

**Chapter V**

**SUBSIDIARY ORGANS OF THE SECURITY COUNCIL**

## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE .....	51
<b>PART I. OCCASIONS ON WHICH SUBSIDIARY ORGANS OF THE SECURITY COUNCIL HAVE BEEN ESTABLISHED OR PROPOSED</b>	
Note .....	51
A. Involving, to facilitate their work, meetings at places away from the seat of the Organization	53
1. Subsidiary organs established .....	53
2. Subsidiary organs proposed but not established .....	56
B. Not involving, to facilitate their work, meetings at places away from the seat of the Organization	56
1. Subsidiary organs established .....	56
2. Subsidiary organs proposed but not established .....	57
<b>PART II. CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS</b>	
Note .....	58
** A. Consideration of procedure in the establishment of subsidiary organs .....	58
** B. Consideration of the procedure of consultation between permanent members .....	58
** C. Consideration of the procedure of delegation of functions .....	58
D. Consideration of the procedure of modification of terms of reference .....	58
** E. Consideration of the procedure of termination .....	59

## 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 two instances (Cases 2 and 5) in which the Council authorized the Secretary-General to set up a subsidiary organ; it also includes six instances (Cases 1, 3, 4, 6, 9, 10) in which the Council itself decided to establish a subsidiary organ.

During the period covered by this *Supplement* there have been five instances (Cases 7, 8, 11, 12, 13) in which a subsidiary organ was formally proposed but not established.<sup>1</sup>

In cases where subsidiary organs have been set up by the Secretary-General pursuant to Security Council resolutions,

<sup>1</sup> See the note to part I below for informal proposals submitted during the Council proceedings, to set up subsidiary organs.

no implication is intended whether these bodies do or do not come within Article 29.

Part II of this chapter contains one case (Case 14) in which the Council considered procedural aspects of the modification of the terms of reference of the Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia.

### 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 HAVE BEEN ESTABLISHED OR PROPOSED

#### NOTE

During the period under review, the Security Council: (i) established a Committee on Council meetings away from Headquarters to study the question of the convening of Council meetings away from the seat of the Organization;<sup>2</sup> (ii) invited the Secretary-General, in consultation and close co-operation with a group of the Security Council, to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia to exercise their right to self-determination and independence, and asked him to report to the Council;<sup>3</sup> (iii) established a group of the Security Council with which the Secretary-General was to consult and co-operate concerning Namibia;<sup>4</sup> (iv) approved the proposal of the Secretary-General to proceed with the appointment of a representative to assist him in the discharge of his mandate in Namibia;<sup>5</sup> (v) decided to dispatch a special mission, consisting of four members of the Security Council, to assess the

situation in Zambia and requested the mission to report to the Council;<sup>6</sup> (vi) decided to set up immediately a United Nations Emergency Force in the Middle East;<sup>7</sup> (vii) requested the Secretary-General to appoint a special representative to conduct an investigation of the events that had given rise to the complaint by Iraq;<sup>8</sup> (viii) decided to set up immediately a United Nations Disengagement Observer Force in the Middle East.<sup>9</sup>

The following subsidiary organs which had been established prior to 1972, 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 Truce Supervision Organization in Palestine (UNTSO), the Special Representative of the Secretary-General in the Middle East, the United Nations Military Observer Group in India and Pakistan (UNMOGIP), the United Nations Representative for India and Pakistan, the Special Representative for humanitarian problems

<sup>2</sup> Case 9, decision of 11 January 1972.

<sup>3</sup> Case 1, resolution 309 (1972).

<sup>4</sup> Case 10, resolution 309 (1972).

<sup>5</sup> Case 2, resolution 319 (1972).

<sup>6</sup> Case 3, resolution 326 (1973).

<sup>7</sup> Case 4, resolution 340 (1973).

<sup>8</sup> Case 5, President's statement of 28 February 1974, representing the consensus of the members of the Council.

<sup>9</sup> Case 6, resolution 350 (1974).

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, and the Committee of Experts established by the Security Council at its 1506th meeting.

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 membership in the United Nations of Bangladesh,<sup>10</sup> the German Democratic Republic,<sup>11</sup> the Federal Republic of Germany,<sup>12</sup> the Commonwealth of the Bahamas,<sup>13</sup> Grenada,<sup>14</sup> and Guinea-Bissau,<sup>15</sup> and to report to the Council, in accordance with rule 59 of the provisional rules of procedure of the Security Council.<sup>16</sup>

The United Nations Truce Supervision Organization in Palestine (UNTSO) continued to function throughout the period under review. Following a request by Lebanon for an increase of the number of United Nations observers in the Israel-Lebanon sector,<sup>17</sup> the Security Council by the consensus of its members of 19 April 1972 acceded to the request and invited the Secretary-General to implement the decision.<sup>18</sup>

Regarding the Special Representative of the Secretary-General in the Middle East, the Security Council under resolution 331 (1973) requested the Secretary-General to submit a comprehensive report about the efforts undertaken since 1967 and to invite the Special Representative to be present in the Council during its examination of the situation in the Middle East which took place during the 1717th to 1726th and 1733rd to 1735th meetings.<sup>19</sup> A draft resolution which *inter alia* would have requested the Secretary-General and the Special Representative to resume the efforts for a peaceful solution and would have assured them of full support in the discharge of their responsibilities, failed of adoption owing to the negative vote of a permanent member.<sup>20</sup>

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) and the United Nations Representative for India and Pakistan continued in existence.

<sup>10</sup> 1658th-1660th, 1775th and 1776th meetings.

<sup>11</sup> 1729th and 1730th meetings.

<sup>12</sup> *Ibid.*

<sup>13</sup> 1731st and 1732nd meetings.

<sup>14</sup> 1777th and 1778th meetings.

<sup>15</sup> 1790th and 1791st meetings.

<sup>16</sup> For further information consult the chapter VII on admission of new members.

<sup>17</sup> The Lebanese request was received by the President of the Council on 29 March 1972. See S/10611, Annex, for the text of the letter, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 32-33.

<sup>18</sup> See *ibid.*, for the text of the consensus and S/10612, *ibid.*, p. 33 for the statement by the representative of China dissociating himself from the decision of the Council.

<sup>19</sup> See S/10929, *ibid.*, 28th yr., *Suppl. for April-June 1973*, pp. 37-53, for the report of the Secretary-General.

<sup>20</sup> For the text of the draft resolution see S/10974, *ibid.*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 20-21. For further details see section on the situation in the Middle East in chapter VIII.

With regard to the Special Representative for humanitarian problems under resolution 307 (1971), the Secretary-General submitted to the Council two reports on the good offices mission of his representative in the India/Pakistan subcontinent.<sup>21</sup>

The mandate of the United Nations Force in Cyprus (UNFICYP) was extended six times during the period under review.<sup>22</sup> In his periodic and special reports on the United Nations operation in Cyprus<sup>23</sup> the Secretary-General kept the Council informed about the role of his Special Representative in the ongoing intercommunal talks and in the exercise of his good offices which were temporarily interrupted by the grave crisis that set in on 15 July 1974, but were resumed on 26 August 1974 in the presence of the Secretary-General and of the Special Representative.<sup>24</sup> Throughout the period under review, the Secretary-General saw no opportunity for a resumption of the mediation function under paragraph 7 of resolution 186 (1964), owing primarily to the widely different and firmly held views of the three Governments most directly concerned.<sup>25</sup>

The Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia remained active during the period under review. Regarding its composition and its mode of functioning, the President of the Security Council issued a note dated 29 March 1972,<sup>26</sup> indicating that, after consultations, the system of rotating chairmanships had been replaced by a one-year-term chairmanship and that the Committee would, in addition, elect two Vice-Chairmen. The Committee submitted a number of regular, interim and special

<sup>21</sup> S/10512, dated 17 January 1972, and Add.1, dated 26 February 1972, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 14-20.

<sup>22</sup> The mandate of the force was extended by resolutions 315 (1972), 324 (1972), 334 (1973), 343 (1973), 349 (1974), and 364 (1974).

<sup>23</sup> The Secretary-General submitted the following periodic reports: S/10664, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 73-82; S/10842, *ibid.*, *Suppl. for Oct.-Dec. 1972*, pp. 53-62; S/10940, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 58-68; S/11137, *ibid.*, *Suppl. for Oct.-Dec. 1973*, pp. 240-250; S/11294, *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 131-140; S/11568, *ibid.*, *Suppl. for Oct.-Dec. 1974*, pp. 51-59. The following special reports were submitted: S/10564, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 64-65; S/10564/Add.1 and 2, *ibid.*, *Suppl. for April-June 1972*, pp. 18-19; S/5364/Add.1, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, p. 1; S/11353 and Add.1-33, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, pp. 32-50; S/11468 and Add.1 and 2, *ibid.*, pp. 119-123; S/11473, *ibid.*, pp. 125-126; S/11488 and Add.1, *ibid.*, pp. 134-135; S/11468/Add.3 and 4, *ibid.*, *Suppl. for Oct.-Dec. 1974*, pp. 15-17; S/11488/Add.2, *ibid.*, pp. 18-19.

<sup>24</sup> In his periodic report S/11568, *ibid.*, pp. 51-59, para. 61, the Secretary-General noted that he had appointed a new Special Representative prior to 9 July. For the critical events in summer 1974, see the section on the situation in Cyprus in chapter VIII.

<sup>25</sup> See here the periodic report cited in footnote 23.

<sup>26</sup> S/10578, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, p. 73. See here also the letter by the Chairman of the Committee to the President of the Council, S/10571, *ibid.*, pp. 69-70. Following the recommendation of the Committee, contained in its Special report (S/10632, *ibid.*, *Suppl. for April-June 1972*, pp. 47-49, especially para. 7), the Council decided under resolution 318 (1972) to change the name of the Committee from "Committee established in pursuance of Security Council resolution 253 (1968)" to "Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia".

reports<sup>27</sup> to the Council which considered them subsequently.<sup>28</sup>

The *Ad-hoc* Sub-Committee on Namibia which also continued in existence throughout the period under review, held six meetings during 1972, and adjourned at the end of its 23rd meeting.<sup>29</sup>

The Committee of Experts established by the Security Council at its 1506th meeting to study the question of "associate membership" did not meet during the period covered by this *Supplement*.

There have been 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.<sup>30</sup>

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

<sup>27</sup> The Committee submitted the fifth report (S/10852/Rev.1, *OR*, 27th yr., *Special Supplement No. 2*) and the sixth report (S/11178/Rev.1, *OR*, 29th yr., *Special Supplement 2 and 2 A*); it also submitted to the Council the second and third interim reports (S/10580, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 74-75, and its Add.1, *ibid.*, *Suppl. for April-June 1972*, p. 19; S/10593, *ibid.*, p. 27) and two special reports (S/10632, *ibid.*, pp. 47-49; S/10920, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 25-30).

<sup>28</sup> See part II of this chapter for proceedings of the Council concerning the issue of the competence of the Committee in relation to its terms of reference and to the Council's prerogatives. See also the section on the question of Southern Rhodesia in chapter VIII.

<sup>29</sup> Under resolution 301 (1971), para. 14 the Council had requested the *Ad-hoc* Sub-Committee on Namibia to conduct a comprehensive review of treaties implying South Africa's sovereignty over Namibia and to report to the Council. No report was issued by the Committee during the period under review.

<sup>30</sup> At the meetings of the Council in Addis Ababa the President of Mauritania, as chairman of OAU, proposed a Council committee to take over the administration of Namibia and to lead it to independence (1627th meeting, paras. 43, 44); Yugoslavia suggested the dispatch of periodic Council missions to the areas of major conflicts and tensions (1630th meeting, para. 131); the Secretary-General of OAU recommended the creation by the Council of a watchdog committee to supervise the implementation of the arms embargo resolutions against South Africa and Portugal (1633rd meeting, para. 155); Mr. Minty urged the Council to set up a committee charged with considering all African questions that constituted threats to peace and security (1634th meeting, para. 17); Canon Carr proposed the stationing of United Nations observers in Southern Rhodesia during the mission of the Pearce Commission and the appointment of a control commission consisting of the five permanent members of the Council, and of a United Nations Commissioner for Namibia (1634th meeting, para. 56); Burundi suggested the dispatch of periodic Council missions to African trouble spots until the crises were settled (1636th meeting, para. 22). In connexion with the situation in the Middle East, France suggested that in order to discharge its exclusive competence in the matter of peace-keeping the Council should establish a committee which would be in constant contact with the Secretary-General concerning UNEF and could for instance propose to the Council the name of the UNEF Commander and draft basic directives (1752nd meeting, intervention by France). In connexion with the question concerning the situation in Territories under Portuguese Administration, Saudi Arabia urged to send a Special Representative on a fact-finding mission to Africa (1672nd meeting, para. 243) and Mr. Fernandes (PAIGC) called for a Council delegation to visit Portugal (1673rd meeting, para. 188).

## I. Subsidiary organs established

### CASE 1

#### *Mission of the Secretary-General under Security Council resolution 309 (1972)*

In the course of its meetings in Africa,<sup>31</sup> the Council addressing itself to the situation in Namibia adopted at its 1638th meeting on 4 February 1972, resolution 309 (1972), originally submitted by Argentina and revised after consultations,<sup>32</sup> which provided *inter alia*:

1. *Invites* the Secretary-General, in consultation and close co-operation with a group of the Security Council,<sup>33</sup> to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human quality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

2. *Calls upon* the Government of South Africa to co-operate fully with the Secretary-General in the implementation of the present resolution;

3. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution not later than 31 July 1972.

In accordance with this decision the Secretary-General initiated the contacts through communications from Headquarters, then visited South Africa and Namibia between 6 and 10 March 1972 and reported to the Council on 17 July 1972.<sup>34</sup> In his report he recommended the continuation of the mission and the appointment of a representative to assist in the implementation of the Council mandate.<sup>35</sup>

The Council considered the report at its 1656th and 1657th meetings. The representative of Argentina introduced at the 1657th meeting on 1 August 1972 a draft resolution which, with a few oral modifications, was adopted by 14 votes to none as resolution 319 (1972).<sup>36</sup> It *inter alia* invited the Secretary-General to continue his contacts, approved his proposal to appoint a representative to assist him in the discharge of his mandate and requested him to keep the Council informed and to report to it not later than 15 November 1972.

On 15 November 1972, the Secretary-General submitted his report<sup>37</sup> on the implementation of resolution 319 (1972) to the Council. He indicated the progress of his own talks with the parties and the activities of his Representative and of the Council group under resolution 309 (1972). The Council considered the report during its 1678th through 1682nd meetings and adopted at its 1682nd meeting on 6 December 1972 the draft resolution

<sup>31</sup> See the section on "Consideration of Questions Relating to Africa" in chapter VIII for details on the proceedings.

<sup>32</sup> Submitted already at the 1598th meeting on 20 October 1971 (see *Supplement 1969-1971*, p. 109 of the *Repertoire* for further details), the draft (S/10376) was revised twice before its adoption. The vote on S/10376/Rev.2 was 14 votes to none; one permanent member did not participate in the vote.

<sup>33</sup> See below case 10.

<sup>34</sup> S/10738, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 63-72.

<sup>35</sup> *Ibid.*, paras. 50-51. See below Case 2.

<sup>36</sup> S/10750 adopted as amended. One permanent member did not participate in the vote.

<sup>37</sup> S/10832, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 32-46.

sponsored by Argentina, as modified orally, by 13 votes in favour to none against, with 1 abstention as resolution 323 (1972), whereby it invited the Secretary-General once again to continue his valuable efforts and requested him to report to the Council not later than 30 April 1973.<sup>38</sup>

In compliance with the Council's request the Secretary General, on 30 April 1973, reported to the Council on the implementation of resolution 323 (1972).<sup>39</sup> He pointed out that his continued efforts had not brought about those changes in the attitude of the Government of South Africa which he had sought and which were indispensable for a solution of the question of Namibia; in the light of this situation the question arose whether or not to continue the efforts.

At its 1756th to 1758th meetings on 10 and 11 December 1973, the Council took up the question of Namibia and considered the Secretary-General's report. At the 1758th meeting the Council adopted unanimously the revised draft resolution submitted by Peru as resolution 342 (1973).<sup>40</sup> Under its paragraph 2, the Council decided to discontinue further efforts on the basis of resolution 309 (1972).

#### CASE 2

##### *Representative of the Secretary-General under Security Council Resolution 319 (1972)*

In accordance with the proposal by the Secretary-General,<sup>41</sup> the Security Council decided in connexion with the situation in Namibia, at the 1657th meeting on 1 August 1972 under resolution 319 (1972), para. 5 to approve "the proposal of the Secretary-General to proceed, after necessary consultations, with the appointment of a representative to assist him in the discharge of his mandate...".<sup>42</sup>

On 24 September 1972, the Secretary-General appointed Mr. Alfred Martin Escher as his representative for Namibia.<sup>43</sup> Following consultations in New York, the representative visited South Africa and Namibia from 8 October to 3 November 1972, and after his return reported to the Secretary-General both orally and in writing.<sup>44</sup>

Under resolution 323 (1972), para. 5 the Security Council authorized the Secretary-General once again to appoint representatives to assist him in the continued discharge of his mandate.<sup>45</sup>

<sup>38</sup> One permanent member did not participate in the vote on S/10846.

<sup>39</sup> S/10921, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 30-34.

<sup>40</sup> S/11152/Rev.1, as orally amended, was submitted at the 1657th meeting.

<sup>41</sup> The proposal was contained in the Secretary-General's report (S/10738) of 17 July 1972, (*OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 63-72), paras. 50-51. See also above case 1.

<sup>42</sup> For the vote see above case 1.

<sup>43</sup> See the report of the Secretary-General, S/10832, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 32-46, para. 2.

<sup>44</sup> See *ibid.*, paras. 6 and 8 and Annex II.

<sup>45</sup> For the decision including the vote see case 1 above.

In his report on the implementation of Security Council resolution 323 (1972),<sup>46</sup> the Secretary-General referred only briefly to his representatives. Under resolution 342 (1973), para. 2, the Council decided to end the efforts under resolution 309 (1972) and with that to terminate the mandate of the Secretary-General's representatives.<sup>47</sup>

#### CASE 3

##### *Special Mission Established under Resolution 326 (1973)*

At the 1691st meeting on 2 February 1972, in connexion with the complaint by Zambia, the Security Council adopted a revised draft resolution,<sup>48</sup> sponsored by Guinea, India, Indonesia, Kenya, the Sudan and Yugoslavia, by 13 votes to none, with 2 abstentions, as resolution 326 (1973) which provided *inter alia*:

9. *Decides* to dispatch immediately a Special Mission, consisting of four members of the Security Council, to be appointed by the President of the Security Council after consultations with the members, to assess the situation in the area, and requests the mission so constituted to report to the Council not later than 1 March 1973;

10. *Calls upon* the Government of Zambia, the Government of the United Kingdom and the Government of South Africa to provide the Special Mission with the necessary co-operation and assistance in the discharge of its task; ...

At the same meeting, the Council adopted a second revised draft resolution,<sup>49</sup> also sponsored by Guinea, India, Indonesia, Kenya, the Sudan and Yugoslavia, by 14 votes to none, with 1 abstention, as resolution 327 (1973) which provided *inter alia*:

3. *Decides* to entrust the Special Mission, consisting of four members of the Security Council, referred to in paragraph 9 of resolution 326 (1973), assisted by a team of six United Nations experts,<sup>50</sup> to assess the needs of Zambia, in maintaining alternative systems of road, rail, air and sea communications for the normal flow of traffic;

4. *Further requests* the neighbouring States to accord the Special Mission every co-operation in the discharge of its task;

5. *Requests* the Special Mission to report to the Security Council not later than 1 March 1973.

On 5 February 1973, the President of the Council issued a note<sup>51</sup> indicating that as a result of consultations among Council members the Special Mission to Zambia would be composed of the representatives of Austria, Indonesia, Peru and the Sudan.

Following its visit to the United Kingdom, Zambia, Tanzania and Kenya during 8-21 February 1973, the Special Mission submitted its report including the report of the team of United Nations Experts,<sup>52</sup> on 5 March 1973 to the Council.

<sup>46</sup> S/10921, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 30-34.

<sup>47</sup> For the decision including the vote see case 1 above.

<sup>48</sup> S/10875/Rev.1. The original draft (S/10875) was sponsored by Guinea, Kenya, the Sudan and Yugoslavia.

<sup>49</sup> S/10876/Rev.1. The sponsors of the original draft (S/10876) were the same as those of S/10875.

<sup>50</sup> The representative of Zambia, in his opening statement at the 1687th meeting on 29 January 1973, had requested the dispatch of a team of experts (1687th meeting, para. 39) and had been supported by a significant number of other speakers.

<sup>51</sup> S/10886, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, p. 47.

<sup>52</sup> S/10896/Rev.1, *OR*, 28th yr., *Special Suppl. No. 2*.

At its 1692nd to 1694th meetings on 8 to 10 March 1973, the Council considered the report of the Special Mission and at its 1694th meeting adopted two revised draft resolutions,<sup>53</sup> one by 13 votes to none, with 2 abstentions, as resolution 328 (1973) and the second one unanimously as resolution 329 (1973). Under resolution 328 (1973), para. 1 the Council endorsed the assessment and conclusions of the Special Mission, and under both resolutions took a number of political and economic measures in implementation of the suggestions of the Special Mission.

## CASE 4

*United Nations Emergency Force (UNEF)  
in the Middle East*

At its 1748th meeting on 23 October 1973, in connexion with the situation in the Middle East, the Security Council adopted a draft resolution co-sponsored by the USSR and the United States,<sup>54</sup> by 14 votes to none,<sup>55</sup> as resolution 339 (1973) which provided under para. 2:

*Requests* the Secretary-General to take measures for immediate dispatch of United Nations observers to supervise the observance of the cease-fire between the forces of Israel and the Arab Republic of Egypt, using for this purpose the personnel of the United Nations now in the Middle East and first of all the personnel now in Cairo.<sup>56</sup>

At the 1750th meeting on 25 October 1973, the Security Council adopted a revised draft resolution,<sup>57</sup> originally submitted by Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia and changed in the course of consultations, by 14 votes to none,<sup>58</sup> as resolution 340 (1973) which contained *inter alia* the following provisions:

*Noting with concern* from the Secretary-General's report<sup>59</sup> that the United Nations military observers have not been enabled to place themselves on both sides of the cease-fire line. ...

2. *Requests* the Secretary-General, as an immediate step, to increase the number of United Nations military observers on both sides;

3. *Decides* to set up immediately, under its authority, a United Nations Emergency Force to be composed of personnel drawn from States Members of the United Nations, except the permanent members of the Security Council, and requests the Secretary-General to report within 24 hours on the steps taken to this effect; ...

Regarding paragraph 3 of resolution 340 (1973), several members of the Council expressed reservations about the exclusion of the permanent members of the Council from contributing personnel to the Emergency Force,<sup>60</sup> and

<sup>53</sup> S/10898/Rev.1 and S/10899/Rev.1, both submitted by Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia.

<sup>54</sup> S/11039, adopted without change.

<sup>55</sup> One permanent member did not participate in the voting.

<sup>56</sup> The personnel referred to here is that of UNTSO whose activities overlapped initially significantly with those of nascent UNEF.

<sup>57</sup> S/11046/Rev.1.

<sup>58</sup> One permanent member did not participate in the voting.

<sup>59</sup> The report was delivered orally at the 1749th meeting.

<sup>60</sup> 1750th meeting, first intervention by the USSR; intervention by the United Kingdom and by France.

prior to the vote on the resolution as a whole the representative of France asked for a separate vote on the principle of exclusion; by a vote of 13 in favour to none, with 1 abstention, the Council retained the provision.<sup>61</sup>

The representative of the USSR called for strict observance of the principle of equitable geographical representation in setting up the force.<sup>62</sup>

The Council also decided to authorize the Secretary-General to appoint General Siilasvuo, Chief of Staff of UNTSO, as the interim Commander of the United Nations Emergency Force.<sup>63</sup>

At the 1752nd meeting on 27 October 1973, the Council considered the report of the Secretary-General submitted under paragraph 3 of resolution 340 (1973),<sup>64</sup> and adopted an Australian draft resolution by 14 votes to none<sup>65</sup> as resolution 341 (1973) which provided under paragraph 2:

*Decides* that the Force shall be established in accordance with the above-mentioned report<sup>66</sup> for an initial period of six months, and that it shall continue in operation thereafter, if required, provided the Security Council so decides.

At the 1754th meeting on 2 November 1973, the Council considered progress reports of the Secretary-General on the Force.<sup>67</sup> In the course of the meeting the President made a statement representing the agreement of the members of the Council, regarding the implementation of resolution 240 (1973) and in particular the composition of the force bringing about a better geographical distribution of its contingents.<sup>68</sup> By a subsequent note<sup>69</sup> the President informed the Secretary-General that the Council had agreed on the addition of two more African contingents from Kenya and Senegal.

At the 1755th meeting on 12 November 1973, the Council accepted the proposal, submitted by the Secretary-General in a letter,<sup>70</sup> to appoint General Siilasvuo as Force Commander and instructed the President of the Council to inform the Secretary-General accordingly.<sup>71</sup>

During the period under review, the United Nations Emergency Force (UNEF) was twice renewed, each time by 13 votes to none,<sup>72</sup> by resolutions 346 (1974) and 362 (1974), after the Council had considered the reports of the Secretary-General on the Force.<sup>73</sup>

<sup>61</sup> 1750th meeting. One permanent member did not participate in the voting.

<sup>62</sup> *Ibid.*, first intervention by the USSR.

<sup>63</sup> *Ibid.*, concluding statement by the President.

<sup>64</sup> S/11052/Rev.1, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, pp. 91-92.

<sup>65</sup> One permanent member did not participate in the voting.

<sup>66</sup> See footnote 64 above.

<sup>67</sup> S/11056 and Add.1, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, pp. 93-94.

<sup>68</sup> S/11072, *ibid.*, pp. 208-209. China dissociated itself from it.

<sup>69</sup> S/11127, *ibid.*, p. 234. China dissociated itself from it.

<sup>70</sup> S/11103, *ibid.*, p. 223.

<sup>71</sup> S/11104, *ibid.*, p. 223. China dissociated itself from it.

<sup>72</sup> Two Council members did not participate in the voting which took place at the 1765th meeting, and at the 1799th meeting.

<sup>73</sup> S/11248, *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 88-95, and S/11536, *ibid.*, *Suppl. for Oct.-Dec. 1974*, pp. 29-33.

## CASE 5

*Special Representative of the Secretary-General under Security Council consensus of 28 February 1974*

At its 1764th meeting on 28 February 1974, the Security Council adopted a consensus<sup>74</sup> regarding the complaint by Iraq concerning incidents on its frontier with Iran.<sup>75</sup> Under paragraph 5 of that consensus the Council requested the Secretary-General:

To appoint as soon as possible a special representative to conduct an investigation of the events that have given rise to the complaint by Iraq; and

To report within three months.

In accordance with this decision of the Council, the Secretary-General appointed on 18 March 1974 Ambassador Weckmann-Muñoz as his Special Representative, who visited Iraq and Iran from 3 to 25 April 1974 and submitted his report to the Secretary-General on 16 May 1974.<sup>76</sup> On 20 May 1974, the Secretary-General submitted his written report<sup>77</sup> to the Council.

At its 1770th meeting on 28 May 1974, the Council considered the report of the Secretary-General and adopted a draft resolution,<sup>78</sup> which had resulted from prior consultations, by 14 votes to none,<sup>79</sup> as resolution 348 (1974) whereby it took note with appreciation of the report of the Secretary-General and urged the parties to implement the agreement which they had reached through the good offices of the Special Representative of the Secretary-General.

## CASE 6

*United Nations Disengagement Observer Force (UNDOF)*

At the 1774th meeting on 31 May 1974, following the consideration of the situation in the Middle East, in particular of the report of the Secretary-General concerning the Agreement on Disengagement between Israeli and Syrian Forces,<sup>80</sup> the Security Council adopted a revised draft resolution,<sup>81</sup> jointly submitted by the USSR and the United States, by 13 votes to none<sup>82</sup> as resolution 350 (1974). It provided under paragraph 3:

*Decides* to set up immediately under its authority the United Nations Disengagement Observer Force, and requests the Secretary-General to take the necessary steps to this effect in accordance with his above-mentioned report and the annexes thereto; the Force shall be established for an initial period of six months, subject to renewal by further resolution of the Security Council;

At the same meeting, the Council agreed to the proposals made by the Secretary-General on the initial

<sup>74</sup> S/11229, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, pp. 108-109. China dissociated itself from the consensus of the Council.

<sup>75</sup> S/11216, *ibid.*, p. 96.

<sup>76</sup> For this information see the report of the Secretary-General, S/11291, *ibid.*, *Suppl. for April-June 1974*, pp. 125-129; here in particular paras. 2, 4-7 and the Annex.

<sup>77</sup> S/11291. See preceding footnote.

<sup>78</sup> S/11299, adopted without change.

<sup>79</sup> One member did not participate in the vote.

<sup>80</sup> S/11302 and Add.1, *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 144-145.

<sup>81</sup> S/11305/Rev.1, adopted without further changes.

<sup>82</sup> Two members of the Council did not participate in the voting.

composition of the Force and the appointment of General Brizeño Zevallos as interim Commander.<sup>83</sup>

At the 1809th meeting on 29 November 1974, the Council adopted a draft resolution,<sup>84</sup> sponsored by Austria, Indonesia, Kenya, Mauritania, Peru and United Republic of Cameroon, by 13 votes to none<sup>85</sup> as resolution 363 (1974) renewing the mandate of the Force for another period of six months, after it had considered the report of the Secretary-General on the functioning of UNDOF during the first six months.<sup>86</sup>

## 2. Subsidiary organs proposed but not established

## CASE 7

At the 1787th meeting on 29 July 1974, in connexion with the situation in Cyprus, the representative of the USSR introduced a draft resolution<sup>87</sup> which provided under paragraph 3:

*Decides* to send immediately to Cyprus a special mission of... members of the Security Council, to be appointed by the President of the Council after consultations with the Council members and with the Secretary-General, for the purpose of verifying on the spot the implementation of resolution 353 (1974) and of reporting to the Council.

The draft resolution was not put to the vote.

## CASE 8

At the 1804th meeting on 28 October 1974, in connexion with the consideration of the relationship between the United Nations and South Africa, the President of the Council drew the attention of the members to a draft resolution<sup>88</sup> submitted under rule 38 of the provisional rules of procedure of the Security Council by Saudi Arabia, which provided under paragraph 2:

*Requests* the Secretary-General, after consultation with the Security Council, to appoint two co-administrators from neutral countries to administer Namibia together with South Africa during the period of transfer, which should be completed within a period of two years or less.

The draft resolution was not put to the vote.

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

## 1. Subsidiary organs established

## CASE 9

*Security Council Committee on Council Meetings away from Headquarters*

At the 1625th meeting on 11 January 1972, in connexion with the request of the Organization of African

<sup>83</sup> 1774th meeting, statement by the Secretary-General, and concluding statement by the President.

<sup>84</sup> S/11565, adopted without change.

<sup>85</sup> Two members of the Council did not participate in the voting.

<sup>86</sup> S/11563, *OR*, 29th yr., *Suppl. for Oct.-Dec. 1974*, pp. 43-47.

<sup>87</sup> S/11391, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, p. 70.

<sup>88</sup> S/11547, *OR*, 29th yr., *Suppl. for Oct.-Dec. 1974*, p. 36.

Unity concerning the holding of meetings of the Security Council in an African capital, the Council decided without objection *inter alia*:

(c) to establish a Security Council Committee on Council Meetings away from Headquarters composed of all the members of the Security Council to study the question of the convening of Council meetings in an African capital in all its aspects ... and to endeavour to draft general guidelines which could be applied in all similar situations which might arise in the future in connexion with Article 28, paragraph 3, of the Charter of the United Nations.<sup>89</sup>

In accordance with this decision the Committee submitted a report<sup>90</sup> to the Council in which it made several recommendations and proposed a draft resolution. It also reported that it had agreed to have the Chairmanship rotate on a monthly basis and to defer its mandate to prepare general guidelines for similar situations that might arise in the future.

At the 1626th meeting on 19 January 1972, the Council adopted the recommendations of the Committee and the draft resolution<sup>91</sup> without objection as representing the consensus of the Council members.

In connexion with the request of Panama concerning the holding of meetings of the Security Council in Panama City, the Committee was asked by the Council at the 1685th meeting on 16 January 1973, to consider all aspects—technical, administrative, financial, legal, political and other—of the necessary arrangements and to report to the Council not later than 26 January 1973.<sup>92</sup>

Accordingly, the Committee submitted its second report<sup>93</sup> including its recommendations and a draft resolution,<sup>94</sup> which the Council, at its 1686th meeting on 26 January 1973, adopted without objection as representing the consensus of the Council members.

#### CASE 10<sup>95</sup>

##### *Group of the Security Council established under resolution 309 (1972)*

During the meetings in Africa,<sup>96</sup> at the 1638th meeting on 4 February 1972, the Council addressing itself to the situation in Namibia adopted resolution 309 (1972) which provided in paragraph 1 for the establishment of a group of the Security Council, composed of the representatives of Argentina, Somalia and Yugoslavia, with whom the Secretary-General was asked to consult and co-operate in carrying out the mandate under that resolution.

Prior to the vote, a debate had taken place concerning the size of the group and the mode of selecting its

<sup>89</sup> For the text of the Council decision, see *OR, 27th yr., Resolutions and Decisions of the Security Council 1972*, p. 1.

<sup>90</sup> S/10514, *OR, 27th yr., Suppl. for Jan.-March 1972*, pp. 20-27. The recommendations and the draft resolution are contained in paras. 29 and 30.

<sup>91</sup> Adopted without change as resolution 308 (1972).

<sup>92</sup> For the decision, see *OR, 28th yr., Resolutions and Decisions of the Security Council 1973*, p. 2.

<sup>93</sup> S/10868, *ibid., Suppl. for Jan.-March 1973*, pp. 32-38.

<sup>94</sup> *Ibid.*, p. 35, para. 23. Adopted without change as resolution 325 (1973).

<sup>95</sup> See case 1 above for further details.

<sup>96</sup> See footnote 31 above.

members, which had been resolved by asking the President, following customary practice, to hold consultations with the members of the Council leading to an agreement on the composition of the group.<sup>97</sup>

In his report to the Council dated 17 July 1972,<sup>98</sup> the Secretary-General stated that he had carried out his mandate in close co-operation with the group of the Security Council and expressed his deep appreciation of the valuable assistance and co-operation extended to him by the group.<sup>99</sup>

In renewing the mandate of the Secretary-General under resolution 319 (1972), the Council also extended the group of the Council.

The report of the Secretary-General on the implementation of resolution 319 (1972) indicated the active involvement of the group in the preparation and evaluation of the activities undertaken by the Secretary-General and his Representative.<sup>100</sup>

Under resolution 323 (1972) the mandate of the group was once more extended and it was decided to fill the vacancies due to occur in the course of the partial renewal of the Council membership on 1 January 1973.<sup>101</sup> In implementation of the latter decision the Council appointed by consensus after consultations the representatives of Peru and Sudan to fill the vacancies that had resulted from the expiration of the terms of office of the delegations of Argentina and Somalia.<sup>102</sup>

Reporting<sup>103</sup> on the implementation of resolution 323 (1972), the Secretary-General stressed again the value of the assistance and advice the group of the Council had rendered him.

Following the suggestion of the Secretary-General, the Council decided not to continue the efforts under resolution 309 (1972).<sup>104</sup>

## 2. Subsidiary organs proposed but not established

#### CASE 11

In the course of its meetings in Africa,<sup>105</sup> at the 1637th meeting on 3 February 1972, Guinea, India, Somalia, Sudan and Yugoslavia submitted a joint draft resolution concerning the question of *apartheid*,<sup>106</sup> which provided under paragraphs 8 and 9:

<sup>97</sup> 1637th meeting, paras. 53, 114, 118, 157-173, 181, 182, 197.

<sup>98</sup> S/10738, *OR, 27th yr., Suppl. for July-Sept. 1972*, pp. 63-72.

<sup>99</sup> *Ibid.*, paras. 3, 19, 50 and Annex I.

<sup>100</sup> S/10832, *ibid., Suppl. for Oct.-Dec. 1972*, pp. 32-46; especially para. 3, Annex I and Annex II, paras. 2, 83.

<sup>101</sup> Resolution 323 (1973), paras. 5 and 8.

<sup>102</sup> See *OR, 28th yr., Resolutions and Decisions of the Security Council 1973*, p. 1.

<sup>103</sup> S/10921 (report of the Secretary-General), *OR, 28th yr., Suppl. for April-June 1973*, pp. 30-34; in particular para. 3.

<sup>104</sup> See resolution 342 (1973), para. 2.

<sup>105</sup> See the section "Consideration of Questions Relating to Africa" in chapter VIII for details concerning the proceedings.

<sup>106</sup> S/10609, *OR, 27th yr., Suppl. for Jan.-March 1972*, pp. 84-85.

*Decides* to establish a committee of the Security Council to study and report urgently, not later than 30 April 1972, on ways and means to secure the implementation of the resolutions of the Security Council on this question [of *apartheid*];

*Requests* the Secretary-General to provide all necessary assistance to the Committee in the discharge of its task.

In the revised text<sup>107</sup> of the draft resolution which was introduced at the 1639th meeting on 4 February 1972, these two paragraphs were deleted.

#### CASE 12

At the 1673rd meeting on 16 November 1972, in connexion with the question concerning the situation in territories under Portuguese administration, Guinea, Somalia and Sudan submitted a draft resolution<sup>108</sup> which provided under paragraphs 11-13:

*Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a sub-committee of ... members of the Security Council, to be formed after consultation between the President of the Security Council and the Secretary-General, which will be in charge of implementation of the provisions of paragraph 10 above and report periodically to the Security Council;

*Requests* all States to co-operate with the sub-committee established under paragraph 11 above;

<sup>107</sup> S/10609/Rev.1, adopted as resolution 311 (1972).

<sup>108</sup> S/10834, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 47-48.

*Requests* the Secretary-General to assist the sub-committee in the discharge of its tasks.

Following consultations, the sponsors, at the 1676th meeting on 21 November 1972, withdrew the draft and submitted two new ones.<sup>109</sup>

#### CASE 13

At the 1676th meeting on 21 November 1972, in connexion with the question concerning the situation in territories under Portuguese administration, Guinea, Somalia and Sudan submitted a draft resolution,<sup>110</sup> which provided under paragraph 7:

*Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, an *ad hoc* committee of five members of the Security Council, to be formed after consultation between the President of the Security Council and the Secretary-General, to undertake investigation of the flow of arms used by Portugal in the African Territories under its domination and to report periodically to the Security Council.

At the 1677th meeting on 22 November 1972, the representative of Somalia, on behalf of the sponsors, stated that they would not press for a vote on the draft resolution.<sup>111</sup>

<sup>109</sup> See case 13 below.

<sup>110</sup> S/10839, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, p. 51.

<sup>111</sup> 1677th meeting, para. 45.

## Part II

### CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS

#### NOTE

During the period under review, the Security Council discussed at one occasion in some detail procedural aspects of the terms of reference of a subsidiary organ, to what extent they could be modified and how far the Council could delegate its own functions under the Charter.

#### \*\*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

#### CASE 14

In connexion with the question concerning the situation in Southern Rhodesia, the Security Council, at its 1645th meeting on 28 February 1972, adopted resolution 314 (1972) which provided in paragraph 6:

*Requests* the Committee established in pursuance of Security Council resolution 253 (1968) to meet as a matter of urgency to

consider ways and means by which the implementation of sanctions may be ensured and to submit to the Security Council not later than 15 April 1972 a report containing recommendations in this respect, including any suggestions which the Committee might wish to make concerning its terms of reference and any other measures designed to ensure the effectiveness of its work.

Accordingly, the Committee submitted a special report<sup>112</sup> part III of which contained the recommendations accepted by all members of the Committee,<sup>113</sup> whereas its part IV presented four contested proposals and the varying positions taken by members in favour and against those suggestions. The African members of the Committee suggested that the Council should *inter alia* reaffirm the legitimacy of the struggle of the people of Southern Rhodesia, condemn those States which openly and consistently violated the provisions of resolutions 253 (1968) and 277 (1970), take special measures against South Africa and Portugal and call upon all States to employ additional measures under Article 41 of the Charter against the illegal régime in Southern Rhodesia.<sup>114</sup> The delegations

<sup>112</sup> Special report of the Committee established in pursuance of Security Council resolution 253 (1968), dated 9 May 1972, S/10632, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 47-49.

<sup>113</sup> See *ibid.*, paras. 7-24.

<sup>114</sup> Special report of the Committee established in pursuance of Security Council resolution 253 (1968), dated 9 May 1972, S/10632, paras. 25-28; *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 47-49.

of Belgium, France, Italy and the United States could not agree to these proposals, since in their view, they gave rise to objections either to the substance, procedure or the competence of the Committee in matters reserved exclusively to the Security Council.<sup>115</sup>

During the 1654th meeting on 28 July 1972, when the Council considered the special report of the Committee, the representative of Sudan, speaking as chairman of the Committee, referred to these objections to the contents of part IV.<sup>116</sup> The representative of Belgium stated that two of the African proposals had not been accepted because they were alien to the mandate set out in resolution 314 (1972), and added:

... I must now refer to the debate which was once again provoked by the extent of the mandate given to the Committee in Security Council resolutions 253 (1968) and 277 (1970). In our opinion, the Committee can only play an auxiliary role. Even if the Council would wish it so, it would not be free to delegate to a subordinate

body the responsibilities which the Charter has made incumbent on it alone. Furthermore, it would not be useful either for the Committee to be simply a faithful reflection of the Council and to be competent, as the Council is, in relation to all aspects of the question of Southern Rhodesia. Conceived as it was to function as a standing body, the Security Council, unlike the General Assembly whose activities are intermittent, does not need organs to exercise its powers in its name and in its place ...<sup>117</sup>

The representative of Yugoslavia, speaking in support of the African proposals, declared in reply:

..., it is our understanding that the scope of the Committee's responsibilities extends to all political aspects of the situation in and around Southern Rhodesia that affect the implementation of sanctions and not merely their technical aspects...<sup>118</sup>

#### \*\*E. CONSIDERATION OF THE PROCEDURE OF TERMINATION

<sup>117</sup> 1654th meeting, paras. 40, 41. See also the statements by the United Kingdom (1655th meeting, para. 15) and France (*ibid.*, paras. 43, 44).

<sup>118</sup> *Ibid.*, para. 53.

<sup>115</sup> *Ibid.*, para. 33.

<sup>116</sup> 1654th meeting, paras. 15-17.