

Chapter V

SUBSIDIARY ORGANS OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

The material included in the present 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 includes five instances in which a subsidiary organ was formally proposed but not established (cases 8-12),¹ six instances in which the Council authorized the Secretary-General to set up a subsidiary organ (cases 1 and 3) and one instance in which the Council itself decided to establish a subsidiary organ (case 2). In cases where the Secretary-General set up subsidiary organs pursuant to Council

decisions, no implication is intended as to whether these bodies do or do not fall under Article 29.

There are no entries under part II 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.”

¹The note to part I of the present chapter includes instances of informal proposals to set up subsidiary organs submitted to the Council.

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 send a mission to visit Botswana for the purpose of assessing the damage caused by South Africa's aggression, proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees and determining the level of assistance required by Botswana, and to report to the Council;² (b) decided to send to Angola a commission of investigation, comprising three members of the Council, to evaluate the damage resulting from the invasion by South African forces and to report to the Council;³ (c) decided to set up, under its authority, a United Nations Iran-Iraq Military Observer Group (UNIIMOG) to verify, confirm and supervise the ceasefire and withdrawal of all forces to the internationally recognized boundaries;⁴ (d) authorized the Secretary-General to appoint a special representative for Western Sahara;⁵ (e) encouraged the Secretary-General to carry out promptly investigations in response to allegations concerning the possible use of chemical and bacteriological (biological) or toxic weapons that might constitute a violation of the Geneva Protocol of 1925⁶ or other relevant rules of customary international law, in order to ascertain the facts of the matter, and to

report the results;⁷ (f) confirmed its agreement to the temporary dispatch by the Secretary-General to Afghanistan and Pakistan of military officers from existing United Nations operations to assist in the mission of good offices;⁸ and (g) established under its authority a United Nations Angola Verification Mission (UNAVEM) for a period of 31 months.⁹

The following subsidiary organs, which had been established prior to 1985, continued to exist during 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 Troop Supervision Organization (UNTSO), 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 Peacekeeping Force in Cyprus (UNFICYP), the Ad Hoc Sub-Committee on Namibia, the Committee of Experts established at the 1506th meeting concerning the question of associate membership, the Security Council Committee on Council Meetings Away from Headquarters, the Special Representative of the Secretary-General to East Timor, the Security Council

²Case 1, resolution 568 (1985).

³Case 2, resolution 571 (1985).

⁴Case 3, resolutions 598 (1987) and 619 (1988).

⁵Case 5, resolution 621 (1988).

⁶League of Nations, *Treaty Series*, vol. XCIV (1929), No. 2138.

⁷Case 4, resolution 620 (1988).

⁸Case 6, resolution 622 (1988).

⁹Case 7, resolution 626 (1988).

Committee Established under resolution 421 (1977) concerning the question of South Africa, the United Nations Interim Force in Lebanon (UNIFIL), the Special Representative of the Secretary-General for Namibia and the Security Council Committee established by resolution 446 (1979) concerning the situation in the occupied Arab territories. In addition, the Secretary-General continued to exercise his good offices in connection with the situation between Iran and Iraq, as well as with the situation relating to Afghanistan. With regard to the efforts of mediation pursued by the Secretary-General in connection with the situation between Iran and Iraq, the Secretary-General visited both Tehran and Baghdad between 7 and 9 April 1985 and submitted to the Council a report¹⁰ in which he stated that he had had further exchanges in the two capitals regarding his eight-point proposals, the underlying premise of which was that, as Secretary-General, his overriding constitutional responsibility under the Charter was to seek to end the conflict; and that, until that goal was achieved, he was also legally obliged under recognized international humanitarian rules to try to mitigate the effects of the conflict, in areas such as attacks on civilian population centres, use of chemical weapons (case 4), treatment of prisoners of war and safety of navigation and civil aviation. He added that both sides had agreed that for the time being the United Nations inspection teams would remain in Baghdad and Tehran¹¹ and expressed the view that, as a first step, it was essential that the Security Council extend an invitation to the two Governments to take part in a renewed examination of all aspects of the conflict. The Council considered the Secretary-General's report on his visit and the President, on behalf of the members of the Council, made a statement¹² expressing their appreciation and support to the Secretary-General and stating that the members of the Council were ready to issue at the appropriate moment an invitation to both parties to take part in a renewed examination of all aspects of the conflict. During the period covered by the present *Supplement*, there were also several allegations, by one or other of the parties to the conflict, of the use of chemical weapons in violation of the Geneva Protocol of 1925. Since the members of the Council had considered that it could not act on the basis of individual allegations, the Secretary-General dispatched missions of specialists seven times and submitted reports thereon to the Council. The Council's responses to those reports are described in case 4 below, until, ultimately, the Council adopted resolution 620 (1988), by which it, *inter alia*, encouraged the Secretary-General to carry out promptly investigations of allegations by any Member State and decided to consider effective measures, taking into account the investigations, should there be any future use of chemical weapons wherever and by whomever committed.

The Security Council Committee on the Admission of New Members, the Ad Hoc Subcommittee on Namibia, the Committee of Experts established at the 1506th meeting to study the question of associate membership and the Security Council Committee on Council Meetings Away from Headquarters did not meet during the period under review. There was also no activity on the part of the Special Rep-

resentative 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) and the Security Council Commission established by resolution 446 (1979) concerning the situation in the occupied Arab territories during the period under review.

The Security Council Committee of Experts was asked to study and report on the application of the Republic of Nauru¹³ to become a party to the Statute of the International Court of Justice.

During the period under review, the military observers of UNTSO continued to assist and cooperate with UNDOF and UNIFIL. The Chief of Staff and four other military observers of UNTSO were temporarily detached to serve as leader and military experts of the technical team sent by the Secretary-General to Iran and Iraq to work out, with the authorities of those two countries, the modalities for the dispatch of UNIIMOG to verify, confirm and supervise the ceasefire and withdrawal called for in resolution 598 (1987).¹⁴ Moreover, 50 military officers had been temporarily detached from UNTSO, UNDOF and UNIFIL to constitute the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP).¹⁵

UNDOF continued to function throughout the period under review, during which time the Council extended its mandate eight times¹⁶ following consideration of the Secretary-General's regular progress reports.¹⁷

During the period under review, the Council extended the mandate of UNIFIL eight times¹⁸ and the Secretary-General submitted a number of regular and special reports.¹⁹ In a number of resolutions,²⁰ the Council also requested the Secretary-General to continue consultations with the Government of Lebanon and other concerned parties on the full implementation of the mandate of UNIFIL. On a few occasions in 1986 there were attacks against UNIFIL in which several members of the Irish and French contingents were killed and the Council responded with two statements and one resolution²¹ condemning the at-

¹³See S/PV.2753 and S/PV.2754.

¹⁴S/20093, OR, 43rd yr., *Suppl. for July-Sept. 1988*. See also case 3.

¹⁵S/20230, *ibid.*, *Suppl. for Oct.-Dec. 1988*. See also case 6.

¹⁶The mandate of the Force was extended by the Council in its resolutions 563 (1985), 576 (1985), 584 (1986), 590 (1986), 596 (1987), 603 (1987), 613 (1988) and 624 (1988).

¹⁷The following progress reports were submitted by the Secretary-General: S/17177, OR, 40th yr., *Suppl. for April-June 1985*; S/17628, *ibid.*, *Suppl. for Oct.-Dec. 1985*; S/18061, *ibid.*, 41st yr., *Suppl. for April-June 1986*; S/18453, *ibid.*, *Suppl. for Oct.-Dec. 1986*; S/18453, *ibid.*, *Suppl. for Oct.-Dec. 1986*; S/18868, *ibid.*, 42nd yr., *Suppl. for April-June 1987*; S/19263, *ibid.*, *Suppl. for Oct.-Dec. 1987*; S/19895, *ibid.*, 43rd yr., *Suppl. for April-June 1988*; and S/20276, *ibid.*, *Suppl. for Oct.-Dec. 1988*.

¹⁸The mandate of the Force was extended by the Council in its resolutions 561 (1985), 575 (1985), 583 (1986), 586 (1986), 594 (1987), 599 (1987), 609 (1988) and 617 (1988).

¹⁹The Secretary-General submitted the following reports: S/17093, OR, 40th yr., *Suppl. for April-June 1985*; S/17557, *ibid.*, *Suppl. for Oct.-Dec. 1985*; S/17965, *ibid.*, 41st yr., *Suppl. for April-June 1986*; S/18164 and Add.1, *ibid.*, *Suppl. for April-June 1986*; S/18348 (special), *ibid.*, *Suppl. for July-Sept. 1986*; S/18396 (special), *ibid.*, *Suppl. for Oct.-Dec. 1986*; S/18581 and Add.1, *ibid.*, 42nd yr., *Suppl. for Jan.-March 1987*; S/18990, *ibid.*, *Suppl. for Jan.-March 1988*; S/19617 (special), *ibid.*, and S/20053, *ibid.*, *Suppl. for July-Sept. 1988*.

²⁰See footnote 18.

²¹S/18320, S/18439 (presidential statements), and resolution 587 (1986), OR, 41st yr., *Resolutions and Decisions of the Security Council, 1986*.

¹⁰S/17097, OR, 40th yr., *Suppl. for April-June 1985*.

¹¹See *Repertoire of the Practice of the Security Council, Supplement 1981-1984*, chap. V, case 4.

¹²S/17130, OR, 40th year, *Resolutions and Decisions of the Security Council, 1985* (also incorporated in the record of the 2576th mtg., held on 25 April 1985).

tacks against UNIFIL and noting the measures taken by the Secretary-General, following his dispatch to the area of a mission of inquiry,²² to enhance the security of the Force. On another occasion, the Secretary-General included in one of his reports on UNIFIL²³ information concerning the abduction of Lt.-Col. William Richard Higgins and the Council responded by adopting a resolution condemning the abduction and demanding his immediate release.²⁴

Between 1985 and 1988, the Council extended the mandate of UNFICYP eight times²⁵ and, at the Council's request, the Secretary-General continued with his mission of good offices and regularly reported both on his good offices and on the Force. On one occasion, it was acknowledged that, on 20 September 1985, the Secretary-General had given an oral report to the members of the Council, following which the President, on behalf of the members of the Council, made a statement²⁶ affirming that, in the course of the oral report, the Secretary-General had conveyed the assessment that his initiative had brought the position of the two sides closer together and his conviction that what had been achieved should lead to an early agreement on the framework for a just and lasting settlement of the Cyprus question in accordance with the principles of the Charter. The members expressed support for the mission of the Secretary-General under his mandate from the Council and called upon all parties to make a special effort in cooperation with the Secretary-General to reach an early agreement. On another occasion, the President of the Council made a statement on behalf of its members²⁷ expressing their support for the effort launched on 24 August 1988 by the Secretary-General in the context of his mission of good offices in Cyprus and welcoming the readiness of the two parties to seek a negotiated settlement of all aspects of the Cyprus problem by 1 June 1989.

The Security Council Committee established under resolution 421 (1977) concerning the question of South Africa held 20 meetings during the period under review. At its 2723rd meeting, on 28 November 1986, the Council resumed its consideration of the Committee's report²⁸ on securing full implementation of the arms embargo by adopting measures aimed at closing all loopholes in the arms embargo against South Africa, reinforcing the embargo and making it more effective, which the Council had last considered at its 2564th meeting, on 13 December 1984.²⁹ At its 2723rd meeting, on 28 November 1986, the Council had before it a letter from the Chairman of the Committee containing a draft resolution recommended by consensus by the Committee.³⁰ At the same meeting, the Council adopted the draft resolution by consensus as resolution 591 (1986), by which it, *inter alia*, requested of all States that

thenceforth the term "arms and related *matériel*" referred to in resolution 418 (1977) should include, in addition to all nuclear, strategic and conventional weapons, all military, paramilitary police vehicles and equipment, as well as weapons and ammunition, spare parts and supplies for the aforementioned and the sale or transfer thereof; requested all States to adopt measures to investigate violations, prevent future circumventions and strengthen their machinery for the implementation of the arms embargo; and requested the Secretary-General to report to the Council on the implementation of the resolution before 30 June 1987.³¹ By a letter dated 30 December 1987 addressed to the President of the Council,³² the Chairman of the Committee transmitted the text of a statement issued on the same date by the Chairman on behalf of the Committee, in which the Committee noted that quantities of arms and military equipment were still reaching South Africa directly or via clandestine routes and appealed to all States, in particular those with a manufacturing and export capacity for military equipment, to tighten their scrutiny and to increase their vigilance so as to ensure that none of it reached South Africa in violation of the mandatory arms embargo.

The Special Representative of the Secretary-General for Namibia continued with the pursuit of his mandate of promoting the Secretary-General's efforts to secure the implementation of resolution 435 (1978), embodying the United Nations plan for the independence of Namibia, including the establishment of a United Nations Transition Assistance Group (UNTAG). In its resolution 566 (1985), the Council, *inter alia*, mandated the Secretary-General to resume contact with South Africa with a view to obtaining its choice of the electoral system for the election, under United Nations supervision and control, for the Constituent Assembly, in accordance with the terms of resolution 435 (1978). The Council considered the reports of the Secretary-General³³ and adopted resolution 601 (1987), in which it, *inter alia*, affirmed that all outstanding issues had been resolved, authorized the Secretary-General to arrange a ceasefire between South Africa and the South West Africa People's Organization (SWAPO) in order to undertake the steps necessary for the emplacement of UNTAG, and urged all Member States to render all the necessary practical assistance to the Secretary-General and his staff in the implementation of the resolution. At the 2827th meeting, held on the tenth anniversary of the adoption of resolution 435 (1978), on 29 September 1988, the President of the Council made a statement, on behalf of its members,³⁴ in which the members noted recent developments in the efforts by a number of parties to find a peaceful solution to the conflict in south-western Africa that were reflected in the joint statement of 8 August 1988 by the Governments of Angola, Cuba, South Africa and the United States of America.³⁵ In particular,

²²S/18348, OR, 41st yr., Suppl. for July-Sept. 1986, and S/18396, *ibid.*, Suppl. for Oct.-Dec. 1986.

²³S/20053 (para. 23), OR, 43rd yr., Suppl. for July-Sept. 1988.

²⁴Resolution 618 (1998).

²⁵The mandate of UNFICYP was extended by the Council in its resolutions 565 (1985), 578 (1985), 585 (1986), 593 (1986), 597 (1987), 604 (1987), 614 (1988) and 625 (1988).

²⁶For the text of the statement, see S/17486, OR, 40th yr., Resolutions and Decisions of the Security Council, 1985.

²⁷For the text of the statement, see S/20330, OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988. See also S/PV.2833.

²⁸S/18474, OR, 41st yr., Suppl. for Oct.-Dec. 1986.

²⁹See *Repertoire of the Practice of the Security Council, Supplement 1981-1984*, chap. V.

³⁰See footnote 28.

³¹S/18961 and Add. 1-5, OR, 42nd yr., Suppl. for April-June 1987.

³²S/19396, *ibid.*, Suppl. for Oct.-Dec. 1987. See also S/18288 (note dated 20 August 1986 transmitting the report of the Committee on the International Seminar on the Arms Embargo against South Africa, held in London from 28 to 30 May 1986), *ibid.*, 41st yr., Suppl. for July-Sept. 1986.

³³S/18767, OR, 42nd yr., Suppl. for Jan.-March 1987, and S/19234, *ibid.*, Suppl. for Oct.-Dec. 1987.

³⁴S/20208, OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988.

³⁵S/20109, annex, *ibid.*, Suppl. for July-Sept. 1988. For related development, see case 7.

the members urged South Africa to comply forthwith with resolution 435 (1978) and to cooperate with the Secretary-General in its full and definitive implementation. To that end, they also urged all States to render all necessary assistance to the Secretary-General and his staff in the administrative and other practical steps necessary for the deployment of UNTAG.

On one occasion during the period under review, the Council formally requested the Secretary-General, under resolution 580 (1985), in connection with a complaint by Lesotho against South Africa, to establish, in consultation with the Government of Lesotho, an appropriate presence comprising one or two civilians in Maseru, for the purpose of keeping him informed of any development affecting the territorial integrity of Lesotho. The "appropriate presence" requested was not actually established, however.³⁶

On another occasion, in connection with a request by Angola, when, by resolution 602 (1987), the Council mandated the Secretary-General to monitor the withdrawal of the South African military forces from the territory of Angola and to report to it thereon, he fulfilled his mandate by dispatching a mission to Angola, following consultations with the Government of Angola. The mission, which comprised both military and civilian staff, visited Angola from 12 to 16 December 1987 and the Secretary-General submitted his report to the Council on 18 December 1987.³⁷

On a third occasion, in connection with the situation in the occupied Arab territories, the Council adopted resolution 605 (1987), in which it, *inter alia*, requested the Secretary-General to examine the situation in the occupied territories by all means available to him and to submit a report containing his recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation. The Secretary-General responded by dispatching the Under-Secretary-General for Special Political Affairs to visit Israel and the occupied Palestinian territories from 8 to 17 January 1988 and submitted to the Council a report, dated 21 January 1988,³⁸ containing various ideas, all of which were dependent on the consent and cooperation of Israel, on ways and means to ensure the protection of the civilian population.

There were also a number of occasions during the period under review when the Council requested action on the part of the Secretary-General: (a) in its resolution 562 (1985), in connection with the letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council, the Council requested the Secretary-General to keep it apprised of the development of the situation and the implementation of the resolution; (b) in resolution 572 (1985), in connection with the letter dated 26 September 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council, it requested the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep it informed; (c) in resolution 581 (1986), in connection with the situation in southern Africa, it requested the Secretary-General to monitor developments related to

South Africa's threats to escalate acts of aggression against independent States in southern Africa and to report to it as the situation demanded; (d) in resolution 611 (1988), in connection with the letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council, the Council requested the Secretary-General to report to it any new elements available to him relating to the act of aggression committed by Israel against the sovereignty and territorial integrity of Tunisia; and (e) in its resolution 621 (1988), in connection with the situation in Western Sahara, it requested the Secretary-General to report to it on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in cooperation with the Organization of African Unity.

There were few instances when participants in the Council proceedings and States Members of the United Nations proposed the creation of subsidiary organs without submitting their suggestions in the form of draft resolutions.³⁹

³⁹(a) On the occasion of the commemorative meeting of the Security Council on the agenda item entitled "United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security", the representative of Thailand suggested that, for the Council to be a forum where serious negotiations could lead to substantive results, it should minimize the time taken up by speeches by countries not directly involved in the dispute and devote more time to the parties to the dispute to negotiate between themselves under the auspices of the President of the Council or with the assistance of the Secretary-General, or of a "conciliation committee" of selected Council members that could be created under Article 29 of the Charter (S/PV.2608, p. 42).

(b) In connection with the complaint by Angola against South Africa, the representative of South Africa suggested that, if the Security Council wanted to establish what was happening in southern Angola, it should send a fact-finding mission to the area to find out who was fighting whom, who was directing the operations, what armaments were being used and what the people of Angola would like to have in their country (S/PV.2612 and S/PV.2691, pp. 12 and 26, respectively; and S/17662, letter dated 28 November 1985 from South Africa, *OR, 40th yr., Suppl. for Oct.-Dec. 1985*).

(c) In connection with the situation in the occupied Arab territories, the Coordinating Bureau of the Movement of Non-Aligned Countries issued a communiqué in which it, *inter alia*, urged the Security Council to dispatch a fact-finding mission to the occupied Palestinian territories to investigate the situation and to report to the Council (*OR, 42nd yr., Suppl. for Oct.-Dec. 1987, S/19360*, letter dated 15 December 1987 from Zimbabwe). Similar suggestions were also made by India (S/PV.2774, p. 66) and Zimbabwe (S/PV.2789, p. 8). The representative of the Union of Soviet Socialist Republics made similar suggestions in the context of the ideas contained in the report of the Secretary-General (S/19443) pursuant to resolution 605 (1987), in which the Secretary-General referred to the possibility of dispatching United Nations forces, or observers, or the establishment of a trusteeship system—which were all ideas declared to be dependent on the consent and cooperation of Israel (S/PV.2787, p. 13).

(d) In connection with the letter dated 17 March 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the President of the Security Council, the States members of the Contadora Group and the Support Group submitted a letter transmitting a communiqué in which they, *inter alia*, urged the Secretary-General to dispatch an observer mission to Central America. The representative of Nicaragua also referred to the suggestion that a United Nations technical mission be sent to investigate on site the border incidents in the area of Bocay, Nicaragua (S/19661 and S/19663, *OR, 43rd yr., Suppl. for Jan.-March 1988*; see also S/PV.2803, Nicaragua, p. 26).

³⁶For developments subsequent to the adoption of resolution 580 (1985), see S/17719 and S/17756 (letters from Lesotho), *OR, 41st yr., Suppl. for Jan.-March 1986*, and S/17762 (letter from South Africa), *ibid.*

³⁷S/19359, *OR, 42nd yr., Suppl. for Oct.-Dec. 1987*.

³⁸S/19443, *ibid., 43rd yr., Suppl. for Jan.-March 1988*.

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

1. Subsidiary organs established

CASE 1

Mission of the Secretary-General under Security Council resolution 568 (1985)

During its consideration of the letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council, the Council, at its 2599th meeting, on 21 June 1985, unanimously adopted a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago⁴⁰ as resolution 568 (1985), paragraph 8 of which reads:

The Security Council,

...

8. *Requests* the Secretary-General to send a mission to Botswana for the purpose of:

(a) Assessing the damage caused by South Africa's unprovoked and premeditated acts of aggression;

(b) Proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees;

(c) Determining the consequent level of assistance required by Botswana and to report thereon to the Security Council.

The Secretary-General sent a mission to Botswana from 27 July to 2 August 1985. On 11 September 1985, he transmitted the report of the mission, which contained an account of the consultations held with the Government of Botswana concerning the effects and damages of the military attack on Gaborone by South Africa on 14 June 1985 and an assessment of Botswana's need for assistance from the international community to strengthen its capacity to receive and provide sanctuary to South African refugees, as well as the level of assistance required by Botswana to cope with the situation resulting from the attack.

The Council considered the report submitted by the Secretary-General at its 2609th meeting, on 30 September 1985, and unanimously adopted a draft resolution submitted by Botswana, Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago⁴¹ as resolution 572 (1985), in which the Council, *inter alia*, expressed its appreciation to the Secretary-General for having arranged to send a mission to Botswana; endorsed the report of the mission to Botswana under resolution 568 (1985); demanded that South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from its act of aggression; requested Member States, international organizations and financial institutions to assist Botswana in the fields identified in the report of the mission to Botswana; and requested the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep the Council informed.

⁴⁰S/17291, adopted as orally revised as resolution 568 (1985).

⁴¹S/17453, *OR*, 40th yr., *Suppl. for July-Sept. 1985*.

⁴²S/17503, adopted without change as resolution 572 (1985).

CASE 2

Security Council Commission of Investigation established in pursuance of resolution 571 (1985)

During its consideration of the complaint by Angola against South Africa, the Council, at its 2607th meeting, on 20 September 1985, unanimously adopted a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago⁴³ as resolution 571 (1985), paragraphs 7 and 8 of which read:

The Security Council,

...

7. *Decides* to appoint and send immediately to Angola a commission of investigation, comprising three members of the Security Council, in order to evaluate the damage resulting from the invasion by South African forces and to report to the Council not later than 15 November 1985;

8. *Urges* Member States, pending the report of the Commission of Investigation, to take prompt, appropriate and effective action to bring pressure to bear upon the Government of South Africa to comply with the provisions of the present resolution and of the Charter of the United Nations, to respect the sovereignty and territorial integrity of Angola, and to desist from all acts of aggression against neighbouring States.

In a note dated 30 September 1985,⁴⁴ the President of the Council stated that the members of the Council had agreed, following consultations, that the Commission of Investigation established in pursuance of paragraph 7 of resolution 571 (1985) would be composed of Australia, Egypt and Peru.

During its further consideration of a complaint by Angola against South Africa, the Council, at its 2617th meeting, on 7 October 1985, unanimously adopted a draft resolution, submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago,⁴⁵ as resolution 574 (1985), operative paragraph 7 of which reads:

The Security Council,

...

7. *Requests* the Security Council Commission of Investigation established in pursuance of resolution 571 (1985), consisting of Australia, Egypt and Peru, to report urgently on its evaluation of the damage resulting from South African aggression, including the latest bombings.

In a note dated 15 November 1985,⁴⁶ the President of the Council stated that the Commission of Investigation established pursuant to resolution 571 (1985) had requested an extension of the date of submission of its report until 22 November 1985, and that, after informal consultations on the matter, it had been found that no member of the Council had any objection to the request of the Commission.

The Security Council Commission of Investigation visited Angola from 13 to 23 October 1985 in the exercise of its mandate deriving from paragraph 7 of resolution 571 (1985) and from paragraph 7 of resolution 574 (1985), by

⁴³S/17481, adopted as orally revised and following a separate vote on operative paragraph 5 as resolution 571 (1985); for details, see chap. VIII, part II.

⁴⁴S/17506, *OR*, 40th yr., *Resolutions and Decisions of the Security Council*, 1985.

⁴⁵S/17531, adopted without change following a separate vote on operative paragraph 6, as resolution 574 (1985); for details, see chap. VIII, part II.

⁴⁶S/17635, *OR*, 40th yr., *Resolutions and Decisions of the Security Council*, 1985.

which the Council had included "the latest bombings" in the Commission's mandate. The Commission also held a total of 12 meetings at Headquarters, 3 before and 9 after its visit to Angola. On 22 November 1985, the Commission submitted its report,⁴⁷ which contained accounts of the Commission's consultations with the authorities of Angola, its visits to a number of provinces, including the town of Cazombo, which had been the scene of military operations in September 1985, but not to Mavinga, where ongoing hostilities had precluded a visit. The report also contained estimates of the material damage to the country's infrastructure, including bridges, electricity and water supplies and airstrips in the regions affected; emphasized that the estimates did not fully reflect the extent of damage sustained by Angola as a result of South Africa's actions in September and October 1985, that they did not include compensation for loss of human life and injuries and that there was a pressing need for further assistance by the international community for rehabilitation and reconstruction.

The Security Council considered the report submitted by the Commission at its 2631st meeting, on 6 December 1985. At the same meeting, the Council unanimously adopted a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago⁴⁸ as resolution 577 (1985), in which it, *inter alia*, endorsed the Security Council Commission of Investigation and expressed its appreciation to the members of the Commission; demanded that South Africa pay full and adequate compensation to Angola for the damage to life and property resulting from the acts of aggression; requested Member States and international organizations urgently to extend material and other forms of assistance to Angola; and requested the Secretary-General to monitor developments and report to the Council as necessary, but no later than 30 June 1986, on the implementation of the resolution and, in particular, on the compensation to be paid by South Africa to Angola and on the assistance by the international community to Angola to facilitate the immediate reconstruction of its economic infrastructure.

On 30 June 1986, the Secretary-General submitted his report,⁴⁹ stating that he had drawn the attention of Member States and international organizations to Angola's need for assistance to facilitate the reconstruction of its economic infrastructure and annexing to the report the replies he had received. With respect to South Africa, the Secretary-General stated that, according to the reply he had received,⁵⁰ he had to report to the Council South Africa's rejection of resolution 577 (1985).⁵¹

CASE 3

United Nations Iran-Iraq Military Observer Group under Security Council resolutions 598 (1987) and 619 (1988)

During its consideration of the situation between Iran and Iraq at its 2750th meeting, on 20 July 1987, the Secu-

riety Council unanimously adopted a draft resolution,⁵² which had been prepared in the course of its prior consultations, as resolution 598 (1987). The tenth preambular paragraph and paragraphs 1 to 10 of the resolution read:

The Security Council,

Acting under Articles 39 and 40 of the Charter,

1. *Demands* that, as a first step towards a negotiated settlement, the Islamic Republic of Iran and Iraq observe an immediate ceasefire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay;

2. *Requests* the Secretary-General to dispatch a team of United Nations observers to verify, confirm and supervise the ceasefire and withdrawal and further requests the Secretary-General to make the necessary arrangements in consultation with the Parties and to submit a report thereon to the Security Council;

3. *Urges* that prisoners-of-war be released and repatriated without delay after the cessation of active hostilities in accordance with the Third Geneva Convention of 12 August 1949;

4. *Calls upon* Iran and Iraq to cooperate with the Secretary-General in implementing this resolution and in mediation efforts to achieve a comprehensive, just and honourable settlement, acceptable to both sides, of all outstanding issues, in accordance with the principles contained in the Charter of the United Nations;

5. *Calls upon* all other States to exercise the utmost restraint and to refrain from any act which may lead to further escalation and widening of the conflict, and thus to facilitate the implementation of the present resolution;

6. *Requests* the Secretary-General to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into responsibility for the conflict and to report to the Council as soon as possible;

7. *Recognizes* the magnitude of the damage inflicted during the conflict and the need for reconstruction efforts, with appropriate international assistance, once the conflict is ended and, in this regard, requests the Secretary-General to assign a team of experts to study the question of reconstruction and to report to the Council;

8. *Further requests* the Secretary-General to examine, in consultation with Iran and Iraq and with other States of the region, measures to enhance the security and stability of the region;

9. *Requests* the Secretary-General to keep the Council informed on the implementation of this resolution;

10. *Decides* to meet again as necessary to consider further steps to ensure compliance with this resolution.

The Secretary-General submitted to the Council a report dated 7 August 1988 on the implementation of paragraph 2 of resolution 598 (1987).⁵³ He recommended that, as soon as a date had been set for the ceasefire, the Council take an early decision to establish a team of observers to be known as the United Nations Iran-Iraq Military Observer Group (UNIIMOG), which would carry out the functions described in paragraph 2 of the resolution and otherwise assist the parties, as might be mutually agreed.⁵⁴ For UNIIMOG to be effective, the Secretary-General stressed that the following four conditions must be met:

⁵²S/18983, adopted without change as resolution 598 (1987).

⁵³S/20093, *OR*, 43rd yr., *Suppl. for July-Sept. 1987*.

⁵⁴For the efforts of the Secretary-General in the exercise of his mandate and the Council's concern over "the slow pace and the lack of real progress" thus far in the implementation of resolution 598 (1987), see S/19382 (statement by the President of the Council at the 2779th mtg. on 24 December 1987), *OR*, 42nd yr., *Resolutions and Decisions of the Security Council, 1987*; and S/19626 (statement by the President at the 2798th mtg., on 16 March 1988), *OR*, 43rd yr., *Resolutions and Decisions of the Security Council, 1988*. See also case 4.

⁴⁷S/17648, annexes, *ibid.*, *Suppl. for Oct.-Dec. 1985*.

⁴⁸S/17667, adopted without change following a separate vote on operative paragraph 6 as resolution 577 (1985).

⁴⁹S/18195 and Add. I, annexes, *OR*, 41st yr., *Suppl. for April-June 1986*.

⁵⁰S/18156, annex III (letter dated 13 June 1986 from South Africa), *ibid.*

⁵¹For subsequent developments during the period under review, see case 7 and footnote 35.

(a) it must have at all times the full confidence and backing of the Security Council; (b) it must enjoy the full cooperation of the two parties; (c) it must be able to function as an integrated and efficient military unit; and (d) adequate financial arrangements must be made to cover its costs. The Secretary-General added that his report was based on the estimates and recommendations of a technical team he had sent to Iran and Iraq and that the team, which included a senior political adviser, a civilian logistics expert and four military observers from UNTSO was led by the Chief of Staff of UNTSO and assisted by the two small teams that had been stationed in Baghdad and Tripoli since 1984.⁵⁵ The technical team had assembled a great deal of information relevant to the establishment of UNIIMOG by holding detailed discussions with the political and military authorities of both Iran and Iraq on the modalities for the deployment of UNIIMOG in each of the two countries, its terms of reference for carrying out the mandate contained in paragraph 2 of resolution 598 (1987) and the cooperation and facilities it would require from the two parties.

At the 2823rd meeting, on 8 August 1988, the Secretary-General made a statement⁵⁶ informing the members that, as a result of his intensive diplomatic efforts in the exercise of the mandate he had been given by the Council to secure the implementation of resolution 598 (1987), he was able to call upon the Islamic Republic of Iran and Iraq to observe a ceasefire and to discontinue all military action on land, at sea and in the air as of 0300 GMT on 20 August 1988. He added that he had been assured by the two parties to the conflict that they would observe the ceasefire in the context of the full implementation of resolution 598 (1987) and that the Governments of the Islamic Republic of Iran and Iraq had also agreed to the deployment of United Nations observers as of the time and date of the ceasefire.

At the same meeting, the President of the Council, on behalf of its members, made a statement⁵⁷ welcoming the Secretary-General's statement concerning the implementation of resolution 598 (1987) of 20 July 1987 and endorsing his announcement that the ceasefire demanded in that resolution would come into effect on 20 August 1988.

At the 2824th meeting, on 9 August 1988, the Council considered the report of the Secretary-General on the implementation of paragraph 2 of resolution 598 (1987)⁵⁸ and adopted unanimously a draft resolution⁵⁹ that had been prepared in the course of the Council's prior consultations, as resolution 619 (1988), which reads:

The Security Council,

Recalling its resolution 598 (1987) of 20 July 1987,

1. *Approves* the report of the Secretary-General contained in document S/20093 on the implementation of paragraph 2 of resolution 598 (1987) of the Security Council;

2. *Decides* to set up immediately, under its authority, a United Nations Iran-Iraq Military Observer Group and requests the Secretary-General to take the necessary steps to this effect, in accordance with his above-mentioned report;

⁵⁵For information on the teams stationed in Baghdad and Tehran since 1984, see *Repertoire of the Practice of the Security Council, Supplement 1981-1984*, chap. V, case 4.

⁵⁶S/20095, OR, 43rd yr., *Resolutions and Decisions of the Security Council*, 1988.

⁵⁷S/20096, *ibid.*

⁵⁸See footnote 53.

⁵⁹S/20097, adopted without change as resolution 619 (1988).

3. *Also decides* that the United Nations Iran-Iraq Military Observer Group shall be established for a period of six months, unless the Council decides otherwise;

4. *Requests* the Secretary-General to keep the Security Council fully informed of further developments.

Through exchanges of letters between the Secretary-General and the President of the Council,⁶⁰ the members of the Council approved his proposals concerning the composition of UNIIMOG and the appointment of its Chief Military Observer.

In pursuance of paragraph 4 of resolution 619 (1988), the Secretary-General submitted to the Council an interim report dated 25 October 1988,⁶¹ describing approximately the first two months of UNIIMOG operations, including its strength and composition. He also conveyed to the Council his concern that, while the ceasefire had been holding well for over two months, the current state of affairs was inherently unstable since there were points on the long (1,400-kilometre) ceasefire line where the two sides remained in dangerous proximity, thereby underscoring the need for the earliest possible withdrawal to the internationally recognized boundaries, which would resolve many of the problems confronting UNIIMOG and open the way to the full implementation of all the other provisions of resolution 598 (1987).

CASE 4

The Secretary-General's mission of specialists to investigate allegations of the use of chemical weapons under Security Council resolution 620 (1988)

In transmitting to the Council, by letter dated 17 April 1985,⁶² the report of the mission of a medical specialist, the Secretary-General noted that, in view of repeated allegations concerning the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, he had dispatched a medical specialist to examine Iranian patients who had been hospitalized in Europe, allegedly as a result of the use of such weapons. The Secretary-General added that his purpose had been to obtain an authoritative and independent opinion on the information coming from the hospital centres concerned.

At its 2576th meeting, on 25 April 1985, the Council considered the report and the President, on behalf of the members of the Council, made a statement⁶³ in which the members, *inter alia*, condemned the renewed use of chemical weapons in the conflict as well as any possible future use of such weapons and urged the strict observance of the Geneva Protocol of 1925, according to which the use in war of chemical weapons was prohibited and had been justly condemned by the world community.

By a note dated 12 March 1986,⁶⁴ the Secretary-General conveyed to the Council the report of the mission of specialists dispatched by him to investigate further allegations

⁶⁰S/20104, S/20111 and S/20154 (letters from the Secretary-General dated, respectively, 9, 10 and 23 August 1988; S/20105, S/20112 and S/20155 (letters from the President of the Council dated, respectively, 10, 11 and 26 August 1988), OR, 43rd yr., *Resolutions and Decisions of the Security Council*, 1988.

⁶¹S/20242, OR, 43rd yr., *Suppl. for Oct.-Dec. 1988*.

⁶²S/17127, OR, 40th yr., *Suppl. for April-June 1985*.

⁶³S/17130, OR, 40th yr., *Resolutions and Decisions of the Security Council*, 1985.

⁶⁴S/17911 and Add.1, OR, 41st yr., *Suppl. for Jan.-March 1986*.

of the use of chemical weapons in the conflict between Iran and Iraq. In his note, the Secretary-General said that, on 26 April 1985, he had been requested by the President of the Council to examine the feasibility of establishing arrangements for the conduct of prompt investigation of any further allegations of the use of chemical weapons. His response to the President, on 14 May 1985, had been that he had decided to utilize the team of specialists who had conducted the original investigation in March 1984,⁶⁵ should the need for further investigations arise. On six occasions between 2 May 1985 and 31 January 1986, further allegations had been made by Iran,⁶⁶ which had been rejected by Iraq,⁶⁷ but the Secretary-General had not considered a new investigation warranted at that stage. As the conflict escalated, however, Iran had again alleged the renewed use of chemical weapons by Iraq, which had again rejected the allegation and, in turn, accused Iran of using such weapons.⁶⁸ On 12 February 1986 and subsequently, while reiterating the allegations, the Government of Iran had requested the dispatch of an investigation mission to the area.⁶⁹ The development had taken an alarming direction with the implicit warning by Iran that it had been considering the use of chemical weapons unless the United Nations could take effective measures to end their use, declaring that "on the basis of the 1925 Geneva Protocol, the non-use of chemical weapons was unconditional".⁷⁰

On 14 February 1986, the Security Council had met in consultations at the request of the Secretary-General, who had reported on the developments. Immediately thereafter, the Secretary-General had issued a statement calling for a cessation of hostilities and pointing out that such a cessation of hostilities would also enable an investigation to be made in the war zone where chemical weapons had allegedly been used. At its 2666th meeting, on 24 February 1986, the Council unanimously adopted a draft resolution⁷¹ prepared in prior consultations as resolution 582 (1986), the relevant parts of which read:

The Security Council,

...
Taking note of the efforts of mediation pursued by the Secretary-General,

1. *Deplores* the initial acts which gave rise to the conflict between the Islamic Republic of Iran and Iraq and deplores the continuation of the conflict;

2. *Also deplores* the escalation of the conflict, especially territorial incursions, the bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict and, in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva Protocol;

Immediately upon the adoption of the Council of its resolution 582 (1986), the Secretary-General had given in-

structions for the mission of four specialists to assemble in Vienna and proceed to Iran. Meanwhile, the Secretary-General had reiterated to the Government of Iraq his readiness to instruct the mission to visit Iraq also, to investigate Iraq's allegations in the issue, should the Government so request, while the mission was still in the area. Iraq's position, as reported by the Secretary-General, had been that the matter had already been addressed in resolution 582 (1986) and that any further moves should, in compliance with the resolution, focus on securing a comprehensive settlement of the conflict and should not deal separately with "secondary" aspects of the conflict. In transmitting the report,⁷² the Secretary-General noted that the specialists had confirmed the use of chemical weapons by Iraqi forces against Iranian forces in the course of the current Iranian offensive into Iraqi territory.

At its 2667th meeting, on 21 March 1986, the Security Council considered the report of the Secretary-General's mission of specialists. At the same meeting, the President, on behalf of the members of the Council, made a statement,⁷³ the relevant parts of which read:

The members of the Security Council, seized with the continuing conflict between the Islamic Republic of Iran and Iraq, have considered the report of the mission of specialists dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq.

Profoundly concerned by the unanimous conclusion of the specialists that chemical weapons on many occasions have been used by Iraqi forces against Iranian forces, most recently in the course of the present Iranian offensive into Iraqi territory, the members of the Council strongly condemn the continued use of chemical weapons in clear violation of the Geneva Protocol of 1925 which prohibits the use in war of chemical weapons.

They recall the statements by the President of the Council of 30 March 1984 and 25 April 1985, and demand again that the provisions of the Geneva Protocol be strictly observed.

Subsequent to that statement by the President of the Council, on behalf of its members, there were a series of further allegations by the Islamic Republic of Iran of the use of chemical weapons by Iraq,⁷⁴ which also made counter-allegations of its own.⁷⁵ By a note dated 8 May 1987,⁷⁶ the Secretary-General conveyed to the Council the report of the mission of specialists he had dispatched to investigate those allegations. In order to carry out on-site collection and examination of evidence, the mission had visited the Islamic Republic of Iran for the third time from 22 to 29 April 1987. In order to carry out an investigation in Iraq, the mission also visited that country from 29 April to 3 May for the first time. The Secretary-General, in transmitting the mission's report to the Council, affirmed that chemical weapons continued to be used in the conflict be-

⁷²See footnote 64.

⁷³S/17932, *OR*, 41st yr., *Resolutions and Decisions of the Security Council*, 1986.

⁷⁴S/17944, and S/17949, *OR*, 41st yr., *Suppl. for Jan.-March 1986*; S/18028, S/18036 and S/18104, *ibid.*, *Suppl. for April-June 1986*; S/18322 and S/18334, *ibid.*, *Suppl. for July-Sept. 1986*; S/18549, *ibid.*, *Suppl. for Oct.-Dec. 1986*; S/18553, S/18555, S/18556, S/18574, S/18577, S/18600, S/18605, S/18614, S/18626, S/18628, S/18635, S/18657, S/18675, S/18676, S/18679, S/18698, S/18723 and S/18757, *ibid.*, 42nd yr., *Suppl. for Jan.-March 1987*; S/18788, S/18796, S/18799, S/18800, S/18809, S/18819, S/18820, S/18825, S/18828, S/18829, S/18837 and S/18844, *ibid.*, *Suppl. for April-June 1987*.

⁷⁵S/17934, *OR*, 41st yr., *Suppl. for Jan.-March 1986*; S/18806 and S/18810, *ibid.*, 42nd yr., *Suppl. for April-June 1987*.

⁷⁶S/18852 and Add.1, annex, *ibid.*

⁶⁵See *Repertoire of the Practice of the Security Council, Supplement 1981-1984*, chap. V, part 1 (note).

⁶⁶S/17143, S/17181 and S/17217, *OR*, 40th yr., *Suppl. for April-June 1985*; S/17342, *ibid.*, *Suppl. for July-Sept. 1985*; S/17606, *ibid.*, *Suppl. for Oct.-Dec. 1985*; and S/17782, *ibid.*, 41st yr., *Suppl. for Jan.-March 1986*.

⁶⁷S/17611, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*.

⁶⁸S/17990 and S/17858 (letters from Iran), *OR*, 41st yr., *Suppl. for Jan.-March 1986*; and S/17783, S/17824 and S/17826 (letters from Iraq), *ibid.*

⁶⁹S/17822, S/17829, S/17833, S/17835, S/17836 and S/17843 (letters from Iran), *ibid.*

⁷⁰S/17829, *ibid.*

⁷¹S/17859, adopted without change as resolution 582 (1986).

tween Iran and Iraq in violation of the Geneva Protocol of 1925 and that was the unanimous conclusion of the mission of specialists that had just completed its field investigations in both countries. In the recent report on their investigations, the four specialists had stated that, technically, there was little more that they could do that was likely to assist the United Nations in its efforts to prevent the use of chemical weapons in the current conflict and that only concerted efforts at the political level could be effective in preventing the irreparable weakening of the Geneva Protocol.

On 14 May 1987, after consultations, the President issued a statement on behalf of the members of the Council.⁷⁷ The relevant parts of the statement read:

The members of the Security Council, seized with the continuing conflict between the Islamic Republic of Iran and Iraq, have considered the report of the mission of specialists dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict.

Deeply dismayed by the unanimous conclusions of the specialists that there has been repeated use of chemical weapons against Iranian forces by Iraqi forces, that civilians in Iran also have been injured by chemical weapons, and that Iraqi military personnel have sustained injuries from chemical warfare agents, they again strongly condemn the repeated use of chemical weapons in open violation of the Geneva Protocol of 1925 in which the use of chemical weapons in war is clearly prohibited.

Recalling the statements made by the President of the Council on 30 March 1984, 25 April 1985 and 21 March 1986, they again emphatically demand that the provisions of the Geneva Protocol be strictly respected and observed.

At its 2750th meeting, on 20 July 1987, the Council adopted unanimously a draft resolution,⁷⁸ which had been prepared in the course of the Council's prior consultations, as resolution 598 (1987) (case 3). The fourth and tenth preambular paragraphs and paragraph 1 of the resolution read:

The Security Council,

Deploing also the bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict, and, in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva Protocol,

Acting under Articles 39 and 40 of the Charter,

1. *Demands* that, as a first step towards a negotiated settlement, the Islamic Republic of Iran and Iraq observe an immediate ceasefire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay.

Subsequent to the adoption of resolution 598 (1987), the Government of the Islamic Republic of Iran lodged a number of allegations that chemical weapons had been used by Iraq on a large scale not only in the operational theatre of the conflict, but also "against Iraqi-Kurdish areas" and other localities, including the vicinity of Marivan.⁷⁹ Consequently, the Islamic Republic of Iran requested the Secretary-General to dispatch a mission to investigate its

allegations of the use of chemical weapons by Iraq.⁸⁰ The Secretary-General dispatched a medical specialist to Iran and subsequently also to Iraq, following allegations of use of chemical weapons and a request for investigation by Iraq.⁸¹ By a note dated 25 April 1988,⁸² the Secretary-General transmitted to the Security Council the report of the medical specialist. In his note, the Secretary-General expressed his sense of dismay and foreboding at the mission's conclusions that chemical weapons continued to be used in the conflict between the Islamic Republic of Iran and Iraq and that, of late, their use had evidently been on an even more intensive scale than before, thereby confirming and adding further urgency to the concern that such use could further escalate and seriously undermine the Geneva Protocol of 1925.

At its 2812th meeting, on 9 May 1988, the Council considered the report of the Secretary-General's mission of the medical specialist⁸³ and adopted unanimously a draft resolution, submitted by the Federal Republic of Germany, Italy and Japan,⁸⁴ as resolution 612 (1988). The resolution reads as follows:

The Security Council,

Having considered the report of 25 April 1988 of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

Dismayed by the mission's conclusions that chemical weapons continue to be used in the conflict and that their use has been on an even more intensive scale than before,

1. *Affirms* the urgent necessity of strict observance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925;

2. *Condemns vigorously* the continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq contrary to the obligations under the Geneva Protocol;

3. *Expects* both sides to refrain from the future use of chemical weapons in accordance with their obligations under the Geneva Protocol;

4. *Calls upon* all States to continue to apply or to establish strict control of the export to the parties to the conflict of chemical products serving for the production of chemical weapons;

5. *Decides* to remain seized of the matter and expresses its determination to review the implementation of the present resolution.

After the adoption of resolution 612 (1988), the Secretary-General submitted to the Council the reports⁸⁵ of the three missions of specialists he had dispatched twice to the Islamic Republic of Iran and once to Iraq, between July and August 1988, following allegations of use of chemical weapons and requests for their investigation by both Iran⁸⁶ and Iraq.⁸⁷ In all three instances, the Secretary-General noted that the missions of the specialists had concluded that chemical weapons continued to be used in violation of

⁸⁰S/19650 and S/19665, *ibid.*

⁸¹S/19730, *ibid.*, 43rd yr., *Suppl. for April-June 1988.*

⁸²S/19823, annex, *ibid.*

⁸³OR, 43rd yr., *Supplement for April-June 1988*, document S/19823 and Corr. 1.

⁸⁴S/19869, adopted without changes as resolution 612 (1988).

⁸⁵S/20060 and Add. 1 (annex), S/20063 and Add. 1 (Annex) and S/20134, OR, 43rd yr., *Suppl. for July-Sept. 1988.*

⁸⁶S/19892, S/19902, S/19942, S/19943 and S/19946, OR, 43rd yr., *Suppl. for April-June 1988*; and S/20084, *ibid.*, *Suppl. for July-Sept. 1988.*

⁸⁷S/19948, *ibid.*, *Suppl. for April-June 1988*; S/19982 and S/20013, *ibid.*, *Suppl. for July-Sept. 1988.*

⁷⁷S/18863, OR, 42nd yr., *Resolutions and Decisions of the Security Council, 1987.*

⁷⁸S/18983, adopted without change as resolution 598 (1987).

⁷⁹S/19637, S/19639, S/19647, S/19650, S/19651, S/19664, S/19665 and S/19682, OR, 43rd yr., *Suppl. for Jan.-March 1988.*

the Geneva Protocol of 1925 and despite the adoption of Council resolution 612 (1988) of 9 May 1988. In conveying the first report, dated 20 July 1988, to the Council, the Secretary-General noted that Iran had expressed its view that the Security Council, under paragraph 5 of resolution 612 (1988), was duty-bound to take practical measures in order to implement that resolution.⁸⁸ The Secretary-General added that the specialists were of the view that it might be necessary to review existing machinery for verification by United Nations teams of the use of chemical weapons in the current conflict in order to ensure the timely presence of experts at the site of alleged attacks.⁸⁹ In transmitting each report to the Council, the Secretary-General also stressed that his paramount concern remained to bring the protracted conflict between Iran and Iraq to the earliest possible end in accordance with the provisions of Council resolution 598 (1987) of 20 July 1987 (case 3).

At its 2825th meeting, on 26 August 1988, the Council considered the three reports of the Secretary-General's missions of specialists and unanimously adopted a draft resolution submitted by the Federal Republic of Germany, Italy, Japan and the United Kingdom⁹⁰ as resolution 620 (1988). The resolution reads as follows:

The Security Council,

Recalling its resolution 612 (1988) of 9 May 1988,

Having considered the reports of 20 and 25 July and of 2 and 19 August 1988 of the missions dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

Deeply dismayed by the missions' conclusions that there had been continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq and that such use against Iranians had become more intense and frequent,

Profoundly concerned by the danger of possible use of chemical weapons in the future,

Bearing in mind the current negotiations in the Conference on Disarmament on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction,

Determined to intensify its efforts to end all use of chemical weapons in violation of international obligations now and in the future,

1. *Condemns resolutely the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, in violation of obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and in defiance of its resolution 612 (1988);*

2. *Encourages the Secretary-General to carry out promptly investigations in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxic weapons that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law, in order to ascertain the facts of the matter, and to report the results;*

3. *Calls upon all States to continue to apply, to establish or to strengthen strict control of the export of chemical products serving for the production of chemical weapons, in particular to parties to a conflict, when it is established or when there is substantial reason to believe that they have used chemical weapons in violation of international obligations;*

4. *Decides to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures*

in accordance with the Charter of the United Nations, should there be any future use of chemical weapons in violation of international law, wherever and by whomever committed.

CASE 5

Special Representative of the Secretary-General under Security Council resolution 621 (1988)

During its consideration of the situation concerning Western Sahara, at its 2826th meeting, on 20 September 1988, the Security Council unanimously adopted a draft resolution that had been prepared in the course of the Council's prior consultations⁹¹ as resolution 621 (1988), paragraphs 1 and 2 of which read as follows:

The Security Council,

1. *Decides to authorize the Secretary-General to appoint a special representative for Western Sahara;*

2. *Requests the Secretary-General to transmit to it as soon as possible a report on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in cooperation with the Organization of African Unity.*

CASE 6

United Nations Good Offices Mission in Afghanistan and Pakistan provisionally under letters dated 14 and 22 April 1988 from the Secretary-General and letter dated 25 April 1988 from the President of the Council and confirmed under resolution 622 (1988)

By a letter dated 14 April 1988,⁹² the Secretary-General informed the Security Council that the Governments of Afghanistan and Pakistan had concluded, on the same date, a set of agreements that together constituted a settlement of the situation relating to Afghanistan and that the Union of Soviet Socialist Republics and the United States of America had been designated as guarantors. He also informed the Council that the settlement included specific arrangements to assist in implementing the agreements and that, while he had already appointed his Representative and the Deputy to the Representative, he intended to detach up to 50 military officers from existing United Nations operations and to set them up as inspection teams in Afghanistan and Pakistan, as required under the agreements. The Secretary-General also stated that all the instruments that constituted the settlement, including the arrangements for the observers, would enter into force on 15 May 1988 and that the required personnel should arrive in the area no later than 20 days before that date, as envisaged under the agreements.

By a letter dated 22 April 1988,⁹³ the Secretary-General transmitted to the President of the Security Council the texts of the agreements on the settlement of the situation relating to Afghanistan and made a number of observations regarding the strength, mandate, duration and cost of the military observers to assist in the mission of good offices. The Secretary-General informed the Council that he intended to propose to the General Assembly that the cost of the mission, including equipment, should be covered by the regular budget of the United Nations.

⁸⁸S/20060 and Add. 1 (annex), paras. 4 and 6, *ibid.*, *Suppl. for July-Sept. 1988*.

⁸⁹*Ibid.*, para. 12.

⁹⁰S/20151, adopted without change as resolution 620 (1988).

⁹¹S/20193, adopted without change as resolution 621 (1988).

⁹²S/19834, *OR*, 43rd yr., *Suppl. for April-June 1988*.

⁹³S/19835 (annexes), *ibid.*

After consulting with the members of the Council, the President informed the Secretary-General, in a letter dated 25 April 1988,⁹⁴ of the provisional agreement of the members of the Council to the proposed arrangements pending formal consideration and decision by the Council later. The President added that the members of the Council had requested that it be underlined that "this exchange of letters not be regarded as a precedent for the future".

The Secretary-General submitted a report dated 14 October 1988⁹⁵ stating that, after consultations with the parties, the force commanders of existing United Nations operations concerned and troop-contributing countries, 50 military officers had been temporarily detached from UNTSO, UNDOF and UNIFIL and had been constituted as the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP). The Secretary-General added that, in accordance with the terms of the agreements, the advance party of the Mission had arrived in the area on 25 April 1988, 20 days prior to the entry into force of the agreements, and that the two headquarters units—one in Kabul and the other in Islamabad—with a combined total complement of 50 military officers, had been operational well in advance of 15 May 1988, when the instruments had entered into force.

At its 2828th meeting, on 31 October 1988, the Security Council adopted unanimously a draft resolution that had been prepared in the course of the Council's prior consultations⁹⁶ as resolution 622 (1988), which reads:

The Security Council,

Recalling the letters dated 14 April and 22 April 1988 from the Secretary-General to the President of the Security Council concerning the agreements on the settlement of the situation relating to Afghanistan, signed at Geneva on 14 April 1988,

Recalling also the letter dated 25 April 1988 from the President of the Security Council to the Secretary-General,

1. Confirms its agreement to the measures envisaged in the Secretary-General's letters of 14 and 22 April 1988, in particular the arrangement for the temporary dispatch to Afghanistan and Pakistan of military officers from existing United Nations operations to assist in the mission of good offices;

2. Requests the Secretary-General to keep the Security Council informed of further developments, in accordance with the Geneva agreements.

CASE 7

United Nations Angola Verification Mission under Security Council resolution 626 (1988)

By identical letters, both dated 17 December 1988,⁹⁷ the Permanent Representatives of Angola and Cuba to the United Nations informed the Secretary-General that, taking into account the fact that South Africa had formally undertaken to accept the implementation of Security Council resolution 435 (1978) with effect from 1 April 1989, their two Governments intended to sign, on 22 December 1988, an agreement providing for the redeployment northwards and the withdrawal of Cuban troops from the territory of Angola, in accordance with an agreed timetable, and for verification by the United Nations of the imple-

mentation of the relevant provisions of the agreement. The Permanent Representatives of Angola and Cuba accordingly asked the Secretary-General to take the necessary steps to recommend to the Security Council that a group of United Nations military observers be set up to fulfil that mandate, in accordance with the agreements that had been reached between the representatives of the two countries and the Secretariat.

On 17 December 1988, the Secretary-General submitted a report⁹⁸ in order to assist the Council in deciding how it might respond to the request contained in the identical letters from Angola and Cuba. The report reflected the results of the discussions the Secretary-General had conducted with the delegations from Angola and Cuba about how such an observer mission might be carried out, including its strength, composition and duration. The Council decided to accept the request of the two Governments.

At its 2834th meeting, on 20 December 1988, the Council considered the identical letters from Angola and Cuba as well as the Secretary-General's report and adopted unanimously a draft resolution prepared in the course of the Council's prior consultations⁹⁹ as resolution 626 (1988), paragraphs 1 to 4 of which read:

The Security Council,

1. Approves the report of the Secretary-General and the recommendations therein;

2. Decides to establish under its authority a United Nations Angola Verification Mission and requests the Secretary-General to take the necessary steps to this effect in accordance with his aforementioned report;

3. Also decides that the Mission shall be established for a period of thirty-one months;

4. Further decides that the arrangements for the establishment of the Mission shall enter into force as soon as the tripartite agreement between Angola, Cuba and South Africa on the one hand, and the bilateral agreement between Angola and Cuba on the other, are signed.

On 22 December 1988, the Secretary-General submitted a report¹⁰⁰ stating that the agreements referred to in paragraph 4 of Security Council resolution 626 (1988) had been signed by the parties concerned at Headquarters on 22 December 1988 and that the arrangements for the establishment of UNAVEM had accordingly entered into force.

2. Subsidiary organs proposed but not established

CASE 8

In the course of the Security Council's consideration of the situation in the Middle East, at the 2570th meeting, on 7 March 1985, Lebanon submitted a draft resolution,¹⁰¹ which provided in its paragraphs 6 and 7:

The Security Council,

6. Requests the Secretary-General to establish a fact-finding mission to report to the Council on these Israeli practices and measures in southern Lebanon, the Western Bekaa and the Rashaya district;

7. Requests the Secretary-General to keep the situation under review, to consult with the Government of Lebanon and to report to the

⁹⁴S/19836, OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988.

⁹⁵S/20230 (issued as A/43/270-S/20230), OR, 43rd yr., Suppl. for Oct.-Dec. 1988.

⁹⁶S/20250, adopted without change as resolution 622 (1988).

⁹⁷S/20336 and S/20337, OR, 43rd yr., Suppl. for Oct.-Dec. 1988.

⁹⁸S/20338, *ibid.*

⁹⁹S/20039, adopted without change as resolution 626 (1988).

¹⁰⁰S/20347, OR, 43rd yr., Suppl. for Oct.-Dec. 1988.

¹⁰¹S/17000, OR, 40th yr., Suppl. for Jan.-March 1985.

Council on the implementation and compliance with the present resolution as soon as possible.

At the 2573rd meeting, on 12 March 1985, the draft resolution received 11 votes to 1, with 3 abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.

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

****1. Subsidiary organs established**

2. Subsidiary organs proposed but not established

CASE 9

In the course of its deliberations on the situation in Namibia, at the 2629th meeting, on 15 November 1985, the Security Council voted on a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago,¹⁰² which would have imposed mandatory selective sanctions against South Africa under Chapter VII of the Charter and which provided in its paragraphs 12 and 13:

The Security Council,

...

Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council to monitor the implementation of this resolution;

Calls upon States Members of the United Nations and members of the specialized agencies to report to the Secretary-General on measures taken to implement the present resolution.

The draft resolution received 12 votes to 2, with 1 abstention, and was not adopted owing to the negative votes of two permanent members of the Council.

CASE 10

During the Council's consideration of the question of South Africa, at its 2736th meeting, on 19 February 1987, Argentina, the Congo, Ghana, the United Arab Emirates and Zambia submitted a draft resolution,¹⁰³ which would have imposed mandatory sanctions under Chapter VII of the Charter and which provided in its operative paragraphs 9 to 11:

The Security Council,

...

9. *Decides to establish, in accordance with rule 28 of the provisional rules of procedure, a Committee of the Security Council to monitor the implementation of this resolution;*

¹⁰²S/17631, revised and replaced by S/17633, *ibid.*, *Suppl. for Oct.-Dec. 1985.*

¹⁰³S/18705, *OR, 42nd yr., Suppl. for Jan.-March 1987.*

10. *Calls upon all States to report to the Secretary-General of the United Nations on measures taken to implement the present resolution;*

11. *Invites the Secretary-General to report to the Security Council on the progress of the implementation of this resolution and to submit his first report not later than 30 June 1987.*

At the 2738th meeting, on 20 February 1987, the draft resolution received 10 votes to 3, with 2 abstentions, and was not adopted owing to the negative votes of two permanent members of the Council.

CASE 11

During its consideration of the situation in Namibia, at its 2747th meeting, on 9 April 1987, the Security Council voted on a draft resolution submitted by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia,¹⁰⁴ which would have imposed comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter and which provided in its paragraphs 12 to 14:

The Security Council,

...

12. *Decides to establish, in accordance with rule 28 of the Council's provisional rules of procedure, a Committee of the Security Council to monitor the implementation of the present resolution;*

13. *Calls upon States Members of the United Nations to report to the Secretary-General on measures taken to implement the present resolution;*

14. *Requests the Secretary-General to report to the the Security Council on the progress in the implementation of the present resolution and to submit his report not later than 31 August 1987.*

The draft resolution received 9 votes to 3, with 3 abstentions, and was not adopted owing to the negative votes of two permanent members of the Council.

CASE 12

In the course of the Council's consideration of the question of South Africa, at its 2796th meeting, on 8 March 1988, Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia submitted a draft resolution,¹⁰⁵ which would have imposed mandatory sanctions under Chapter VII of the Charter and which provided in its paragraphs 8 and 9:

The Security Council,

...

8. *Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council to monitor the implementation of the present resolution;*

9. *Calls upon all States to report to the Secretary-General of the United Nations on measures taken to implement the present resolution;*

At the 2797th meeting, on 8 March 1988, the draft resolution received 10 votes to 2, with 3 abstentions, and was not adopted owing to the negative votes of two permanent members of the Council.

¹⁰⁴S/18785, *ibid.*, *Suppl. for April-June 1987.*

¹⁰⁵S/19585, *OR, 43rd yr., Suppl. for Jan.-March 1988.*

**** Part II**

CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS