. for April-June 1978*.

⁹³S/12610. Adopted without change.

United States by 12 votes to none, with 2 abstentions,⁹⁴ as resolution 425 (1978), paragraphs 3 and 4 of which read as follows:

The Security Council,

3. *Decides*, in the light of the request of the Government of Lebanon, to establish immediately under its authority a United Nations interim force for southern Lebanon for the purpose of confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area, the force to be composed of personnel drawn from Member States;

4. *Requests the Secretary-General to report to the Council within twenty-four hours on the implementation of the present resolution.*

At the same meeting, in explanation of the vote, several members of the Council expressed reservations about the provisions of the resolution.⁹⁵

The representative of China noted that his delegation disagreed in principle with the practice of sending United Nations forces, as it might pave the way for super-Power interference.⁹⁶

The representative of the USSR stated that his delegation considered that it was improper for the United Nations troops to carry out the functions relating to the transfer of authority to the Government of Lebanon. In addition, the resolution should contain provisions limiting the stay of the troops to a short period of time, and indicating that they should be withdrawn at the request of the Lebanese Government.⁹⁷ He further stated that, in the view of his delegation, the expense of sending United Nations troops to southern Lebanon should be borne by the aggressor in the conflict, meaning Israel.⁹⁸

In his report of 19 March 1978,⁹⁹ submitted under paragraph 4 of resolution 425 (1978), the Secretary-General stated that the function of UNIFIL would be to confirm the withdrawal of Israeli troops, to restore international peace and security and to assist the Government of Lebanon in ensuring that its effective authority in the area was restored. To perform its functions, it would require the full co-operation of the parties to the conflict and the ability to function as an integrated and efficient military unit. It would need to have freedom of movement and communication and other facilities necessary for the effective performance of its tasks. He said that the Force could not and should not take on responsibilities falling under the Government of the country in which it operated, and that it had been established on the assumption that it represented an interim measure until the Government of Lebanon assumed its full responsibilities in southern Lebanon.

In the estimation of the Secretary-General, UNIFIL would require a troop strength of about 4,000, to be provided by selected countries at the request of the Secretary-General, in consultation with the Council and the parties concerned, and bearing in mind the principle of equitable geographical representation. Command in the field would be exercised by a Force Commander appointed by the Secretary-General with the consent of the Council. The Secretary-General estimated that the cost of establishing and maintaining UNIFIL for a period of six months would be approximately \$68 million. He stated that the costs would be considered as expenses of

the Organization to be borne by the Members in accordance with Article 17, paragraph 2, of the Charter.

The Council considered the Secretary-General's report at its 2075th meeting, on 19 March 1978, and adopted a draft resolution¹⁰⁰ sponsored by the United Kingdom by 12 votes to none, with 2 abstentions,¹⁰¹ as resolution 426 (1978), the text of which reads as follows:

The Security Council

1. *Approves* the report of the Secretary-General on the implementation of Security Council resolution 425 (1978), contained in document S/12611 of 19 March 1978.

2. *Decides* that the United Nations Interim Force in Lebanon shall be established in accordance with the above-mentioned report for an initial period of six months, and that it shall continue in operation thereafter, if required, provided the Security Council so decides.

In the course of the 2075th meeting, several members of the Council commented on the terms under which UNIFIL had been established, either to express reservations or to clarify their understandings. The representative of the United States noted that it was the understanding of his delegation that the Secretary-General could act under the authority of General Assembly resolution 32/214 of 21 December 1977, paragraph 1 (a), to expedite the initiation of UNIFIL, bearing in mind the provisions of paragraph 3 of the same resolution.¹⁰²

The Secretary-General kept the Council apprised of developments relating to UNIFIL through a series of progress reports,¹⁰³ and by a letter dated 19 April 1978.¹⁰⁴ Following his personal visit to the area, he informed the Council of the status of implementation of resolution 425 (1978).¹⁰⁵

At its 2076th meeting, on 3 May 1978, the Council considered a letter¹⁰⁶ from the Secretary-General addressed to the President of the Council in which he recommended that, to enable UNIFIL to carry out fully and effectively the tasks entrusted to it, the strength of the Force should be increased to about 6,000. The Council

¹⁰⁰S/12612. Adopted without change.

¹⁰¹One permanent member (China) did not participate in the voting.

¹⁰²For the relevant statement, see 2075th mtg., United States, para. 19. A similar opinion was expressed by France, paras. 25 and 26. The reservations expressed by the other members of the Council were similar to those expressed at the 2074th meeting cited above. See 2075th mtg.: China, para. 5; USSR, paras. 6-9; Czechoslovakia, paras. 12-14; and Kuwait, paras. 15-17.

General Assembly resolution 32-214, paragraph 1 (a), provided that the Secretary-General was authorized (with the appropriate concurrence of the Advisory Committee on Administrative and Budgetary Questions, etc.) to enter into commitments not exceeding \$2 million in any one year of the biennium 1978-1979 for unforeseen and extraordinary expenses relating to the maintenance of international peace and security. Paragraph 3 of that resolution provided that if, as a result of a decision of the Council, such commitments should arise in an estimated total exceeding \$10 million before either the thirty-third or thirty-fourth session of the Assembly, the Secretary-General would convene a special session of the Assembly to consider the matter (see *ORGA*, 32nd sess., *Suppl. No. 45* (A/32/45)).

In accordance with General Assembly resolution 32/214, the Secretary-General convened the eighth special session of the General Assembly on the financing of UNIFIL, on 20 and 21 April 1978.

¹⁰³S/12620, *OR*, 33rd yr., *Suppl. for Jan.-March 1978*; and S/12620/Add.1-5, *ibid.*, *Suppl. for April-June 1978*.

¹⁰⁴S/12657, *ibid.*

¹⁰⁵Throughout the period under review, the Secretary-General informed the Council of all arrangements made in implementation of resolution 425 (1978). The President of the Council informed the Secretary-General of the Council's approval of those arrangements in the following letters: S/12618, *OR*, 33rd yr., *Suppl. for Jan.-March 1978*; S/12642, *ibid.*, *Suppl. for April-June 1978*; S/12667, *ibid.*, *Suppl. for April-June 1978*; S/13039, *ibid.*, 34th yr., *Suppl. for Jan.-March 1979*; S/13497, *ibid.*, *Suppl. for July-Sept. 1979*; S/13917, *ibid.*, 35th yr., *Resolutions and Decisions of the Security Council, 1980*; and S/14309, *ibid.*, *Suppl. for Oct.-Dec. 1980*. China dissociated itself from all of the above.

¹⁰⁶S/12675, *OR*, 33rd yr., *Suppl. for April-June 1978*.

⁹⁴One permanent member (China) did not participate in the voting.

⁹⁵In addition to the statements cited below, see 2074th mtg.: Czechoslovakia, para. 44 and 45; Kuwait, para. 48; and France, para. 54.

⁹⁶2074th mtg., para. 19.

⁹⁷*Ibid.*, para. 26.

⁹⁸*Ibid.*, para. 29.

⁹⁹S/12611, *OR*, 33rd yr., *Suppl. for Jan.-March 1978*.

adopted a draft resolution¹⁰⁷ sponsored by Bolivia, India and Mauritius by 12 votes to none, with 2 abstentions,¹⁰⁸ as resolution 427 (1978), which, *inter alia*, approved the increase in strength of UNIFIL requested by the Secretary-General from 4,000 to approximately 6,000 troops, deplored attacks on the United Nations Force that had occurred and demanded full respect for the Force from all parties in Lebanon.

Prior to the expiration of the mandate of UNIFIL on 19 September 1978, the Secretary-General submitted a report¹⁰⁹ on the activities of the Force during its first six months of operation. He noted, *inter alia*, that following the last phase of the Israeli withdrawal on 13 June 1978 the Israeli forces had handed over control of the evacuated areas to Lebanese *de facto* forces and not to UNIFIL, making the full deployment of the Force and the restoration of Lebanese authority in the entire area of operation impossible. In addition, the activities of UNIFIL after 13 June had been complicated by fire directed at the Force, which had suffered 8 casualties and 52 injuries as a result of firing incidents and mine explosions.

The Council considered the Secretary-General's report at its 2085th and 2086th meetings, on 18 and 19 September 1978. At its 2085th meeting, the Council adopted a draft resolution¹¹⁰ sponsored by the United States by 12 votes to none, with 2 abstentions,¹¹¹ as resolution 434 (1978), which, in its operative part, renewed the mandate of UNIFIL for four months, called upon Israel, Lebanon and all others concerned to co-operate fully and urgently with the United Nations in the implementation of resolutions 425 (1978) and 426 (1978), and requested the Secretary-General to report to the Council in two months and again in four months.

Following the vote, the representative of India, speaking in reference to the role of UNIFIL regarding the transfer of authority to the Government of Lebanon, pointed out that the failure of Israel to hand over all of the occupied areas to UNIFIL represented a new situation that had probably not been anticipated when resolution 425 (1978) had been adopted. He stated that UNIFIL should undertake only such tasks as it could fulfil peaceably and that, where there was a danger of the Force going beyond well-established traditions and practices, the situation should be reviewed immediately and the mandate of the Force should be redefined.¹¹²

The representative of France stated that his delegation felt that when the new mandate of UNIFIL expired the

Force's mandate should be reconsidered and its composition revised in order to make it better balanced.¹¹³

In accordance with resolution 434 (1978), the Secretary-General submitted on 18 November 1978 an interim report on UNIFIL,¹¹⁴ in which he reported a limited number of incidents involving Palestinian armed elements, periodic harassment of UNIFIL by Lebanese *de facto* armed elements and no significant improvement in the deployment of the Force. During the Council's discussion of the report, at its 2106th meeting, the representative of India stated that if the harassment of UNIFIL continued it should be either withdrawn or strengthened and converted into an enforcement group under Chapter VII of the Charter.¹¹⁵ At the same meeting, the President read out a statement,¹¹⁶ approved by the members of the Council by consensus, demanding the removal of obstacles placed against the full deployment of UNIFIL and calling upon all those not fully co-operating with the Force, particularly Israel, to stop interfering with its operations and to comply with the implementation of resolutions 425 (1978) and 426 (1978).

On 12 January 1979, the Secretary-General submitted a report,¹¹⁷ which indicated no further progress in the deployment of the Force and noted that the assumptions on which UNIFIL had been established had not been fulfilled. The Council considered the Secretary-General's report at its 2113th meeting and, by resolution 444 (1979), adopted by 12 votes to none, with 2 abstentions,¹¹⁸ re-emphasized the temporary nature of the Force, renewed the mandate of UNIFIL for a period of five months, reaffirmed its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means in accordance with the relevant provisions of the Charter to secure the full implementation of resolution 425 (1978), and invited the Government of Lebanon, in consultation with the Secretary-General, to draw up a phased programme of activities to be carried out over the next three months to promote the restoration of its authority. In a statement¹¹⁹ read out by the President at the same meeting, the Council reiterated its suggestion that the Government of Lebanon draw up a programme of activities.

At its 2147th to 2149th meetings, on 12 and 14 June 1979,¹²⁰ the Council considered a report by the Secretary-General dated 8 June 1979,¹²¹ and, at its 2149th meeting, acting in response to the request by the Government of Lebanon, adopted by 12 votes to none, with 2 abstentions,¹²² resolution 450 (1979), paragraphs 5, 6 and 8 of which read as follows:

¹⁰⁷ S/12679. Adopted without change.

¹⁰⁸ One permanent member (China) did not participate in the voting.

¹⁰⁹ S/12845, OR, 33rd yr., Suppl. for Oct.-Dec. 1978.

¹¹⁰ S/12848. Adopted without change.

¹¹¹ One permanent member (China) did not participate in the voting.

¹¹² 2085th mtg., paras. 33-42. The representative of India also referred to a letter dated 5 September from the representative of Lebanon stating, *inter alia*, that the Government of Lebanon considered that the Council should assess the future possibilities of UNIFIL, its ability to achieve its objectives within the framework of its present terms of reference and the possibility of seeking a redefinition of its mandate (see S/12834, OR, 33rd yr., Suppl. for July-Sept. 1978).

On several other occasions during the period under review, the representative of Lebanon addressed letters to the President of the Council calling for specific measures that it felt would enable UNIFIL to fulfil its mandate, including: (a) redefinition of the mission of UNIFIL in a manner that would guarantee the implementation of resolution 425 (1978); (b) redefinition of the mandate and prerogatives of UNIFIL; (c) provision of the Force with weapons and equipment of a defensive nature; (d) reconsideration of the definition of the area of operation of UNIFIL; (e) an increase in the number of posts and personnel of the UNTSO; (f) revival of the Israel-Lebanese Mixed Armistice Commission (ILMAC); and (g) respect for the General Armistice Agreement of 1949 between Israel and Lebanon. See S/13301, OR, 34th yr., Suppl. for April-June 1979; S/13361, *ibid.*; and S/13519, *ibid.*, Suppl. for July-Sept. 1979.

¹¹³ 2085th mtg., para. 52.

¹¹⁴ S/12929, OR, 33rd yr., Suppl. for Oct.-Dec. 1978.

¹¹⁵ 2106th mtg., para. 112.

¹¹⁶ S/12958. See 2106th mtg., para. 7. China dissociated itself.

¹¹⁷ S/13026 and Corr. 1, OR, 34th yr., Suppl. for Jan.-March 1979.

¹¹⁸ One permanent member (China) did not participate in the voting.

¹¹⁹ S/13043. See 2113th mtg., para. 5.

¹²⁰ Prior to its 2147th meeting, the Council received two special reports by the Secretary-General, on attacks made on UNIFIL, and on an incursion into southern Lebanon by Israeli troops (S/13254, OR, 34th yr., Suppl. for April-June 1979; and S/13308, *ibid.*, respectively). In addition, the Council held three meetings related to this question: its 2141st meeting, on 26 April 1979, at which it considered an interim report by the Secretary-General dated 19 April 1979 (S/13258, OR, 34th yr., Suppl. for April-June 1979) and during which the President read out a statement approved by the members of the Council (S/13272; see 2141st mtg., para. 2); its 2144th meeting, on 15 May 1979, at which the President again read out a statement approved by the members of the Council (see 2144th mtg., para. 2); and its 2146th meeting, on 31 May 1979, at the close of which the President addressed an appeal to all parties concerned (see 2146th mtg., para. 2).

¹²¹ S/13384, OR, 34th yr., Suppl. for April-June 1979.

¹²² One permanent member (China) did not participate in the voting.

The Security Council.

5. *Highly commends* the performance of the Force and reiterates terms of reference as set out in the report of the Secretary-General of 19 March 1978 and approved by resolution 426 (1978), in particular that the Force must be enabled to function as an effective military unit, that it must enjoy freedom of movement and communication and other facilities necessary for performance of its tasks and that it must continue to be able to discharge its duties according to the above-mentioned terms of reference, including the right of self-defence;

6. *Reaffirms* the validity of the General Armistice Agreement¹²³ between Israel and Lebanon in accordance with its relevant decisions and resolutions and calls upon the parties to take the necessary steps to reactivate the Mixed Armistice Commission and to ensure full respect for the safety and freedom of action of the United Nations Truce Supervision Organization;

8. *Decides* to renew the mandate of the Force for a period of six months, that is, until 19 December 1979;

At its 2180th meeting, on 19 December 1979,¹²⁴ following its consideration of the Secretary-General's report dated 14 December 1979,¹²⁵ the Council adopted by 12 votes to none, with 2 abstentions,¹²⁶ resolution 459 (1979), by which it reiterated many of the provisions of resolution 450 (1979) and renewed the mandate of UNIFIL for a period of six months until 19 June 1980.

In a special report submitted on 11 April 1980,¹²⁷ followed by three addenda issued on 16 and 18 April 1980, the Secretary-General informed the Council of escalating tension in and adjacent to the UNIFIL area of operation and serious incidents that had occurred, including violent harassment by the *de facto* forces of observer posts manned by UNTSO, a forcible attempt by the *de facto* forces to establish a permanent armed presence in a village within the UNIFIL area of deployment, the movement of Israeli forces into southern Lebanon, including the area of deployment of UNIFIL, and continuing acts of harassment by the *de facto* forces against UNIFIL, which had resulted in the murder of two Irish soldiers.

The Council considered the Secretary-General's special report at its 2212th to 2218th meetings, from 13 to 24 April 1980. At the 2217th meeting, the President read out a statement,¹²⁸ agreed upon by all the members of the Council, which expressed outrage at the report of attacks on the Force and the murder of peace-keeping soldiers, stating that such an act was a direct challenge to and defiance of the authority of the Council, condemning all who shared in the responsibility for it, and reaffirming the Council's determination to take such determined action as the situation called for to enable UNIFIL to take immediate and total control of its entire area of operation up to the internationally recognized boundaries.

At its 2218th meeting, the Council adopted by 13 votes to none, with 3 abstentions,¹²⁹ a draft resolution¹³⁰ prepared in the course of consultations as resolution 467 (1980), which reads in part as follows:

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 427 (1978), 434 (1978), 444 (1979), 450 (1979) and 459 (1979),

1. *Reaffirms* its determination to implement the above-mentioned resolutions, particularly resolutions 425 (1978), 426 (1978) and 459 (1979), in the totality of the area of operation assigned to the United Nations Interim Force in Lebanon, up to the internationally recognized boundaries;

2. *Condemns* all actions contrary to the provisions of the above-mentioned resolutions and, in particular, strongly deplores:

(a) Any violation of Lebanese sovereignty and territorial integrity;

(b) The military intervention of Israel in Lebanon;

(c) All acts of violence in violation of the General Armistice Agreement between Israel and Lebanon;

(d) Provision of military assistance to the so-called *de facto* forces;

(e) All acts of interference with the United Nations Truce Supervision Organization;

(f) All acts of hostility against the Force and in or through its area of operation as inconsistent with Security Council resolutions;

(g) All obstructions of the ability of the Force to confirm the complete withdrawal of Israeli forces from Lebanon, to supervise the cessation of hostilities, to ensure the peaceful character of the area of operation, to control movement and to take measures deemed necessary to ensure the effective restoration of the sovereignty of Lebanon;

(h) Acts that have led to loss of life and physical injuries among the personnel of the Force and of the United Nations Truce Supervision Organization, their harassment and abuse, the disruption of communication, as well as the destruction of property and material;

3. *Condemns* the deliberate shelling of the headquarters of the Force and more particularly the field hospital, which enjoys special protection under international law;

7. *Calls attention* to the terms of reference of the Force, which provide that it will use its best efforts to prevent the recurrence of fighting and to ensure that its area of operation will not be utilized for hostile activities of any kind,

8. *Requests* the Secretary-General to convene a meeting, at an appropriate level, of the Israel-Lebanon Mixed Armistice Commission to agree on precise recommendations and further to reactivate the General Armistice Agreement conducive to the restoration of the sovereignty of Lebanon over all its territory up to the internationally recognized boundaries;

10. *Recognizes* the urgent need to explore all ways and means of securing the full implementation of resolution 425 (1978), including enhancing the capacity of the Force to fulfil its mandate in all its parts;

11. *Requests* the Secretary-General to report as soon as possible on the progress of these initiatives and the cessation of hostilities.

The mandate of UNIFIL was twice more renewed during the period under review, each time by 12 votes to none, with 2 abstentions,¹³¹ by resolutions 474 (1980)

¹²³See OR, 4th yr., Special Suppl. No. 4.

¹²⁴Prior to the 2180th meeting, the President of the Council, at the close of the 2163rd meeting, on 24 August 1979, had made a statement appealing to the parties concerned to exercise restraint so that hostilities in southern Lebanon might be brought to an end (see 2163rd mtg., para. 189). At the close of the Council's 2165th meeting on 30 August 1979, the President had expressed satisfaction that the appeal had been heeded, and appealed to the parties to make the cease-fire permanent and to implement resolution 425 (1978) in all its parts (see 2165th mtg., paras. 154 and 155).

¹²⁵S/13691, OR, 14th yr., Suppl. for Oct.-Dec. 1979.

¹²⁶One permanent member (China) did not participate in the voting.

¹²⁷S/13888 and Corr. 1 and Add. 1-3, OR, 35th yr., Suppl. for April-June 1980.

¹²⁸S/13900. See 2217th mtg., para. 15.

¹²⁹In explanation of the vote, at the 2218th meeting, the representative of China stated that, while his delegation supported the resolution because it was, on the whole, conducive to support for the Lebanese and Arab people in opposing Israel's aggression, its position on UNIFIL remained as previously stated (2218th mtg., paras. 64 and 65).

At the same meeting, the representative of the United States indicated that his delegation considered the draft resolution an inadequate and unbalanced response to the problem, and was abstaining because the resolution did not acknowledge the problem of cross-border terrorism against Israel (2218th mtg., paras. 70-74).

¹³⁰S/13905. Adopted without change.

¹³¹One permanent member (China) did not participate in the voting.

and 483 (1980), following the Council's consideration of the reports of the Secretary-General on the Force.¹³²

CASE 7

Special Representative of the Secretary-General under resolution 431 (1978)

At its 2082nd meeting, on 27 July 1978, in connection with the situation in Namibia, the Council adopted by 13 votes to none, with 2 abstentions, resolution 431 (1978),¹³³ which reads as follows:

The Security Council,

Recalling its resolution 385 (1976) of 30 January 1976,

Taking note of the proposal for a settlement of the Namibian situation contained in document S/12636 of 10 April 1978,¹³⁴

1. *Requests the Secretary-General to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;*
2. *Further requests the Secretary-General to submit at the earliest possible date a report containing his recommendations for the implementation of the proposal for a settlement of the Namibian situation in accordance with Security Council resolution 385 (1976);*
3. *Urges all concerned to exert their best efforts towards the achievement of independence by Namibia at the earliest possible date.*

In a statement made following the vote, the Secretary-General informed the Council of his intention to appoint the United Nations Commissioner for Namibia as his Special Representative for Namibia.¹³⁵

At the same meeting, several delegations expressed their views on what the role and functions of the Special Representative should be.¹³⁶

Mr. Sam Nujoma, President of the South West Africa People's Organization (SWAPO), asserted that the success or failure of the United Nations' undertaking in Namibia would depend on the Special Representative's wielding effective power and authority regarding: (a) all stages and aspects of the transitional administration, including the power and authority to approve or disapprove any action by the South African Administrator-General; (b) security measures, including the final say regarding the good conduct of the police forces and the ability to ensure that the necessary steps would be taken to guarantee against the possibility of their interfering in the political process; and (c) the conduct of the entire electoral process, including the power and authority to initiate measures in such matters as the taking of census, the registration of voters, the preparation of voters' rolls, the delineation of electoral constituencies, the setting of the commencement of electoral campaigns and the date of the election, as well as the tabulation, publication and certification of election results.¹³⁷

The representative of Mauritius expressed a similar view, stating that the Council would have to specify powers that would give the Special Representative control over the situation in Namibia, including the administrative system. He should have the authority to use United Nations forces to do what he deemed necessary to prevent interference with free and fair elections, intimidation and

fraud, and there should be an agreed mechanism to ensure that he would be able to so act without constant recourse to the Council. The representative of Mauritius expressed the hope that the Special Representative's first report would provide clear recommendations about the powers and arrangements necessary to ensure United Nations control in the matter.¹³⁸

The representative of South Africa stated that, as the legislative and administrative authority in the Territory, the Administrator-General would continue to govern during the transition period, and that the primary responsibility for maintaining law and order would rest with the existing police forces. The Administrator-General and the Special Representative were required to work together and to consult each other and, unless the relationship between them was characterized by a spirit of mutual trust and co-operation, it would be difficult, if not impossible, for them to fulfil their respective tasks successfully. He further stated that, regarding the functions of the Special Representative in respect of the electoral process, South Africa had been assured that the Special Representative would be guided by the procedures and precedents established in other appropriate cases where the United Nations had played a role in the determination of the wishes of the people.¹³⁹

The Special Representative, accompanied by a staff of United Nations officials and military advisers, conducted a survey mission to Namibia from 6 to 22 August 1978, in the course of which he met with the Administrator-General, local authorities, private individuals and representatives of political parties, the business community and churches. On 29 August 1978, the Secretary-General submitted a report¹⁴⁰ pursuant to paragraph 2 of resolution 431 (1978) containing recommendations based on the Special Representative's survey mission for the implementation of the proposal referred to in resolution 431 (1978).

The Council considered the Secretary-General's report at its 2087th and 2088th meetings, on 29 and 30 September 1978. At its 2087th meeting, the Council adopted a draft resolution¹⁴¹ sponsored by Canada, France, Gabon, the Federal Republic of Germany, Mauritius, Nigeria, the United Kingdom and the United States by 12 votes to none, with 2 abstentions, as resolution 435 (1978), by which it, *inter alia*, approved the report of the Secretary-General and decided to establish a United Nations Transition Assistance Group (UNTAG)¹⁴² to assist the Special Representative in carrying out his mandate.

Following the vote, the representative of the Soviet Union stated that, in the view of his delegation, the Secretary-General and his Special Representative should be fully answerable to the Council, which was the only organ with the authority to take decisions and control and direct the kind of operation that was envisioned. He further stated that the resolution just adopted should have indicated that the actions of the South African Administrator-General should be under the strict control of the Special Representative.¹⁴³

At the 2088th meeting, the representative of Sudan, speaking in his capacity as the representative of the

¹³²S/13994, OR, 35th yr., Suppl. for April-June 1980; and S/14295, *ibid.*, Suppl. for Oct.-Dec. 1980. In addition, the Secretary-General submitted one special report, dated 21 August 1980: S/14118, OR, 35th yr., Suppl. for July-Sept. 1980.

¹³³Draft resolution S/12792, adopted without change.

¹³⁴S/12636, OR, 33rd yr., Suppl. for April-June 1978.

¹³⁵2082nd mtg., paras. 15-20.

¹³⁶In addition to the statements cited below, see 2082nd mtg., especially the statements by the Soviet Union (2082nd mtg., paras. 173-191) and Kuwait (2082nd mtg., paras. 193-200).

¹³⁷*Ibid.*, paras. 95 and 96.

¹³⁸*Ibid.*, paras. 149-151.

¹³⁹*Ibid.*, para. 265.

¹⁴⁰S/12827, OR, 33rd yr., Suppl. for July-Sept. 1978. In addition, the Secretary-General made several clarifications to his report at the 2087th mtg. (S/12869, 2087th mtg., paras. 11-22).

¹⁴¹S/12865, Adopted without change.

¹⁴²For more information about UNTAG, see the note to part I of the present chapter, above.

¹⁴³2087th mtg., paras. 207 and 208.

current President of the Organization of African Unity (OAU), stated that before the United Nations moved into Namibia the Council should resolve the question of how to define clearly and beyond any reasonable doubt the functions, duties and powers of the Special Representative.¹⁴⁴

Following the adoption of resolution 435 (1978), the Secretary-General continued to report to the Council on efforts to implement the proposal for a settlement of the Namibian situation and on the activities of the Special Representative in that regard, including his consultations and visits with the parties concerned and interested.¹⁴⁵

CASE 8

Security Council Commission established under resolution 446 (1979)

At its 2134th meeting, on 22 March 1979, during its consideration of the situation in the occupied Arab territories, the Security Council adopted by 12 votes to none, with 2 abstentions, a revised draft resolution¹⁴⁶ sponsored by Bangladesh, Kuwait, Nigeria and Zambia as resolution 446 (1979), paragraphs 4 to 7 of which read as follows:

The Security Council,

4. Establishes a commission consisting of three members of the Security Council, to be appointed by the President of the Council after consultation with the members of the Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem;
5. Requests the Commission to submit its report to the Security Council by 1 July 1979;
6. Requests the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission;
7. Decides to keep the situation in the occupied territories under constant and close scrutiny and to reconvene in July 1979 to review the situation in the light of the findings of the Commission.

In statements made following the vote, the representatives of Bangladesh¹⁴⁷ and Jordan¹⁴⁸ each expressed the conviction that the Commission should make an on-the-spot assessment of the situation by visiting the areas in question, and that it should interview persons of Palestinian extraction who were living in other countries as well. The representative of Jordan further stated that, should Israel refuse the Commission permission to visit the occupied territories, it was the understanding of his delegation that the Commission would visit Amman, Beirut, Damascus, Cairo, Kuwait, Saudi Arabia and whatever other country it chose.

The representative of Israel stated that, in view of what he termed the unbalanced and tendentious manner in which the Council had dealt with the overall issues of the Arab-Israel conflict, and the past experiences of his Government with fact-finding commissions established by the United Nations, his Government rejected resolution 446 (1979) in its entirety, and would treat it accordingly.¹⁴⁹

By a note dated 3 April 1979,¹⁵⁰ the President of the Council stated that, following consultations among the members of the Council, it had been agreed that the Commission established under resolution 446 (1979) would be composed of Bolivia, Portugal and Zambia.

In another note, dated 29 June 1979,¹⁵¹ the President of the Council stated that the Chairman of the Commission had requested an extension of the time-limit for submission of the Commission's report to 15 July 1979, to which no member of the Council had objected.

The report of the Commission,¹⁵² submitted on 12 July 1979, indicated that the three members of the Commission, assisted by a team of Secretariat staff members assigned by the Secretary-General, had visited, between 20 May and 1 June 1979, Jordan, the Syrian Arab Republic, Lebanon and Egypt; had met with the government authorities of each country; and had heard a variety of witnesses and visited various locations. The report included the conclusions and recommendations of the Commission.

The Council considered the Commission's report at its 2156th to 2159th meetings, from 18 to 20 July 1979. At its 2159th meeting, the Council adopted a draft resolution¹⁵³ prepared in the course of consultations by 14 votes to none, with 1 abstention, as resolution 452 (1979), by which it commended the work of the Commission; accepted the recommendations contained in the Commission's report; called upon the Government and people of Israel to stop the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem; and requested the Commission to keep under close survey the implementation of the resolution and to report back to the Council before 1 November 1979.

In explanation of vote, the representative of the United States¹⁵⁴ said that, in dealing with such matters as Jerusalem, the recommendations of the Commission and resolution 452 (1979) had gone beyond the question of settlements, and that his delegation had therefore abstained.

In a note dated 24 October 1979,¹⁵⁵ the President of the Council stated that the Chairman of the Commission had asked that the time-limit for the submission of the Commission's report be postponed until 10 December 1979, and that no member of the Council had objected.

On 4 December 1979, the Commission submitted its report,¹⁵⁶ in which it described its activities since the adoption of resolution 452 (1979) and set out its conclusions and recommendations.

At its 2203rd meeting, on 1 March 1980, the Council unanimously adopted a draft resolution¹⁵⁷ prepared in the course of consultations as resolution 465 (1980), which reads in part as follows:

The Security Council,

1. Commends the work done by the Security Council Commission established under resolution 446 (1979) in preparing the report contained in document S/13679;

¹⁴⁴ 2088th mtg., para. 91.

¹⁴⁵ The Secretary-General submitted the following reports: S/12903, OR, 33rd yr., Suppl. for Oct.-Dec. 1978; S/13120, *ibid.*, 34th yr., Suppl. for Jan.-March 1979; S/13634, *ibid.*, Suppl. for Oct.-Dec. 1979; S/13862, *ibid.*, 35th yr., Suppl. for Jan.-March 1980; and S/14266, *ibid.*, Suppl. for Oct.-Dec. 1980.

¹⁴⁶ S/13171/Rev.2. Adopted without change.

¹⁴⁷ 2134th mtg., paras. 59-62.

¹⁴⁸ *Ibid.*, paras. 145-163.

¹⁴⁹ *Ibid.*, paras. 166-172.

¹⁵⁰ S/13218, OR, 34th yr., Suppl. for April-June 1979.

¹⁵¹ S/13426, *ibid.*

¹⁵² S/13450 and Corr.1 and Add.1, *ibid.*, Suppl. for July-Sept. 1979.

¹⁵³ S/13461. Adopted without change.

¹⁵⁴ 2159th mtg., paras. 20-23.

¹⁵⁵ S/13586, OR, 34th yr., Suppl. for Oct.-Dec. 1979.

¹⁵⁶ S/13679, *ibid.*

¹⁵⁷ S/13827. Adopted without change.

2. *Accepts* the conclusions and recommendations contained in the report of the Commission;¹⁵⁸

3. *Calls upon* all parties, particularly the Government of Israel, to co-operate with the Commission;

8. *Requests* the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution;

9. *Requests* the Commission to report to the Security Council before 1 September 1980 and decides to convene at the earliest possible date thereafter in order to consider the report and the full implementation of the present resolution.

In a note dated 16 June 1980,¹⁵⁹ the President of the Council indicated that, following informal consultations, the Council had decided to maintain the original composition of the Commission established under resolution 446 (1979).

In another note, dated 20 August 1980,¹⁶⁰ the President of the Council stated that the members of the Council had no objection to the request of the Chairman of the Commission to extend the date for submission of the Commission's report to 25 November 1980.

On 25 November 1980, the Commission submitted its third report,¹⁶¹ giving an account of its visit between 26 September and 4 October 1980 to Jordan, the Syrian Arab Republic, Tunisia and Morocco, presenting the information it had obtained and setting out its conclusions and recommendations.

CASE 9

Ad Hoc Committee established under resolution 455 (1979)

At its 2171st meeting, on 23 November 1979, in connection with the complaint by Zambia, the Council adopted by consensus a draft resolution¹⁶² sponsored by Bangladesh, Gabon, Jamaica, Kuwait, Nigeria and Zambia as resolution 455 (1979), paragraphs 5 to 7 of which read as follows:

The Security Council,

5. *Calls for* the payment of full and adequate compensation to the Republic of Zambia by the responsible authorities for the damage to life and property resulting from the acts of aggression;

6. *Further calls upon* all Member States and international organizations urgently to extend material and other forms of assistance to the Republic of Zambia in order to facilitate the immediate reconstruction of its economic infrastructure;

7. *Decides* to establish an *ad hoc* committee composed of four members of the Security Council, to be appointed by the President after consultation with members, in order to assist the Council in the implementation of the present resolution, in particular paragraphs 5 and 6 thereof, and report to the Council by 15 December 1979;

In a note dated 1 December 1979,¹⁶³ the President of the Council stated that, following consultations with the

¹⁵⁸ The representative of the United States specified that his delegation had supported the draft resolution despite reservations regarding certain of its provisions, which they considered to be recommendatory in character. His delegation questioned the recommendation in paragraph 54 of the Commission's report as to the best means to deal with the settlements problem in the occupied territories (2203rd mtg., para. 20).

¹⁵⁹ S/14000, OR, 35th yr., Suppl. for April-June 1980.

¹⁶⁰ S/14116, *ibid.*, Suppl. for July-Sept. 1980.

¹⁶¹ S/14268, *ibid.*, Suppl. for Oct.-Dec. 1980.

¹⁶² S/13645. Adopted without change.

¹⁶³ S/13669, OR, 34th yr., Suppl. for Oct.-Dec. 1979.

members of the Council, it had been agreed that the *Ad Hoc* Committee would be composed of Jamaica, Kuwait, Nigeria and Norway.

On 6 December 1979, the *Ad Hoc* Committee submitted an interim report,¹⁶⁴ stating that it had decided to visit Zambia between 11 and 15 December 1979, and requesting an extension of the date for submission of its full report, which it expected to complete by 31 January 1980. By a note dated 12 December 1979,¹⁶⁵ the President of the Council stated that, following consultations, there had been no objection among the members of the Council to extending the date for submission of the *Ad Hoc* Committee's report to 31 January 1980.

In a second interim report,¹⁶⁶ submitted on 14 December 1979, the *Ad Hoc* Committee presented detailed information on the destruction of vital rail and road bridges in Zambia, with a view to calling upon all Member States and international organizations to extend with immediate effect material and other forms of assistance to Zambia.

In a note dated 22 January 1980,¹⁶⁷ the President of the Council stated that, following consultations among the members of the Council, it had been agreed that for the purpose of presenting its full report the *Ad Hoc* Committee established under resolution 455 (1979) would continue to be composed of the same four members.

The *Ad Hoc* Committee submitted its final report¹⁶⁸ on 31 January 1980. The report included an account of its activities during its visit to Zambia, from 11 to 15 December 1979, and of its efforts at Headquarters on behalf of international assistance to Zambia.

Following the submission of its full report the *Ad Hoc* Committee was dissolved.

CASE 10

Good offices of the Secretary-General under resolution 457 (1979)

In connection with the situation that had arisen between Iran and the United States over the seizure and prolonged detention of United States nationals in Iran, the Council, at its 2178th meeting, on 4 December 1979, unanimously adopted a draft resolution¹⁶⁹ prepared in the course of consultations as resolution 457 (1979), which reads in part as follows:

The Security Council,

1. *Urgently calls upon* the Government of Iran to release immediately the personnel of the Embassy of the United States of America being held at Teheran, to provide them with protection and to allow them to leave the country;

2. *Further calls upon* the Governments of Iran and of the United States of America to take steps to resolve peacefully the remaining issues between them to their mutual satisfaction in accordance with the purposes and principles of the United Nations;

4. *Requests* the Secretary-General to lend his good offices for the immediate implementation of the present resolution and to take all appropriate measures to this end;

5. *Decides* that the Council will remain actively seized of the matter and requests the Secretary-General to report urgently to it on developments regarding his efforts.

¹⁶⁴ S/13681, *ibid.*

¹⁶⁵ S/13685, *ibid.*

¹⁶⁶ S/13694, *ibid.*

¹⁶⁷ S/13755, *ibid.*, 35th yr., Suppl. for Jan.-March 1980.

¹⁶⁸ S/13774 and Corr. 1, *ibid.*

¹⁶⁹ S/13677. Adopted without change.

On 22 December 1979, the Secretary-General submitted to the Council a report¹⁷⁰ on his contacts with the Governments of Iran and the United States and representatives of a number of other Governments and organizations, indicating that he was prepared to send a special representative or to go personally to Iran, and that he would continue to pursue his endeavours in exercise of the mandate entrusted to him by the Council.

At its 2184th meeting, on 31 December 1979, the Council adopted a revised draft resolution¹⁷¹ sponsored by the United States by 11 votes to none, with 4 abstentions, as resolution 461 (1979), which reads in part as follows:

The Security Council,

1. *Reaffirms* its resolution 457 (1979) in all its aspects;
4. *Reiterates its request* to the Secretary-General to lend his good offices and to intensify his efforts with a view to assisting the Security Council in achieving the objectives called for in the present resolution, and in this connection takes note of his readiness to go personally to Iran;
5. *Requests the Secretary-General to report* to the Security Council on his good offices efforts before the Council meets again;
6. *Decides to meet* on 7 January 1980 in order to review the situation

In pursuance of resolutions 457 (1979) and 461 (1979), the Secretary-General submitted a report¹⁷² on 6 January 1980 giving an account of his visit to Iran between 1 and 3 January 1980 and his meetings there with the Foreign Minister and other members of the Revolutionary Council of Iran.

CASE 11

Good offices of the Secretary-General under Security Council statement dated 23 September 1980 and of the Special Representative of the Secretary-General under Security Council statement dated 5 November 1980

On 23 September 1980, in connection with the situation between Iran and Iraq, the President of the Council issued a statement¹⁷³ by which the members of the Council expressed their welcome and full support for the Secretary-General's offer of his good offices to resolve the conflict.

On 25 September 1980, the Secretary-General addressed a letter¹⁷⁴ to the President of the Council indicating that, pursuant to the statement dated 23 September, he had on 24 September addressed a written appeal¹⁷⁵ to the Presidents of Iran and Iraq, and had continued to attempt to contact them directly. Despite those efforts the fighting had intensified, and he therefore recommended that the Council should meet to consider the matter with the utmost urgency.

At its 2248th meeting, on 28 September 1980, the Council unanimously adopted a draft resolution¹⁷⁶ sponsored by Mexico as resolution 479 (1980), paragraphs 4 and 5 of which read as follows:

The Security Council,

4. *Supports* the efforts of the Secretary-General and the offer of his good offices for the resolution of this situation;
5. *Requests* the Secretary-General to report to the Security Council within forty-eight hours

¹⁷⁰S/13704, OR, 34th yr., Suppl. for Oct.-Dec. 1979.

¹⁷¹S/13711/Rev.1. Adopted without change.

¹⁷²S/13730, OR, 35th yr., Suppl. for Jan.-March 1980.

¹⁷³S/14190, *ibid.*, Resolutions and Decisions of the Security Council, 1980.

¹⁷⁴S/14197, *ibid.*, Suppl. for July-Sept. 1980.

¹⁷⁵S/14193 and Corr. 1, *ibid.*

¹⁷⁶S/14201. Adopted without change.

In accordance with paragraph 5 of resolution 479 (1980), the Secretary-General submitted a report¹⁷⁷ on developments dated 30 September 1980.

On 5 November 1980, the President of the Council issued another statement,¹⁷⁸ by which the members of the Council reiterated their full support for the use of the good offices of the Secretary-General and welcomed the fact that, in the exercise of his good offices, the Secretary-General was considering sending a representative to the region. The Council requested the Secretary-General to keep it fully informed about his efforts.

In a letter to the President of the Security Council dated 11 November 1980,¹⁷⁹ the Secretary-General, referring to the statement of 5 November, informed him that after consultations with the Governments of Iran and Iraq, and with their agreement, he had asked Mr. Olof Palme of Sweden to serve as his Special Representative. Mr. Palme would be leaving for the area as soon as possible. By a letter of the same date,¹⁸⁰ the President of the Council informed the Secretary-General of the Council's agreement with the proposed arrangements.

**2. Subsidiary organs proposed but not established

B. NOT INVOLVING, TO FACILITATE THEIR WORK, MEETINGS AT PLACES AWAY FROM THE SEAT OF THE ORGANIZATION

1. Subsidiary organs established

CASE 12

Committee established under resolution 421 (1977)

During its consideration of the question of South Africa, following the imposition of a mandatory arms embargo against South Africa under resolution 418 (1977), the Council, at its 2052nd meeting, on 9 November 1977, unanimously adopted a draft resolution¹⁸¹ sponsored by Benin, the Libyan Arab Jamahiriya and Mauritius as resolution 421 (1977), the operative part of which reads as follows:

The Security Council,

1. *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 report on the progress of the implementation of resolution 418 (1977) which will be submitted by the Secretary-General;

(b) To study ways and means by which the mandatory arms embargo could be made more effective against South Africa and to make recommendations to the Council;

(c) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in resolution 418 (1977);

2. *Calls upon* all States to co-operate fully with the Committee in regard to the fulfilment of its tasks concerning the effective implementation of the provisions of resolution 418 (1977) and to supply such information as may be sought by the Committee in pursuance of the present resolution;

3. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for that purpose, including the provision of appropriate staff for the servicing of the Committee

¹⁷⁷S/14205, *ibid.*

¹⁷⁸S/14244, *ibid.*, Resolutions and Decisions of the Security Council, 1980, pp. 23 and 24.

¹⁷⁹S/14251, *ibid.*, Suppl. for Oct.-Dec. 1980.

¹⁸⁰S/14252, *ibid.*

¹⁸¹S/12477. Adopted without change.

In statements made following the vote, several members of the Council commented on the procedures that should be followed by the newly created Committee for the performance of its functions. The representative of Canada placed on record his delegation's belief that the Committee should adopt procedures similar to those that had been evolved for the Committee established under resolution 253 (1968). Other members expressed similar views, while the representative of the Libyan Arab Jamahiriya stated that, in the view of his delegation, it should be ensured that the machinery created for the implementation of the arms embargo against South Africa would be more effective than that which had been created for the implementation of sanctions against Southern Rhodesia under resolution 253 (1968).¹⁸²

In a note verbale addressed to the Secretary-General, dated 3 April 1979,¹⁸³ the Mission of Benin suggested that the members of the Council should consider revising the methods of work of the Committee, as well as those of the Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia, pointing out that, apart from the 15 members of the Council, Member States remained totally ignorant of the work of the two Committees and of the treatment of the information communicated to them. Benin recommended that the meetings of the Committees should be public and open to participation by States and individuals who could help the Committees to do objective and profitable work.

On 26 December 1979, the Committee submitted to the Council a report on the question of nuclear collaboration with South Africa,¹⁸⁴ which set out the different views of the members of the Committee on measures to be recommended to the Council in order to avert the danger of South Africa's acquiring nuclear weapons. By a letter dated 31 December 1979,¹⁸⁵ the Chairman transmitted the Committee's report on its work for the first two years, from 28 January 1978 to 20 December 1979, including an account of the Committee's substantive activities during that period and of the guidelines adopted by the Committee for the conduct of its work.

At its 2231st meeting, on 13 June 1980, the Council unanimously adopted a draft resolution¹⁸⁶ that had been prepared in the course of consultations as resolution 473 (1980), paragraph 11 of which reads as follows:

¹⁸² For the relevant statements see the 2052nd and 2053rd meetings, especially the statements by Canada (2052nd mtg., para. 77) and the Libyan Arab Jamahiriya (2053rd mtg., para. 50).

¹⁸³ S/13247, *OR*, 34th yr., *Suppl. for April-June 1979*.

¹⁸⁴ S/13708, *ibid.*, *Suppl. for Oct.-Dec. 1979*.

¹⁸⁵ S/13721, *ibid.*

¹⁸⁶ S/13995. Adopted without change.

The Security Council,

11. Requests the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, in pursuance of resolution 418 (1977), to redouble its efforts to secure full implementation of the arms embargo against South Africa by recommending by 15 September 1980 measures to close all loop-holes in the arms embargo, reinforce and make it more comprehensive;¹⁸⁷

Following the vote, the representative of France noted that his delegation understood the phrase "reinforce and make it more comprehensive" to mean that the Committee should recommend to the Council measures to secure the full implementation of resolution 418 (1977), since any other interpretation would run counter to the mandate entrusted to the Committee in resolution 421 (1977).¹⁸⁸

In compliance with the request contained in paragraph 11 of resolution 473 (1980), the Chairman of the Committee, on 19 September 1980, transmitted the Committee's report on ways and means of making the mandatory arms embargo against South Africa more effective.¹⁸⁹ The report covered the objectives, scope and State obligations set out in resolution 418 (1977), the problems encountered in the implementation of the embargo, and the Committee's conclusions and recommendations, including the reservations expressed by some of the members of the Committee.

The Council considered the Committee's report at its 2261st meeting on 19 December 1980. In the course of the meeting, the representative of Zambia made a statement in which he expressed his delegation's concern at the rampant violations of the arms embargo and asserted that the working procedures of the Committee needed to be revised in order to ensure that it would be made more effective. He proposed that the Committee should establish a system of verification and independent investigation since, in the view of his delegation, excessive reliance on secondary sources undermined the Committee's ability to discharge its functions. In that regard, he suggested that the workings of the Security Council Commission on the Middle East established under resolution 446 (1979)¹⁹⁰ might provide a model.¹⁹¹

**2. Subsidiary organs proposed but not established

¹⁸⁷ In a statement made after the vote, the representative of the United Kingdom indicated that his delegation did not regard paragraph 11 as prejudging the question of whether the arms embargo should be extended (2231st mtg., para. 50).

¹⁸⁸ 2231st mtg., para. 61.

¹⁸⁹ S/14179, *OR*, 35th yr., *Suppl. for July-Sept. 1980*.

¹⁹⁰ See case 9 above.

¹⁹¹ 2261st mtg., paras. 34-44.

**Part II

**CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS

**A. CONSIDERATION OF PROCEDURE IN THE ESTABLISHMENT OF SUBSIDIARY ORGANS

**B. CONSIDERATION OF THE PROCEDURE OF CONSULTATION BETWEEN PERMANENT MEMBERS

**C. CONSIDERATION OF THE PROCEDURE OF DELEGATION OF FUNCTIONS

**D. CONSIDERATION OF THE PROCEDURE OF MODIFICATION OF TERMS OF REFERENCE

**E. CONSIDERATION OF THE PROCEDURE OF TERMINATION