
Chapter V

Subsidiary organs of the Security Council

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Introductory note

This chapter covers procedures of the Security Council relating to the establishment and control of subsidiary organs deemed necessary for the performance of its functions under the Charter of the United Nations. The Council's power to establish subsidiary organs is set out in Article 29 of the Charter and reflected in rule 28 of the provisional rules of procedure as follows:

Article 29

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

Rule 28

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

The period 1989 to 1992 saw a considerable expansion in the number of subsidiary organs established by the Council. The Council mandated the establishment of 11 new peacekeeping operations and established four new committees to oversee the implementation of measures adopted pursuant to Article 41 of the Charter. It also created a number of ad hoc commissions in the aftermath of the Iraq-Kuwait conflict. In addition, the Council authorized the establishment of a commission of experts to examine reported violations of international humanitarian law in the former Yugoslavia.

Part I of this chapter considers these new organs, together with those established prior to 1989 and continuing during part or all of the period under review. The organs are divided into five main categories, reflecting their main character or functions: standing and ad hoc committees; investigative bodies; peacekeeping missions; committees to oversee the implementation of measures adopted pursuant to Article 41; and ad hoc commissions. Six peacekeeping missions were terminated during the period under review. This is reflected in Part II. Part III considers four instances in which a subsidiary organ was formally proposed but not established.

Part I

Subsidiary organs of the Security Council established or continuing during the period 1989-1992

A. Standing committees/ad hoc committees

During the period from 1989 to 1992, the Committee of Experts on Rules of Procedure and the Committee on Council Meetings away from Headquarters continued to exist but did not meet.

The Committee on the Admission of New Members was asked to consider the applications for admission to membership in the United Nations of 22 States, referred to it by the Council under rule 59 of the provisional rules of procedure. The recommendations made by the Committee and the Council concerning admission are considered in chapter VII. Another body concerned with membership, the Committee of Experts established by the Council at the 1506th meeting, concerning the question of associate membership, continued to exist but did not meet.

Other ad hoc subsidiary organs established prior to 1989 which continued to exist during the period under review included the Committee established by Security Council resolution 446 (1979), concerning the situation in the occupied Arab territories; and the Ad Hoc Committee established under Security Council resolution 507 (1982), concerning the Seychelles. There was no activity during the period under review on the part of either body.

B. Investigative bodies

During the period under review, the Security Council authorized the Secretary-General to establish a Commission of Experts to investigate grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia.

Commission of Experts established pursuant to resolution 780 (1992) to examine reported violations of international humanitarian law in the former Yugoslavia

By resolution 780 (1992) of 6 October 1992, the Security Council requested the Secretary-General to

establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse evidence relating to grave breaches of the Geneva Conventions of 12 August 1949 and other violations of international humanitarian law committed in the territory of the former Yugoslavia.¹ The Council also requested the Secretary-General to report to it on the establishment and conclusions of the Commission of Experts, and to take account of those conclusions in any recommendations for further appropriate steps called for by resolution 771 (1992).

On 14 October 1992, the Secretary-General submitted to the Council a report on the establishment of the Commission of Experts.² He noted that the Council's request to establish such a Commission to some extent duplicated an initiative of another United Nations organ, the Commission on Human Rights, which had requested its Chairman two months earlier to appoint a special rapporteur for the former Yugoslavia.³ Therefore, in establishing the Commission of Experts, he had taken into account the mandate and work of the Special Rapporteur, with a view to minimizing duplication, maximizing the efficient use of scarce resources, and reducing costs. The Secretary-General stated that the Commission, which would be located at the United Nations Office at

¹ Prior to the adoption of that resolution, the Security Council, by resolution 771 (1992) of 13 August 1992, had called upon States and, as appropriate, international humanitarian organizations to collate substantiated information in their possession or submitted to them related to such violations and to make that information available to the Council. In resolution 780 (1992), the Council again requested States, United Nations bodies and other relevant organizations to make such information available, and to provide other appropriate assistance to the Commission of Experts.

² S/24657.

³ Pursuant to Commission on Human Rights resolution 1992/S-1/1, adopted on 14 August 1992, the mandate of the Special Rapporteur was to investigate first hand the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina, and to receive relevant, credible information on the human rights situation there from Governments, individuals and intergovernmental and non-governmental organizations.

Geneva, would consist initially of five members serving in their personal capacity and would be assisted by a small secretariat, which would rely on the resources already made available to the Special Rapporteur.⁴

By resolution 787 (1992) of 16 November 1992, the Security Council welcomed the establishment of the Commission of Experts and requested it to pursue actively its investigations with regard to grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia, in particular the practice of “ethnic cleansing”.⁵

C. Peacekeeping missions

During the four years under review, the Security Council mandated the establishment of 11 new peacekeeping missions — in Western Sahara, Angola, Somalia, South Africa, Mozambique, Central America, El Salvador, Iraq/Kuwait, the former Yugoslavia, Namibia and Cambodia — of which the two last mentioned were complex, integrated missions. It also authorized significant changes and expansion in some of their mandates. In a presidential statement made at the conclusion of the Council’s summit meeting on 31 January 1992, the members of the Council noted the increased breadth of the tasks assigned to peacekeeping missions:

“The members of the Council note that United Nations peacekeeping tasks have increased and broadened considerably in recent years. Election monitoring, human rights verification and the repatriation of refugees have in the settlement of some regional conflicts, at the request or with the agreement of the parties concerned, been integral parts of the Security Council’s efforts to maintain international peace and security. The members of the Council welcome these developments.”⁶

The Council also continued to oversee the work of a number of peacekeeping missions established

during an earlier period,⁷ most of which served the more traditional role of an interposition force or military observers.

Those peacekeeping missions are considered below, by geographic region, in the order in which they were established.⁸

Africa

1. United Nations Angola Verification Mission established pursuant to Security Council resolution 626 (1988)

The United Nations Angola Verification Mission (UNAVEM I) was established on 20 December 1988 by Security Council resolution 626 (1988) to monitor the withdrawal of Cuban troops and equipment from Angola in accordance with a timetable agreed between the Governments of Angola and Cuba.⁹ Beginning with an advance party of 18 military observers deployed to Luanda on 3 January 1989, UNAVEM I reached a strength of 70 military observers by 25 May 1991, the date on which, according to a final report by the Secretary-General dated 6 June 1991,¹⁰ the Mission completed its task. In his report, the Secretary-General observed that thereafter, all of the resources of UNAVEM I would be concentrated on the new tasks assigned by resolution 696 (1991) of 30 May 1991 to the United Nations Angola Verification Mission, which was thereafter to be known as UNAVEM II.¹¹

⁷ In Africa, the United Nations Angola Verification Mission I; in Asia, the United Nations Military Observer Group in India and Pakistan and the United Nations Good Offices Mission in Afghanistan and Pakistan; in Europe, the United Nations Peacekeeping Force in Cyprus; in the Middle East, the United Nations Troop Supervision Organization, the United Nations Disengagement Observer Force, the United Nations Interim Force in Lebanon and the United Nations Iran-Iraq Military Observer Group.

⁸ For further details concerning these peacekeeping operations, see *The Blue Helmets: A Review of United Nations Peacekeeping* (3rd edition, 1996).

⁹ S/20345, annex. Shortly thereafter, in a parallel move, the Security Council established the United Nations Transition Assistance Group in Namibia (see sect. 2 below).

¹⁰ S/22678. The five previous reports of the Secretary-General on UNAVEM I were S/20625, S/20783, S/20955, S/21246 and Add.1, and S/21860.

¹¹ On UNAVEM II, see sect. 4 below.

⁴ On 26 October 1992, the Secretary-General appointed Professor Frits Kalshoven (Netherlands) as Chairman of the Commission of Experts, and Professor M. Cherif Bassiouni (Egypt), Mr. William J. Fenrick (Canada), Judge Kéba Mbaye (Senegal) and Professor Torkel Opsahl (Norway) as its members.

⁵ See para. 8 of the resolution.

⁶ S/23500.

2. United Nations Transition Assistance Group established pursuant to Security Council resolutions 435 (1978) and 629 (1989)

Establishment

When the Security Council sought to implement the settlement plan for the independence of Namibia, through free elections under the supervision and control of the United Nations, it established the United Nations Transition Assistance Group (UNTAG) to assist the Special Representative of the Secretary-General in that endeavour. The Council created UNTAG by resolution 435 (1978) of 29 September 1978, in which it approved the Secretary-General's report of 29 August 1978 and his explanatory statement of 28 September 1978.¹² As the peace plan of 1978 failed, however, UNTAG did not become operational at that time. Following progress in the peace process in 1988,¹³ the Council, on 16 January 1989, unanimously adopted resolution 629 (1989), by which it decided that 1 April 1989 would be the date on which the implementation of resolution 435 (1978) would begin. The Council called upon South Africa to reduce the size of its police forces in Namibia with a view to achieving a reasonable balance between those forces and UNTAG so as to ensure effective monitoring by the latter. It also requested the Secretary-General to prepare an updated report on the implementation of resolution 435 (1978), taking into account all relevant developments since the adoption of that resolution, and seeking cost-saving measures which would not prejudice the effectiveness of the operation.

In a report dated 23 January 1989,¹⁴ the Secretary-General set out his recommendations for the implementation of resolution 435 (1978) with effect from 1 April 1989, and the requirements for UNTAG. He noted that a number of agreements and understandings which had been reached by the parties since the adoption of resolution 435 (1978) now also formed part of the United Nations plan for Namibia. They included a 1982 agreement that UNTAG would monitor the bases of the South West Africa People's Organization (SWAPO) in Angola and Zambia, and

obligations on the part of South Africa to ensure free and fair elections in Namibia. In an explanatory statement of 9 February,¹⁵ the Secretary-General addressed concerns raised by various parties about some of the recommendations contained in his report. By resolution 632 (1989) of 16 February 1989, the Security Council approved the Secretary-General's report and his explanatory statement, and decided to implement resolution 435 (1978) "in its original and definitive form". The Council requested the Secretary-General to keep it fully informed on the implementation of the resolution.

Mandate/composition

The mandate of UNTAG, as set out in resolution 435 (1978), was to assist the Special Representative of the Secretary-General to carry out the mandate conferred upon him, namely, "to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations".

Under the plan approved by the Council in 1978,¹⁶ it was envisaged that UNTAG would consist of a civilian component and a military component, both of which would be under the overall direction of the Special Representative of the Secretary-General.¹⁷ The civilian component would consist of two elements: an electoral element and police monitors. The electoral element would assist the Special Representative in implementing the various stages of the electoral process. He would have to satisfy himself at each stage as to the fairness and appropriateness of all measures affecting the political process before such measures took effect. In his report of 23 January 1989,¹⁸ the Secretary-General proposed to maintain the initial complement of 800 electoral supervisors. He proposed an increase, on the other hand, in the number of police monitors from the 360 stipulated in 1978 to 500, in the light of the increase in the size of the South African police forces in Namibia.

With regard to the military component, the Secretary-General referred to the serious concern which had been expressed to him, particularly by the

¹² See S/12827 and S/12869, respectively.

¹³ On 13 December 1988, the Governments of Angola, Cuba and South Africa signed the Brazzaville Protocol, by which the parties agreed to recommend that 1 April 1989 be established as the date for the implementation of Security Council resolution 435 (1978).

¹⁴ S/20412.

¹⁵ S/20457.

¹⁶ S/12827 and S/12869.

¹⁷ Pursuant to Security Council resolution 431 (1978), the Secretary-General had appointed Mr. Martti Ahtisaari as his Special Representative.

¹⁸ S/20412.

permanent members of the Security Council, regarding its size and likely cost. Under the plan approved by the Council in 1978, the military component would have accounted for more than 75 per cent of the cost of the mission. The Movement of Non-Aligned Countries, the Organization of African Unity (OAU), front-line States and SWAPO, on the other hand, had told him of their strong opposition to any reduction in its size. In those circumstances, the Secretary-General proposed that the authorized upper limit for the military component of UNTAG should remain at 7,500 but that the force should initially be deployed with a strength of only 4,650.¹⁹ If his Special Representative reported a real need for additional military personnel, the Secretary-General would deploy as many of the reserve battalions as he judged to be necessary, subject to there being no objection from the Security Council. In the meantime, the Secretary-General proposed a concept of operations under which the military component would concentrate on certain specific tasks, namely: monitoring the disbandment of the citizen forces, commando units and ethnic forces, including the South West African Territorial Force; monitoring South African Defence Force troops in Namibia, as well as SWAPO forces in neighbouring countries; and securing installations in the northern border area. Other tasks approved under resolution 435 (1978), such as monitoring the cessation of hostile acts by all parties, and keeping the borders under surveillance and preventing infiltration, would not, however, be eliminated. Some of them would instead be done by military monitors or observers, whose numbers were to be increased from 200 to 300.

The estimated cost of the civilian and military components of UNTAG would thus be approximately \$416 million, excluding the cost of the repatriation and resettlement operation of the Office of the United Nations High Commissioner for Refugees (UNHCR), for which a separate appeal would be launched.

In an explanatory statement of 9 February 1989,²⁰ the Secretary-General stated that, following representations made to him by a number of delegations, he had decided to make an exception to standard peacekeeping practice; he had given the Force

Commander of UNTAG discretion to authorize the military observers to carry weapons of a defensive character, as and when necessary. As approved in resolution 435 (1978), the military component of UNTAG would not use force except in self-defence.²¹

Implementation/enlargement

On 16 March 1989, in an addendum to his 23 January report,²² the Secretary-General transmitted to the Council the text of the agreement signed in New York on 10 March between the United Nations and the Republic of South Africa, on the status of UNTAG. On 30 March, in a second addendum,²³ he reported that both South Africa and SWAPO had agreed in writing to his proposal that a formal ceasefire should commence on 1 April 1989.

Through an exchange of letters between the Secretary-General and the President of the Council, dated 24 and 26 May 1989,²⁴ the members of the Council agreed to the Secretary-General's proposal to increase the number of UNTAG civilian police monitors to 1,000, on the recommendation of his Special Representative in Namibia.

By resolution 640 (1989) of 28 August 1989, the Security Council demanded strict compliance by all parties concerned, especially South Africa, with the terms of resolutions 435 (1978) and 632 (1989). It also demanded the disbandment of all paramilitary and ethnic forces and commando units, in particular Koevoet, as well as the dismantling of their command structures, as required by resolution 435 (1978). The Council called upon the Secretary-General to review the actual situation on the ground with a view to determining the adequacy of the military component of UNTAG in relation to its ability to carry out its responsibilities as authorized under resolutions 435 (1978) and 632 (1989) and to inform the Security Council. It also invited him to review the adequacy of the number of police monitors in order to undertake the process for any appropriate increase that he might deem necessary for the effective fulfilment of the responsibilities of UNTAG. In addition, the Council requested the Secretary-General, in his supervision and control of the electoral process, to ensure that all

¹⁹ For the list of countries contributing to the UNTAG military component, see the following exchanges of letters between the Secretary-General and the President of the Council: S/20479 and S/20480; S/20847 and S/20848.

²⁰ S/20457, para. 6.

²¹ S/12827.

²² S/20412/Add.1.

²³ S/20412/Add.2.

²⁴ S/20657 and S/20658, respectively.

legislation concerning the electoral process was in conformity with the provisions of the settlement plan; that all proclamations conformed with internationally accepted norms for the conduct of free and fair elections and, in particular, that the proclamation on the Constituent Assembly also respected the sovereign will of the people of Namibia; and that strict impartiality was observed in the provision of media facilities to all parties for the dissemination of information concerning the election. The Council requested the Secretary-General to report to it before the end of September on the implementation of the resolution.

Through an exchange of letters between the Secretary-General and the President of the Council dated 26 and 28 September 1989,²⁵ the members of the Council agreed to the Secretary-General's proposal to further increase the number of UNTAG civilian police monitors to 1,500. Through an exchange of letters between the Secretary-General and the President of the Council dated 10 and 17 October 1989,²⁶ the members of the Council also agreed to the Secretary-General's proposal to increase the number of electoral supervisors to 1,395. In doing so, they expressed their concern that expenditures for UNTAG should continue to be carefully monitored at a time of increasing demands on peacekeeping resources.

In a report dated 6 October 1989,²⁷ the Secretary-General addressed the various issues raised in resolution 640 (1989), as well as some other important aspects of the implementation of the settlement plan. In his concluding observations, the Secretary-General stated that he had continuing concerns about the presence of ex-members of the counter-insurgency unit known as Koevoet in the South West Africa Police and referred to the problems concerning the latter's cooperation with UNTAG police monitors. He also referred to the difficulties encountered by UNTAG in verifying the confinement to base of SWAPO combatants in Angola. He stressed that the continuing cooperation of all the parties involved was essential, not least because UNTAG had no powers to enforce the provisions of the settlement plan.

²⁵ S/20871 and S/20872, respectively.

²⁶ S/20905 and S/20906, respectively.

²⁷ S/20883 and Add.1. (The addendum contains the report of the United Nations Mission on Detainees, which the Special Representative of the Secretary-General had sent to Angola and Zambia from 2 to 21 September 1989.)

By resolution 643 (1989) of 31 October 1989, the Council reiterated its demand for the complete disbandment of all remaining paramilitary and ethnic forces and commando units, in particular Koevoet and the South West African Territorial Force, as well as the complete dismantling of their command structures, and requested the Secretary-General to pursue his efforts to ensure the immediate replacement of the remaining South African Defence Force personnel. The Council also demanded that the South West Africa Police fully cooperate with the UNTAG civil police in carrying out the tasks assigned to it under the settlement plan, and invited the Secretary-General to keep under constant review the adequacy of the number of UNTAG police monitors. The Council mandated the Secretary-General to ensure that all necessary arrangements were made in accordance with the settlement plan to safeguard the territorial integrity and security of Namibia in order to ensure a peaceful transition to national independence, and to assist the Constituent Assembly in the discharge of responsibilities entrusted to it under the settlement plan. It also requested him to prepare appropriate plans for mobilizing all forms of assistance for the people of Namibia during the period following the elections for the Constituent Assembly until the country's accession to independence. The Council requested the Secretary-General to report on the implementation of the resolution as soon as possible.

In a report dated 3 November 1989,²⁸ the Secretary-General addressed the issues raised in resolution 643 (1989) and described the latest developments relating to certain other aspects of the implementation of the United Nations plan for Namibia. He observed that after a careful evaluation of the situation, his Special Representative had concluded that, on balance, he was satisfied that conditions existed that would permit the holding of free and fair elections in Namibia at that time. Based on all the information available to him, the Secretary-General had endorsed that conclusion. On 14 November 1989, the Secretary-General submitted a further report on the implementation of resolution 435 (1978).²⁹ The report contained the results of the elections held in Namibia from 7 to 11 November 1989, which had been certified by his Special Representative as free and fair, thus paving the way for the convening of a Constituent Assembly and Namibia's independence.

²⁸ S/20943.

²⁹ S/20967.

In a statement made on 20 November 1989 by the President of the Council on behalf of its members,³⁰ Council members welcomed the successful conclusion of the elections in Namibia certified by the Special Representative of the Secretary-General as free and fair. They reaffirmed the continuing role of the United Nations during the transition period in ensuring the full implementation of the settlement plan until independence and adoption by the Constituent Assembly of a Constitution that would accord sovereignty to Namibia. They also requested the Secretary-General to provide the Constituent Assembly with all necessary assistance to carry out its responsibility. On 16 March 1990, the Secretary-General submitted an addendum to his further report,³¹ which contained the full text of the Constitution of the Republic of Namibia approved by the Constituent Assembly on 9 February 1990. He informed the Council that the Constitution would enter into force on Independence Day, 21 March 1990.

Termination

On 28 March 1990, the Secretary-General submitted a final report on the implementation of resolution 435 (1978),³² in which he concluded that, with the accession of Namibia to independence on 20/21 March 1990, the mandate entrusted to UNTAG by the Security Council had come to an end.

3. United Nations Mission for the Referendum in Western Sahara established pursuant to Security Council resolution 690 (1991)

Establishment

In a report dated 18 June 1990,³³ the Secretary-General recommended the establishment of a United Nations Mission for the Referendum in Western Sahara (MINURSO) to implement the settlement proposals that he had made jointly with the Chairman of the Assembly of Heads of State and Government of OAU³⁴

and which had been accepted in principle by Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) on 30 August 1988. The main elements of the proposed settlement were a ceasefire and a referendum by which the people of Western Sahara would choose between independence and integration with Morocco. The implementation plan contained in the report was based on recommendations made by a Technical Commission established on 30 June 1989. It provided for a transitional period, lasting from the entry into force of the ceasefire to the announcement of the results of the referendum, during which the Special Representative of the Secretary-General for Western Sahara would have sole responsibility over all matters relating to the referendum. The Special Representative would be assisted in his tasks by an integrated group of United Nations civilian, military and civil police personnel, to be known as MINURSO. By resolution 658 (1990) of 27 June 1990, the Security Council approved the report of the Secretary-General; welcomed his intention to dispatch a technical mission to Western Sahara and neighbouring countries, to refine the administrative aspects of the outlined plan; and requested him to transmit as soon as possible a further detailed report, containing in particular an estimate of the cost of MINURSO, on the basis of which it would authorize the establishment of the Mission.

On 19 April 1991, the Secretary-General submitted a further report,³⁵ containing detailed proposals with regard to the composition, strength and duration of the Mission, and recommending that the Mission should now be established and should be operational by the start of the transitional period, approximately 16 weeks after the General Assembly approved the MINURSO budget. By resolution 690 (1991) of 29 April 1991, the Council decided to establish MINURSO, under its authority, in accordance with the Secretary-General's report of 19 April 1991; decided that the transitional period would begin no later than 16 weeks after the General Assembly approved the budget for the Mission; and requested the Secretary-General to keep it regularly informed of the implementation of his settlement plan.

³⁰ S/20974.

³¹ S/20967/Add.2. See also S/20967/Add.1 of 29 November 1989, annexed to which was the text of the Constituent Assembly Proclamation for Namibia and the exchange of letters between the Special Representative of the Secretary-General and the Administrator-General concerning its promulgation.

³² S/21215.

³³ S/21360.

³⁴ The implementation plan was to be carried out in

cooperation with OAU, whose representatives would be associated with the process throughout as official observers.

³⁵ S/22464 and Corr.1

Mandate/composition

Pursuant to resolutions 658 (1990) and 690 (1991), by which the Council approved the Secretary-General's reports of 18 June 1990 and 19 April 1991,³⁶ MINURSO would undertake the following tasks: (a) monitor the ceasefire; (b) verify the reduction of Moroccan troops in Western Sahara; (c) monitor the confinement of Moroccan and Frente Polisario troops to designated areas; (d) take steps with the parties to ensure the release of all Western Saharan political prisoners or detainees; (e) oversee the exchange of prisoners of war under the auspices of the International Committee of the Red Cross; (f) implement the repatriation programme under the auspices of UNHCR; (g) identify and register qualified voters; and (h) organize and ensure a free and fair referendum and proclaim the results.

MINURSO would consist of three units: a civilian unit of approximately 900 personnel, including the personnel of an Identification Commission,³⁷ a Referendum Commission and a component to implement the repatriation programme; a security unit of about 300 police officers; and a military unit with a strength of approximately 1,700 personnel, including 550 military observers, an infantry battalion of 700, an air support unit of 110 and a logistics battalion of 200.³⁸

Through an exchange of letters between the Secretary-General and the President of the Security Council, dated 21 and 24 June 1991,³⁹ the Council approved the Secretary-General's proposal to appoint Major General Armand Roy (Canada) as the force commander of the military unit of MINURSO. Through a further exchange of letters, dated 3 and 9 July 1991,⁴⁰ the Council agreed to the composition of the military unit proposed by the Secretary-General.

The mission area included the Territory of Western Sahara and designated locations in

neighbouring countries, where a number of Western Saharans were known to be living. In accordance with the timetable proposed by the Secretary-General, MINURSO would complete its main tasks within 36 weeks.⁴¹

As recommended by the Secretary-General in his report of 19 April 1991, the overall cost of the operation, estimated at approximately \$200 million, was to be considered an expense of the Organization to be borne by Member States in accordance with Article 17 (2) of the Charter, except for the cost of the repatriation programme, estimated at some \$35 million, which would be funded through voluntary contributions.

Implementation

By a letter dated 8 July 1991 addressed to the President of the Council,⁴² the Secretary-General informed the Council that he had written to Morocco and the Frente Polisario proposing that a formal ceasefire should commence on 6 September 1991, to which both parties had agreed. By a letter dated 3 September 1991 addressed to the President of the Council,⁴³ the Secretary-General transmitted a note regarding the implementation of the ceasefire. He stated that, concerned at recent developments along the international frontier, he had decided that all efforts of the Mission should be concentrated, at that stage, in the areas referred to in the note. He intended to deploy, as of 6 September 1991, about 100 military observers to verify the ceasefire and the cessation of hostilities in those areas. By a letter dated 4 September 1991,⁴⁴ the President informed the Secretary-General that the members endorsed his action. Through an exchange of letters between the Secretary-General and the President of the Council dated 13 and 17 September 1991,⁴⁵ it was agreed that 100 additional military observers and the staff necessary for command and control functions, logistical support, communications, air transport and medical transport should be deployed to those areas.

In a report dated 19 December 1991,⁴⁶ the Secretary-General reported that the Mission's timetable

³⁶ S/21360 and S/22464.

³⁷ The Identification Commission would be charged with the central task of identifying and registering all Western Saharans eligible to vote in the referendum.

³⁸ Police officers were to carry arms only in cases where they were so authorized and resort to their use only in self-defence. For the military unit, the normal rules in United Nations peacekeeping operations for the bearing and use of arms would apply.

³⁹ S/22734 and S/22735.

⁴⁰ S/22771 and S/22772.

⁴¹ See S/22464.

⁴² S/22779.

⁴³ S/23008.

⁴⁴ S/23009.

⁴⁵ S/23043 and S/23044.

⁴⁶ S/23299.

had to be adjusted. The parties had divergent views and different interpretations of some of the key elements of the settlement plan, including those with regard to the question of criteria for eligibility to vote in the referendum. There was likely to be a delay of some months while consultations continued with the parties on those matters. During that time, efforts would be made to reduce costs. In particular, the civilian and military staff not required to support the consultations and verify the ceasefire would be withdrawn. The Security Council approved the report in resolution 725 (1991) of 31 December 1991, and requested the Secretary-General to submit a further report as soon as possible, but in any event within two months.

In a report dated 28 February 1992,⁴⁷ the Secretary-General underlined that the primary function of MINURSO in its current limited deployment was to monitor the ceasefire. He stressed that the persistence of differences between the parties regarding the interpretation of the settlement plan made it difficult to establish a realistic timetable for the conduct of the referendum. He recommended that, if the outstanding issues could not be resolved within the next three months, alternative courses of action should be considered; he would accordingly report further to the Security Council before the end of May. In the meantime, he recommended maintaining the current level of MINURSO activity. He reported that a further streamlining of MINURSO was being undertaken to achieve maximum economy.

In a report dated 29 May 1992,⁴⁸ the Secretary-General reiterated that the role of the MINURSO military unit was limited to monitoring the ceasefire. Noting that both parties had agreed to reactivate the settlement plan, he recommended that the MINURSO mandate be extended for a further period of three months. By a letter dated 3 June 1992,⁴⁹ the President of the Security Council informed the Secretary-General that the members of the Council shared his view on the necessity of maintaining in place the existing deployment of MINURSO and requested him to submit a further progress report on the implementation of the plan at the earliest possible date.

In a report dated 20 August 1992,⁵⁰ the Secretary-General noted that there had been a considerable decline in the number of ceasefire violations and that his Special Representative had undertaken talks with both sides aimed at overcoming the remaining obstacles to the holding of the referendum. The Secretary-General stated his intention to submit a further report before the end of September to inform the Council about the outcome of those talks. He recommended that the existing deployment and staffing of MINURSO be maintained until the end of that month. By a letter dated 31 August 1992,⁵¹ the President of the Security Council informed the Secretary-General that the Council members agreed with his proposal.

By a letter dated 2 October 1992 addressed to the President of the Council,⁵² the Secretary-General stated that the talks between his Special Representative and the parties had been inconclusive. He therefore proposed to postpone for six to eight weeks the submission of the report mentioned in his earlier report, pending further consultations. He recommended that, in the meantime, the existing deployment and staffing of MINURSO be maintained. By a letter dated 8 October 1992,⁵³ the President of the Council informed the Secretary-General that the members of the Council reiterated their full support for his efforts to overcome the obstacles which were impeding the implementation of the settlement plan and approved his proposal to maintain the existing deployment and staffing of MINURSO.

By a letter dated 16 November 1992 addressed to the President of the Security Council,⁵⁴ the Secretary-General stated that his report would have to be further postponed until the second week of December in order to await the results of a consultative meeting of tribal chiefs of Western Sahara to be held in Geneva. However, in a letter dated 22 December 1992 addressed to the President of the Council,⁵⁵ the Secretary-General stated that, due to the persisting differences among the parties, it had not been possible

⁴⁷ S/23662.

⁴⁸ S/24040.

⁴⁹ S/24059.

⁵⁰ S/24464.

⁵¹ S/24504.

⁵² S/24644.

⁵³ S/24645.

⁵⁴ The letter (referred to in document S/25008) was circulated to Council members but not issued as a document of the Security Council.

⁵⁵ S/25008.

to hold the consultative meeting. He also stated that, despite the absence of agreement among all concerned on the major aspects of the settlement plan, he felt obliged to take concrete steps towards the holding of the referendum, in the expectation that both parties would fully cooperate with him. He would outline those steps in his forthcoming report, which he would submit to the Council in the second half of January 1993.

4. United Nations Angola Verification Mission established pursuant to Security Council resolution 696 (1991)

Establishment

By resolution 696 (1991) of 30 May 1991, the Security Council entrusted a new mandate to the United Nations Angola Verification Mission (hereafter to be known as UNAVEM II), which had completed its task of overseeing the withdrawal of Cuban troops from Angola on 25 May 1991. The Council approved the recommendations contained in the report of the Secretary-General dated 20 and 29 May 1991,⁵⁶ including that the mandate of UNAVEM be enlarged and prolonged in order to enable the Mission to carry out new verification tasks arising from the Peace Accords recently concluded by the Government of Angola and the National Union for the Total Independence of Angola (UNITA).⁵⁷ The tasks arising for the United Nations from the Peace Accords would include: (a) verification of the monitoring of the ceasefire and (b) participation in the monitoring of the Angolan police during the ceasefire period. The Secretary-General had further recommended that the new UNAVEM mandate last from 31 May 1991, the date on which the ceasefire was to enter into force, until the day following the completion of presidential and legislative elections, to be held between 1 September and 30 November 1992. In addition, the Secretary-General recommended that the full cost of the operation, approximately \$132.3 million, should be borne by Member States in accordance with Article 17 (2) of the Charter.

The Secretary-General had issued his report after having received a letter dated 17 May 1991 from the

⁵⁶ S/22627 and Add.1.

⁵⁷ The Accords were initialled at Estoril, Portugal, on 1 May 1991 by the respective heads of delegation, and signed in Lisbon on 31 May.

representative of Angola transmitting a letter dated 8 May from the Minister for External Relations of Angola.⁵⁸ The Minister had requested the Secretary-General to take action to ensure the participation of the United Nations in verifying the implementation of the Peace Accords, as agreed by both sides, and accordingly to inform the Security Council of the need to prolong the presence of UNAVEM in the country until the general elections had been held.

Mandate/composition

In his report of 20 and 29 May 1991,⁵⁹ the Secretary-General stated that UNAVEM II military observers would work closely with, but remain separate from, the joint ceasefire monitoring groups composed of representatives of the two Angolan parties.⁶⁰ UNAVEM II would closely observe their functioning, provide support in the investigation and resolution of alleged violations of the ceasefire, and assist in resolving problems that might arise within the monitoring groups. In accordance with the Peace Accords timetable, the monitoring groups would be operational by 15 June 1991, and United Nations verification capability would be fully deployed by 30 June, whereupon the troops of the two sides would begin to move to assembly areas. Such troop movements were to be completed by 1 August 1991. As regards the monitoring of the Angolan police, notwithstanding section III, paragraph 2.1 of the Estoril Protocol,⁶¹ UNAVEM II police observers, like their military colleagues, would work closely with the joint Angola-UNITA monitoring teams while maintaining a separate identity and remaining under the United Nations chain of command.

⁵⁸ S/22609.

⁵⁹ S/22627 and Add.1.

⁶⁰ In accordance with the Peace Accords (see S/22609), such groups would be subordinate to a Joint Verification and Monitoring Commission, composed of representatives of the two Angolan parties and representatives of Portugal, the Union of Soviet Socialist Republics and the United States as observers. A representative of the United Nations would be invited to the meetings of the Commission. That Commission would report to a Joint Political-Military Commission which would have a similar composition. A representative of the United Nations could be invited to the meetings of the Joint Political-Military Commission.

⁶¹ S/22609, p. 49.

It was envisaged that UNAVEM II would be under the overall command of the Chief Military Officer and consist of 350 military observers, up to 90 police observers, 14 military medical personnel, approximately 80 civilian personnel drawn from the Secretariat together with a similar number of locally recruited staff, and an air unit.⁶² The security of the United Nations personnel, who would be unarmed, would be the responsibility of the party that controlled the zone where they were present. As to the composition of the Mission, in his report of 20 and 29 May 1991,⁶³ the Secretary-General stated that after consultations with the two sides, his intention was to request the 10 Member States already contributing military observers to UNAVEM⁶⁴ to increase substantially the size of their contingents. However, given the proposed strength of the Mission, it would also be necessary to find additional contributors of military observers as well as of support units. In a letter dated 13 June 1991 addressed to the President of the Council,⁶⁵ the Secretary-General proposed that 24 States provide military observers for UNAVEM II.⁶⁶ In a reply dated 18 June,⁶⁷ the President informed the Secretary-General that Council members had agreed with his proposal.

Implementation/enlargement

Pursuant to Security Council resolution 696 (1991) of 30 May, the Secretary-General submitted to the Council a report dated 4 June 1991 on the

implementation of the mandate of UNAVEM II.⁶⁸ He informed the Council that following the signature of the Peace Accords in Lisbon on 31 May 1991, advance parties of United Nations observers had been deployed to five of the six regional headquarters of UNAVEM on 2 June 1991. By a report dated 6 June 1991,⁶⁹ the Secretary-General informed the Council that UNAVEM I had fully implemented the mandate entrusted to it by Council resolution 626 (1988) of 20 December 1988 and that henceforth, all its resources would be concentrated on the new tasks assigned to the Mission, redesignated UNAVEM II, by resolution 696 (1991) of 30 May 1991.

On 31 October 1991, the Secretary-General, in his report on the activities of UNAVEM II from 31 May to 25 October 1991,⁷⁰ informed the Security Council that by 30 September 1991, UNAVEM II had completed its deployment in all 46 areas at which the forces of the two sides were assembling, although not in the four assembly areas not yet in use. In addition, all 18 provincial capitals had a UNAVEM II police presence by the end of September. However, there had been serious delays in the movement of both sides' forces to the assembly areas. Moreover, owing to the delay in the establishment of the joint monitoring groups foreseen in the Peace Accords, UNAVEM II had increasingly taken the initiative, with the encouragement of both parties, of itself monitoring some aspects of the Accords, such as the regular counting of troops and weapons in the assembly areas. The failure of the two sides to establish the police monitoring teams foreseen in the Accords had prevented UNAVEM police monitors from carrying out the functions ascribed to them. It had been necessary to stress in this connection that United Nations police monitors were not responsible for the maintenance of law and order. As to the conditions in which UNAVEM II was fulfilling its mandate, the Secretary-General described them as being, in some cases, "among the most difficult that have ever been faced by United Nations peacekeeping personnel".

Through an exchange of letters between the Secretary-General and the President of the Council dated 3 and 9 December 1991,⁷¹ Council members agreed with the Secretary-General's proposal to

⁶² Through an exchange of letters between the Secretary-General and the President of the Council dated 11 and 16 July 1991 (S/22797 and S/22798), Council members agreed with the Secretary-General's proposal to appoint Major General Lawrence Uwumarogie (Nigeria) as Chief Military Observer of UNAVEM II. Subsequently, following a communication from the Nigerian authorities advising that he was no longer available, Major General Edward Ushie Unimna (Nigeria) was appointed as the new Chief Military Observer (see S/22954 and S/22955).

⁶³ S/22627 and Add.1.

⁶⁴ Algeria, Argentina, Brazil, Congo, Czechoslovakia, India, Jordan, Norway, Spain and Yugoslavia.

⁶⁵ S/22716.

⁶⁶ In addition to the 10 States already contributing observers to UNAVEM I, Canada, Egypt, Guinea-Bissau, Hungary, Ireland, Malaysia, Morocco, the Netherlands, New Zealand, Nigeria, Senegal, Singapore, Sweden and Zimbabwe became contributors of observers to UNAVEM II.

⁶⁷ S/22717.

⁶⁸ S/22672.

⁶⁹ S/22678.

⁷⁰ S/23191.

⁷¹ S/23271 and S/23272.

temporarily redeploy 25 Finnish military personnel to UNAVEM II from peacekeeping operations in the Middle East in order to carry out certain construction tasks which were urgently needed to improve the working and living conditions of the members of the Mission.

In a letter dated 6 February 1992 addressed to the President of the Council,⁷² the Secretary-General referred to the statement which his predecessor had made at an informal meeting of the Council, on 20 December 1991, about the request which he had received from the Government of Angola⁷³ that the United Nations should: (a) provide technical assistance to the Government to help prepare for the elections which were scheduled to take place in September 1992 and (b) send United Nations observers to follow the Angolan electoral procedure until its completion. The Secretary-General stated that, pursuant to that request, an agreement on technical assistance had already been signed with the Government of Angola. Regarding the monitoring of the elections, he would shortly be submitting the necessary operational plan to the Council, together with a recommendation to enlarge UNAVEM II to include an electoral division. He also informed the President that he would appoint Margaret Joan Anstee as his Special Representative for Angola and Chief of UNAVEM II to coordinate current and projected Mission activities. In a reply dated 7 February,⁷⁴ the President stated that the Council members had welcomed the Secretary-General's decision to appoint Ms. Anstee.

On 3 and 20 March 1992, the Secretary-General submitted a further report to the Security Council on UNAVEM II⁷⁵ recommending an operational plan for the observation of the elections in Angola and the enlargement of the Mission. The recommendations were based on the report of his Special Representative and a survey team which visited Angola from 17 to 20 February 1992. The Secretary-General noted that internationally supervised elections constituted a central element in the implementation of the Peace Accords and in accordance with the Accords, "the United Nations role would be to observe and verify the elections, not to organize them". The monitoring would

cover the entire electoral process, including the voter registration, electoral campaign and polling. In view of the expanded responsibilities of UNAVEM, he recommended that the Mission be enlarged to include an office of the Special Representative in Luanda; an Electoral Division, with six regional offices, headed by a Chief Electoral Officer; and approximately 141 international and 68 local staff. One hundred of the 400 electoral observers required during polling would come from the Mission's existing staff.⁷⁶ The Secretary-General estimated that the additional cost for the Mission's expanded activities, for the period from 15 March to 31 October 1992, would be approximately \$18.8 million.

At its 3062nd meeting, on 24 March 1992, the Security Council adopted resolution 747 (1992), whereby it approved the recommendations contained in the report of the Secretary-General of 3 and 20 March and decided to enlarge the mandate of UNAVEM II for the remainder of its existing mandate period. The Council underlined the necessity, recalled in paragraph 18 of the report, for the United Nations electoral mission to have the explicit agreement of the two parties to the Peace Accords for Angola. It urged the parties to establish as soon as possible a precise timetable for the electoral process in Angola so that elections could take place at the date fixed, and requested the Secretary-General to extend his cooperation to that end. In addition, the Council requested the Secretary-General to keep it informed of developments and to submit a further report within three months of the adoption of the resolution.

Through an exchange of letters between the Secretary-General and the President of the Council dated 14 and 20 May,⁷⁷ Council members agreed with the Secretary-General's recommendation to increase the UNAVEM police strength from 90 to 126 officers and to expand the tasks assigned to the police contingent to include a role in the Mission's electoral functions.

Pursuant to resolution 747 (1992) of 24 March, the Secretary-General submitted a further report, dated

⁷² S/23556.

⁷³ The letter was circulated to the members of the Council, but not issued as a document of the Council.

⁷⁴ S/23557.

⁷⁵ S/23671 and Add.1.

⁷⁶ Of the remaining requirement of 300 observers, 100 would be selected from the United Nations Development Programme, other United Nations agency personnel in Angola and volunteers from selected non-governmental organizations; 100 would be drawn from the Secretariat; and 100 would be contributed by Member States.

⁷⁷ S/23985 and S/23986.

24 June 1992, on the activities of UNAVEM II.⁷⁸ He reported that a timetable for the electoral process had been established. His Special Representative was coordinating all United Nations technical assistance on electoral matters to the Government of Angola as well as the humanitarian assistance, which, although outside the mandate of UNAVEM, was vital to the success of the peace process. UNAVEM II military observers were continuing to perform their verification tasks. However, confinement of both sides' troops to assembly areas continued to suffer from problems, as did the demobilization of troops, which was also running behind schedule. While the joint police monitoring teams were finally established in all 18 provinces, the police monitoring system was almost entirely dependent on UNAVEM II resources for transport and communication, which were not intended, or sufficient, for those purposes. In his concluding observations, the Secretary-General noted that the Security Council might wish to keep under review the need for continuing support for Angola during what would inevitably be "a difficult and delicate period of political transition after the elections".

At the 3092nd meeting of the Council, on 7 July 1992, following consultations, the President made a statement on behalf of the Security Council,⁷⁹ whereby, *inter alia*, the Council looked forward to a further report by the Secretary-General at the beginning of the electoral campaign.

On 9 September 1992, pursuant to the statement made by the President on 7 July, the Secretary-General reported that UNAVEM II had started verifying the voter registration process which had ended on 10 August, monitoring the electoral campaign which had officially begun on 29 August, and putting into place an operational plan for observing the voting on 29 and 30 September 1992. Regarding the doubts expressed by one party about the effectiveness and impartiality of the Mission, he had given his assurance that all the matters raised would be thoroughly investigated. The specific examples obtained by his Special Representative mainly reflected a misunderstanding of the role of UNAVEM and an overestimation of the United Nations capacity and mandate. The Secretary-General also noted that the

Government of Angola and UNITA had referred publicly to the possibility of UNAVEM II being asked to remain in Angola during the period of transition after the elections.⁸⁰

At the 3115th meeting on 18 September 1992, the President made a statement on behalf of the Security Council,⁸¹ by which the Council expressed concern at the doubts expressed in Angola about the effectiveness and impartiality of UNAVEM and welcomed the decision of the Secretary-General to investigate thoroughly all matters raised in that regard. The Council expressed strong support for the Secretary-General, his Special Representative and UNAVEM II personnel. In addition, it took note of a reported agreement between the Government of Angola and UNITA that the United Nations should be asked to extend the UNAVEM presence in Angola and indicated that it would be prepared to consider such a request if it was based on wide support in Angola and if it proposed for UNAVEM a mandate which was clearly defined in scope and time. The Council looked forward to a further report by the Secretary-General after the elections.

By a letter dated 24 September 1992,⁸² the representative of Angola transmitted to the Secretary-General a letter from the Minister for External Relations of Angola, requesting an extension of the mandate of UNAVEM II, which would expire on 30 October 1992, until 31 December 1992, in view of the possibility of a second electoral round in the presidential elections and a delay in the conclusion of the democratization process under way in Angola.

Following presidential and parliamentary elections in Angola on 29 and 30 September 1992, the Security Council, at its 3120th meeting on 6 October, included in its agenda an oral report of the Secretary-General on UNAVEM II. At the same meeting, the President made a statement on behalf of the Council,⁸³ in which the Council expressed concern at the reports it had received, according to which one of the parties to the Peace Accords was contesting the validity of the elections, and at the announcement made by certain Generals belonging to that same party of their intention to withdraw from the new Angolan armed forces. The

⁷⁸ S/24145 and Corr.1.

⁷⁹ S/24249.

⁸⁰ S/24556.

⁸¹ S/24573.

⁸² S/24585.

⁸³ S/24623.

Council stated that it had decided to send to Angola as quickly as possible an ad hoc commission composed of its members to support the implementation of the Peace Accords, in close cooperation with the Special Representative. In a note dated 8 October 1992,⁸⁴ the President stated that, following consultations, the members of the Council had agreed that the ad hoc commission would comprise Cape Verde, Morocco, the Russian Federation and the United States.

The ad hoc commission visited Angola from 11 to 14 October 1992 and presented an oral report to the members of the Council on 19 October. On the same day, the President made a statement to the media on behalf of the members of the Council,⁸⁵ by which they welcomed the Commission's contribution to reducing the tension in Angola and to finding a solution to the difficulties that had arisen after the elections. The members of the Council noted with satisfaction that the Special Representative of the Secretary-General had certified that, with all deficiencies taken into account, the elections could be considered to have been generally free and fair, and also that the leaders of the two parties to the Peace Accords had agreed to start a dialogue with a view to the completion of the presidential elections. They looked forward to the recommendations of the Secretary-General on the contribution of the United Nations to ensuring the completion of the presidential elections and expressed their readiness to act without delay on the basis of those recommendations.

At the 3126th meeting on 27 October 1992, following consultations, the President made a statement on behalf of the Council,⁸⁶ in which the Council stated that it had taken note of the letter of the same date from the Secretary-General addressed to the President of the Council,⁸⁷ and called on UNITA and the other parties in the electoral process to respect the results of the elections, which the Special Representative had certified as being generally free and fair. The Council strongly condemned "the attacks and baseless accusations" made by the UNITA radio station against the Special Representative and UNAVEM II, called for the immediate cessation of those attacks and accusations, and reiterated its full support for the

Special Representative and for the Mission. It urged the leaders of the two parties to engage in a dialogue without delay so as to enable the second round of the presidential elections to be held, and reiterated its readiness to act without delay on the basis of recommendations that the Secretary-General might make concerning the contribution of the United Nations to the completion of the electoral process.

In a letter dated 29 October 1992 addressed to the President of the Security Council,⁸⁸ the Secretary-General recalled that on 22 September 1992 the Government of Angola had conveyed its request⁸⁹ for an extension of the activities of UNAVEM II until 31 December 1992. However, he had deferred making a recommendation to the Council about the request in view of the "uncertainties" that had arisen following the elections. In the present circumstances, the Secretary-General stated he saw no alternative but to recommend the extension of the existing UNAVEM mandate for an interim period of 31 days, until 30 November. The Secretary-General expressed his hope that, with the cooperation of the two parties to the Peace Accords, he would then be in a better position to make a substantive recommendation on the future mandate and strength of UNAVEM II.

At its 3130th meeting, on 30 October 1992, the Security Council adopted resolution 785 (1992), whereby it approved the recommendation contained in the Secretary-General's letter and endorsed the statement by the Special Representative that the elections had been generally free and fair. In addition, the Council requested the Secretary-General to submit by 30 November a detailed report on the situation in Angola together with long-term recommendations, accompanied by the financial implications thereof, on the mandate and strength of the Mission.

On 25 and 30 November 1992, pursuant to the statement made by the President of the Council on 18 September⁹⁰ and resolution 785 (1992), the Secretary-General submitted a further report,⁹¹ in which he informed the Council that since the elections UNAVEM II had undertaken a number of tasks which extended beyond its original mandate. Following the outbreak of heavy fighting between the Government

⁸⁴ S/24639.

⁸⁵ S/24683 (statement to the media).

⁸⁶ S/24720.

⁸⁷ The letter was circulated to the members of the Council, but not issued as a document of the Council.

⁸⁸ S/24736.

⁸⁹ S/24585.

⁹⁰ S/24573.

⁹¹ S/24858 and Add.1.

and UNITA forces, the Mission had kept its military, police and civilian presence intact at 67 locations throughout the country and worked to maintain a newly brokered ceasefire, patrolling trouble spots and using its good offices to foster dialogue between the parties.⁹² On 5 November, the Secretary-General had sent the Under-Secretary-General for Peacekeeping Operations, Mr. Marrack Goulding, to assist his Special Representative in her continuing efforts to help implement the ceasefire, put the peace process back on track, and explore what the future role of UNAVEM might be. Both sides had agreed on the need for an enlarged UNAVEM presence in order to create, over a period of six months or so, conditions in which the second round of presidential elections could take place and the peace process could be brought to a successful conclusion.

In his report, the Secretary-General stressed that he had made clear to both sides that he would not be prepared to recommend an enlargement of the mandate of UNAVEM or an increase of its strength, or even its continuation at its present strength, unless they could convince him of their genuine adherence to and fulfilment of the Peace Accords, especially the key provisions relating to the dissolution of the existing armies and the creation of unified and non-partisan military and police forces. It would also be necessary for the parties to agree on a clear timetable and on formal evaluation at regular intervals of their fulfilment of their commitments. Therefore, he was not yet in a position to provide the Security Council with the long-term recommendations requested in resolution 785 (1992). He recommended the extension of the Mission's existing mandate for a further period of two months, until 31 January 1993, and stated that he would submit a further report before that date. In the meantime, he proposed to take urgent steps, with the cooperation of the Member States concerned, to restore the Mission's strength of military and police observers, which had fallen to 210 and 77, respectively, to the authorized levels of 350 and 126, in expectation of the termination of the Mission's mandate. This would both demonstrate the international community's continuing commitment to the peace process and be a practical measure to improve the security of the Mission's personnel in the field and strengthen their ability to

consolidate the ceasefire. The Secretary-General estimated that the additional cost associated with the two-month extension of the Mission's mandate would amount to some \$12.4 million, which should be borne by Member States in accordance with Article 17 (2) of the Charter.

At its 3144th meeting on 30 November 1992, the Security Council adopted resolution 793 (1992), by which it approved the above recommendation of the Secretary-General. The Council appealed to the two parties to engage in a dialogue aimed at national reconciliation and at the participation of all parties in the democratic process, and to agree on a clear timetable for the fulfilment of their commitments under the Peace Accords. In addition, it requested the Secretary-General to submit by 31 January 1993 a further report on the situation in Angola together with his longer-term recommendations for the further role of the United Nations in the peace process, which it said should be clearly defined in scope and time and based on a wide degree of support in Angola.

In a letter dated 18 December 1992 addressed to the President of the Security Council,⁹³ and pursuant to resolution 793 (1992) of 30 November 1992, the Secretary-General stated that unless the situation in Angola rapidly improved, he would not be in a position to recommend the enlargement of the United Nations presence in Angola, which both sides said they wanted. He added that although the two sides had agreed in principle on the need to enlarge the mandate of UNAVEM II and increase its strength on the ground, including the provision of armed troops, differences still existed between them, especially on the extent to which the Mission should in future exercise a good offices or mediation function, and the extent to which it should be involved in the organization and conduct of the second round of presidential elections. In that context and in an effort to get the peace process back on track, he suggested that the Council might wish to appeal to the two leaders to accept his invitation to a joint meeting in Geneva, or in another United Nations location such as Addis Ababa.

At the 3152nd meeting on 22 December 1992, the President made a statement on behalf of the Council,⁹⁴ by which the Council expressed its full support for the action of the Secretary-General aimed at resolving the

⁹² The ceasefire, which came officially into effect on 2 November, was the result of the Secretary-General's own efforts, supported by Member States.

⁹³ S/24996.

⁹⁴ S/25002.

crisis and appealed to President dos Santos and Dr. Savimbi to accept the Secretary-General's invitation to attend, under his auspices, a joint meeting at an agreed location, to confirm that real progress had been made in the reactivation of the Bicesse [Peace] Accords with a view to their full implementation and that agreement had been reached on a continuing United Nations presence in Angola.

5. United Nations Operation in Somalia established pursuant to Security Council resolution 751 (1992)

Establishment

On 3 March 1992, the Interim President, Ali Mahdi Mohamed, and General Mohamed Farah Aidid signed an Agreement on the Implementation of a Ceasefire, by which they agreed to "the implementation of measures aimed at stabilizing the ceasefire by means of a United Nations monitoring mechanism".⁹⁵ The two sides also agreed that a United Nations technical team would visit Mogadishu to formulate such measures.

In a report to the Security Council dated 11 March 1992,⁹⁶ the Secretary-General stated his intention to dispatch a technical team as soon as possible to prepare an operational plan for a United Nations monitoring mechanism. He added that he intended to request the technical team to also look into possible mechanisms to ensure the unimpeded delivery of humanitarian assistance to the displaced persons in and around Mogadishu. Observing that the latter exercise represented an innovation that might require careful consideration by the Security Council, he noted that its objective had already been anticipated by the understanding reached with the two factions that United Nations civilian police would be required to assist in the delivery of humanitarian aid in and around Mogadishu. By resolution 746 (1992) of 17 March 1992, the Security Council strongly supported the Secretary-General's decision urgently to dispatch a technical team to Somalia. It asked that the technical team also develop a "high priority plan to establish mechanisms to ensure the unimpeded delivery of humanitarian assistance".

⁹⁵ S/23693, annex III.

⁹⁶ S/23693.

On 27 and 28 March 1992, agreements were signed with the two parties in Mogadishu to (a) deploy United Nations observers to monitor the ceasefire; and (b) deploy United Nations security personnel to protect its personnel and safeguard its activities in continuing to provide humanitarian and other relief assistance in and around Mogadishu. In a report to the Council dated 21 April 1992,⁹⁷ the Secretary-General recommended the establishment of a United Nations Operation in Somalia (UNOSOM), for an initial period of six months, along the following lines. The mission would comprise 50 unarmed military observers to monitor the ceasefire, and a 500-strong infantry unit to "provide the United Nations convoys of relief supplies with a sufficiently strong military escort to deter attack and to fire effectively in self-defence if deterrence should not prove effective". The security personnel would be based on a ship at the Mogadishu port. The infantry would be lightly armed and would undertake patrols in light vehicles, with a small armoured car element held in reserve for use in emergencies. Administrative and support services would be provided by a civilian component of 79 staff. The mission would be established under the authority of the Security Council. The commanding officer of UNOSOM would be appointed by the Secretary-General after consultation with the two parties and with the consent of the Security Council, and would report to the Secretary-General through the Special Representative. The Special Representative would provide overall direction to United Nations activities in Somalia and assist the Secretary-General in reaching a peaceful resolution to the conflict.⁹⁸ In an addendum to his report,⁹⁹ the Secretary-General recommended that the cost of the operation be considered an expense of the Organization to be borne by Members States in accordance with Article 17 (2) of the Charter.

By resolution 751 (1992) of 24 April 1992, the Council decided to establish UNOSOM under its authority, and in support of the Secretary-General's continuing mission in Somalia. The Council requested the Secretary-General immediately to deploy 50 military observers to monitor the ceasefire in

⁹⁷ S/23829.

⁹⁸ Following an exchange of letters dated 24 April 1992 between the Secretary-General and the President of the Council, Mohammed Sahnoun of Algeria was appointed Special Representative on 28 April 1992 (S/23851 and S/23852).

⁹⁹ S/23829/Add.2.

Mogadishu. It also agreed in principle to establish, under the overall direction of the Special Representative, a United Nations security force to be deployed as soon as possible to provide security for United Nations personnel, equipment and supplies at the Mogadishu port and airport, and to escort deliveries of humanitarian supplies to distribution centres. The Council requested the Secretary-General to continue his consultations with the parties in Mogadishu regarding the proposed United Nations security force and, in the light of those consultations, to submit his further recommendations to the Council for its decision as soon as possible.

Mandate

By resolution 751 (1992), UNOSOM was mandated to monitor the ceasefire in Mogadishu, and a decision was taken in principle that it should provide security for humanitarian assistance activities in and around Mogadishu.

Implementation/enlargement

In a letter dated 23 June 1992 addressed to the President of the Council,¹⁰⁰ the Secretary-General reported that, having secured the agreement of the two principal factions in Mogadishu, he was taking immediate steps to deploy the military observers. In response to a second letter of the same date from the Secretary-General, the President of the Council informed him that the members of the Council agreed with his proposal to appoint Brigadier-General Imtiaz Shaheen of Pakistan as the Chief Military Observer of UNOSOM.¹⁰¹

The next month, in the face of a complex and deteriorating situation in Somalia, the Secretary-General proposed, in a report dated 22 July 1992,¹⁰² that the United Nations should enlarge its efforts to help bring about an effective ceasefire throughout the country, while at the same time pressing forward with

parallel efforts to promote national conciliation. In his view, the Organization should establish a presence in all regions and adopt a comprehensive approach dealing with all aspects of the Somalia situation — humanitarian relief and recovery, the cessation of hostilities and security, the peace process and national reconciliation — in a consolidated framework. To that end, he proposed to establish four operational zones in the country, in each of which a consolidated United Nations operation would carry out the activities envisaged in resolution 751 (1992), namely, humanitarian activities, monitoring of the ceasefire and maintaining security while helping combatants demobilize and disarm. He also stated his intention to dispatch a technical team to Somalia to examine, inter alia, (a) the possible monitoring of ceasefire arrangements in parts of the country other than Mogadishu; (b) the possible deployment of military observers in the south-west region on the border with Kenya; (c) the feasibility of an “arms for food” exchange programme; (d) the need for security forces to escort and protect humanitarian aid activities and personnel in other parts of the country; and (e) a possible role for the United Nations in assisting the re-establishment of local police forces. By resolution 767 (1992) of 27 July 1992, the Security Council approved the Secretary-General’s proposal to establish four operational zones and strongly supported his decision to dispatch a technical team to Somalia.

In a letter dated 12 August 1992 addressed to the President of the Council,¹⁰³ the Secretary-General reported that both principal factions in Mogadishu had agreed to the immediate deployment of the 500-strong security force as part of UNOSOM. He proposed that the force be composed of a contingent from Pakistan, to which the members of the Council agreed.¹⁰⁴

In a report dated 24 August 1992,¹⁰⁵ the Secretary-General requested an increase in the authorized strength of UNOSOM to create the four security zones. For each zone, he proposed that UNOSOM be provided with a unit of 750. In addition to the two agreed areas (Bossaso in the north-east and the Gedo region along the border with Kenya), he proposed that units be posted to Berbera and Kismayo as soon as consultations with leaders there made it possible. The total strength of United Nations security

¹⁰⁰ S/24179.

¹⁰¹ S/24181. In a further exchange of letters, the President of the Council informed the Secretary-General that the Council members agreed with his proposal that the military elements of the operation comprise contingents from Austria, Bangladesh, Czechoslovakia, Egypt, Fiji, Finland, Indonesia, Jordan, Morocco and Zimbabwe (S/24177 and S/24178 of 22 and 25 June 1992, respectively).

¹⁰² S/24343.

¹⁰³ S/24451.

¹⁰⁴ S/24452.

¹⁰⁵ S/24480.

personnel envisaged for Somalia would thus reach 3,500. By resolution 775 (1992) of 28 August 1992, the Council authorized the increase in strength of UNOSOM and the subsequent deployment as recommended. In a letter dated 1 September 1992 to the President of the Council,¹⁰⁶ the Secretary-General requested the Council to extend the applicability of the authorization in resolution 775 (1992) to cover also the logistics support unit included in the enlargement of the Operation. The total strength of the Operation would then be 4,219 all ranks. By a letter dated 8 September 1992,¹⁰⁷ the President of the Council informed the Secretary-General that Council members agreed with that proposal.

In a letter dated 24 November 1992 addressed to the President of the Council,¹⁰⁸ the Secretary-General stated that the conditions that had developed in Somalia made it exceedingly difficult for UNOSOM to implement the mandate entrusted to it by the Council. He added that he was giving urgent consideration to the situation and did not exclude the possibility that it might become necessary to review the basic premises and principles of the United Nations effort in Somalia.

The members of the Security Council concluded that the situation that the Secretary-General had described was intolerable. On 25 November, they expressed strong support for his view that it was time to move into Chapter VII of the Charter and asked him for specific recommendations on what the United Nations could do to remedy the situation.¹⁰⁹

In a letter dated 29 November 1992 to the President of the Council,¹¹⁰ the Secretary-General set out five options for action. Two options did not involve the use of force. However, the Secretary-General dismissed them as inadequate, noting that the Security Council had “no alternative but to decide to adopt more forceful measures to secure the humanitarian operations in Somalia”. He offered three options involving the use of force to ensure that the violence against the international relief effort was brought to an end: (1) a show of force in Mogadishu by UNOSOM troops, to deter factions and other armed groups there and elsewhere in Somalia from withholding

cooperation from UNOSOM; (2) a countrywide enforcement operation by a group of Member States authorized by the Security Council to carry one out; (3) a countrywide enforcement action undertaken under United Nations command and control. In explaining the second option, the Secretary-General informed the Council of the offer by the United States to take the lead in such an operation. He suggested that, in the event that the Council chose that option, the enabling resolution could state, *inter alia*, that the purpose of the operation was to resolve the immediate security problem and that it would be replaced by a conventional United Nations peacekeeping operation as soon as the irregular groups had been disarmed and the heavy weapons of the organized factions brought under international control.

By resolution 794 (1992) of 3 December 1992, the Council, acting under Chapter VII, authorized the Secretary-General and Member States cooperating with the Member State which had offered to establish an operation to create a secure environment for relief operations in Somalia to use “all necessary means” to do so. The Council also decided that the operations of UNOSOM and any further deployment of the 3,500 UNOSOM personnel authorized by resolution 775 (1992) should proceed at the discretion of the Secretary-General in the light of his assessment of conditions on the ground. The Council requested the Secretary-General to report to it within 15 days on the implementation of the resolution and the attainment of the objective of establishing a secure environment so as to enable the Council to make the necessary decision for a prompt transition to continued peacekeeping operations. It also asked him to submit an initial plan within the same time frame to ensure that UNOSOM would be able to fulfil its mandate after the withdrawal of the unified command.

In a report dated 19 December 1992,¹¹¹ the Secretary-General informed the Council that after the adoption of resolution 794 (1992), further deployment into Somalia had been put on hold pending assessment of conditions on the ground. However, on 18 December, on the advice of his Special Representative and the force commander, he had authorized deployment of 100 additional personnel to strengthen the UNOSOM headquarters. In addition, a liaison team from UNOSOM had been deployed to the

¹⁰⁶ S/24531.

¹⁰⁷ S/24532.

¹⁰⁸ S/24859.

¹⁰⁹ S/24868, referring to informal consultations.

¹¹⁰ S/24868.

¹¹¹ S/24992.

headquarters of the Unified Task Force. The Secretary-General set out his ideas on the kind of mandate UNOSOM would require to maintain the secure environment for humanitarian relief operations after it had been established by the Unified Task Force. In his view, however, it was premature to determine how and when the Unified Task Force should be replaced, and he therefore recommended that the Council defer a decision in that regard until the situation on the ground in Somalia became clearer.

6. United Nations Observer Mission in South Africa established pursuant to Security Council resolution 772 (1992)

Establishment

By resolution 765 (1992), adopted unanimously on 16 July 1992, the Security Council condemned the escalating violence in South Africa and invited the Secretary-General to appoint, as a matter of urgency, a Special Representative for South Africa in order to recommend, after discussions with the parties, “measures which would assist in bringing an effective end to the violence and in creating conditions for negotiations leading towards a peaceful transition to a democratic, non-racial and united South Africa”. The Council requested him to submit a report to it as early as possible.

In a report dated 7 August 1992,¹¹² the Secretary-General informed the Security Council of the outcome of his Special Representative’s mission to South Africa from 21 to 31 July 1992. The Secretary-General recommended a number of measures to bring an effective end to the violence and to create the conditions for the resumption of negotiations envisaged in resolution 765 (1992). With respect to the many serious requests made to the United Nations to dispatch monitors to South Africa, he had concluded that, given the mechanisms already established by the National Peace Accord,¹¹³ to which all parties had agreed, the wisest course of action would be to strengthen and reinforce those mechanisms. He recommended, accordingly, that the United Nations

make available some 30 observers to serve in South Africa, in close association with the National Peace Secretariat, in order to further the purposes of the Accord. The observers would be stationed in agreed-upon locations, in various parts of South Africa. As necessary, their numbers could be supplemented by other appropriate international organizations such as OAU, the Commonwealth and the European Community. He considered that the practical arrangements stemming from this recommendation should be the subject of early and detailed discussions between the United Nations, the Government and the parties concerned. He believed, in that connection, that the experience gained from the dispatch of 10 United Nations observers to cover the recent mass demonstrations could serve a valuable purpose in defining the tasks and methods of functioning of the proposed larger group.

By resolution 772 (1992) of 17 August 1992, the Security Council authorized the Secretary-General to deploy, as a matter of urgency, United Nations observers in South Africa, in such a manner and in such numbers as he determined necessary to address effectively the areas of concern noted in his report, in coordination with the structures set up under the National Peace Accord; and requested him to report to it quarterly or more frequently if necessary, on the implementation of the resolution. The Council also invited international organizations, such as OAU, the Commonwealth and the European Community to consider deploying their own observers in South Africa in coordination with the United Nations and the structures set up under the National Peace Accord. Following the adoption of the resolution, the President of the Council made a statement¹¹⁴ in which he indicated that it was the understanding of the members of the Council that the Secretary-General would consult the Council on the number of observers he intended to deploy from time to time.

Mandate

The mandate of the United Nations Observer Mission in South Africa (UNOMSA), as reflected in resolution 772 (1992) and the Secretary-General’s report of 7 August 1992, was to help quell violence in the country in coordination with the structures set up under the National Peace Accord.

¹¹² S/24389.

¹¹³ The National Peace Accord, signed on 14 September 1991, established a comprehensive framework, agreed to by all major parties, organizations and groups of South Africa, to end violence and facilitate socio-economic development and reconstruction (S/24389, para. 73).

¹¹⁴ S/24456.

Implementation

Following consultations with the Security Council, the Secretary-General announced on 9 September 1992 the decision to deploy a mission of up to 50 United Nations observers in South Africa in implementation of resolution 772 (1992).¹¹⁵ On 10 September, he informed members of the Council of his decision to dispatch an advance party of 13 observers to South Africa, as part of the complement of 50 observers to be deployed in the country.¹¹⁶ On the same day, in a statement made by the President of the Council on its behalf,¹¹⁷ the members of the Council emphasized the need to put an end to the violence and create conditions for negotiations leading to the establishment of a democratic, non-racial and united South Africa, and welcomed the Secretary-General's decision to deploy an advance party in the country.

In a report dated 22 December 1992,¹¹⁸ the Secretary-General informed the Council that by the end of October, UNOMSA observers had been deployed in all 11 regions of South Africa, and that by the end of November, they had reached the full complement of 50 observers. The headquarters of the Mission was in Johannesburg, with a regional office in Durban.

He reported that UNOMSA personnel observed demonstrations, marches and other forms of mass action, noting the conduct of all parties, and endeavoured to obtain information indicating the degree to which the parties' actions were consistent with the principles of the National Peace Accord and the Goldstone Commission guidelines for marches and political gatherings. Observers supplemented their field observations by establishing and maintaining informal contacts at all levels with established governmental structures, political parties and organizations, as well as civic associations and other groups. Several members of the UNOMSA team had been assigned to the Goldstone Commission of Enquiry into Public Violence and Intimidation in addition to their other duties. The observer teams in various parts of the country also attended the hearings of the Commission held in their respective locations. UNOMSA observers had been joined by 17 observers from the Commonwealth, 14 from the European Commission

and 11 from OAU. The international observer teams had worked closely together, exchanging information and frequently observing events and meetings as mixed teams.

In his concluding observations in the same report,¹¹⁹ the Secretary-General stated that the international observers had been welcomed by all concerned and had been credited with having had a salutary effect on the political situation in general. Some nevertheless had contended that UNOMSA needed to be strengthened, while others were of the view that its mandate should be expanded. Given the delicate situation prevailing in South Africa, characterized by unacceptable and, in some locales, rising levels of violence, he intended to modestly reinforce UNOMSA with an increment of 10 additional observers.

7. United Nations Operation in Mozambique established pursuant to Security Council resolution 797 (1992)

Establishment

By a letter dated 10 August 1992 addressed to the Secretary-General,¹²⁰ the representative of Mozambique transmitted the text of the joint declaration signed in Rome on 7 August 1992 by the President of the Republic of Mozambique and the President of the Mozambique National Resistance Movement (RENAMO). Under the declaration, both parties agreed, inter alia, to "accept the role of the international community, and especially that of the United Nations, in monitoring and guaranteeing the implementation of the General Peace Agreement, in particular the ceasefire and the electoral process".

By a letter dated 6 October 1992 addressed to the Secretary-General,¹²¹ the representative of Mozambique transmitted two documents: the text of the General Peace Agreement, signed in Rome on 4 October 1992, establishing the principles and modalities for the achievement of peace in Mozambique; and a letter of the same date from the President of Mozambique addressed to the Secretary-General. In his letter, the President requested the Secretary-General to take appropriate action to ensure the participation of the United Nations in monitoring

¹¹⁵ S/25004, para. 47.

¹¹⁶ S/24004, para. 5.

¹¹⁷ S/24541.

¹¹⁸ S/25004.

¹¹⁹ S/25004, para. 87.

¹²⁰ S/24406.

¹²¹ S/24635 and Corr.1.

and ensuring the implementation of the General Peace Agreement and in assisting the Government of Mozambique by providing technical assistance for the general elections and in monitoring those elections. In that regard, he requested the United Nations to chair the following Commissions: the Supervisory and Monitoring Commission for the implementation of the General Peace Agreement; the Ceasefire Commission provided for in Protocol VI; and the Reintegration Commission provided for in Protocol IV. He also asked the Secretary-General to inform the Security Council of the need to send a United Nations team to Mozambique to monitor the General Peace Agreement until elections were held — in principle, one year after the signing of the Agreement.

On 9 October 1992, the Secretary-General submitted to the Security Council a report on the proposed United Nations role in Mozambique.¹²² In essence, the United Nations had been asked to undertake certain specific functions in relation to the ceasefire, the elections and humanitarian assistance. He recommended an immediate plan of action and stated his intention, subject to the Council's approval, to appoint an interim Special Representative who would be in overall charge of United Nations activities in support of the Agreement. As soon as appointed, the interim Special Representative would proceed to Maputo to assist the parties in setting up the joint machinery which was to be chaired by the United Nations, in finalizing the modalities and conditions for the military arrangements and in carrying out other preliminary work. He would be supported in those initial tasks by a team of up to 25 military observers, drawn from existing peacekeeping missions. The Special Representative would be asked to send the earliest possible report, on which the Secretary-General would base recommendations to the Security Council for the deployment of a United Nations operation in Mozambique. By resolution 782 (1992) of 13 October 1992, the Security Council approved the appointment by the Secretary-General of an interim Special Representative for Mozambique, and the dispatch to Mozambique of a team of up to 25 military observers. It also indicated that it looked forward to the report of the Secretary-General on the establishment of a United Nations Operation in Mozambique (ONUMOZ), including in particular a detailed estimate of the cost of the operation.

¹²² S/24642.

The Secretary-General appointed Aldo Ajello of Italy as his interim Special Representative for Mozambique. The latter arrived in Maputo with a team of 21 military observers on 15 October, the date on which the General Peace Agreement entered into force. On 20 October 1992, two teams of military observers were also deployed to the provincial capitals of Beira and Nampula.¹²³

In a statement made by the President of the Council on its behalf on 27 October 1992,¹²⁴ the Council expressed its deep concern over reports of major violations of the ceasefire, called upon the parties to halt such violations and urged them to cooperate fully with the interim Special Representative. The Council stressed that full respect for the ceasefire was a necessary condition for the speedy establishment and successful deployment of ONUMOZ.

In a report to the Council dated 3 December 1992,¹²⁵ the Secretary-General presented a detailed operational plan for ONUMOZ. Describing the difficulties of the operation, he referred to the size of the country, the devastated state of its infrastructure, the disruption of its economy by war and drought, the limited capacity of the Government to cope with the new tasks arising from the Agreement and the complexity of the processes envisaged in the Agreement. He stated that he felt obliged to recommend that very substantial resources should be made available for that purpose, especially on the military side. That reflected his conviction that it would not be possible to create the conditions for successful elections in Mozambique unless the military situation had been brought fully under control. He cautioned, moreover, that the Agreement would not be implemented unless the Mozambican parties made a determined effort in good faith to honour their commitments. On that basis, he recommended the establishment and deployment of ONUMOZ as set out in his report.

By resolution 797 (1992) of 16 December 1992, the Council approved the Secretary-General's report and the recommendations contained therein. The Council decided to establish ONUMOZ, as proposed by the Secretary-General and in line with the General

¹²³ S/24892, paras. 2 and 3.

¹²⁴ S/24719.

¹²⁵ S/24892 and Corr. 1 and Add. 1.

Peace Agreement for Mozambique, for a period until 31 October 1993. It requested the Secretary-General to keep it informed of developments and to submit a further report by 31 March 1993.

Mandate

In accordance with the General Peace Agreement, the mandate of ONUMOZ, as proposed by the Secretary-General and approved by the Security Council, consisted of four interrelated components: (a) political: to facilitate impartially the implementation of the Agreement, in particular by chairing the Supervisory and Monitoring Commission and its subordinate commissions; (b) military: to monitor and verify the ceasefire, the separation and concentration of forces, their demobilization and the collection, storage and destruction of weapons; to monitor and verify the complete withdrawal of foreign forces, and the disbanding of private and irregular armed groups; to authorize security arrangements for vital infrastructures; and to provide security for United Nations and other international activities in support of the peace process, especially in the corridors; (c) electoral: to provide technical assistance and monitor the entire electoral process; and (d) humanitarian: to coordinate and monitor all humanitarian assistance operations, in particular those relating to refugees, internally displaced persons, demobilized military personnel and the affected local population and, in that context, to chair the Humanitarian Assistance Committee.

In his report of 9 December 1992, the Secretary-General stated that, while the Agreement did not provide a specific role for United Nations civilian police in monitoring the neutrality of the Mozambican police, experience elsewhere suggested that such monitors could be a valuable addition to ONUMOZ. He therefore intended to ask his interim Special Representative to seek the concurrence of the parties with incorporating a police component into the Mission.

Composition and structure

The Operation was to be composed of the following: (a) an office of the interim Special Representative for Mozambique, including up to 12 international professional staff; (b) a military component, headed by a Force Commander and including a headquarters company and military police

platoon; 354 military observers; 5 infantry battalions, each composed of up to 850 personnel; 1 engineer battalion; 3 logistic companies; and air, communications, medical and movement control support units; (c) a civilian technical unit to support the logistic tasks relating to demobilization; (d) a police component, if the parties agreed, headed by a Chief Police Observer, with up to 128 police officers to monitor civil liberties and provide technical advice to the National Police Affairs Commission; (e) an Electoral Division, with up to 148 international electoral officers and support staff and 1,200 international election observers to be deployed at the time of the elections and the periods immediately preceding and following them; (f) a United Nations Office for the Coordination of Humanitarian Assistance, headed by a Humanitarian Affairs Coordinator, with 16 international professional staff; and (g) an administrative component, comprising up to 28 international professional staff, up to 100 United Nations volunteers, up to 124 international support staff and an adequate number of local staff.

Regarding the costs of the Operation, the Secretary-General estimated that \$331.8 million would be required for the period from its inception to 31 October 1993.¹²⁶ He recommended that the cost relating to the establishment and deployment of ONUMOZ be considered as an expense of the Organization to be borne by Member States in accordance with Article 17 (2) of the Charter of the United Nations.

Americas

8. United Nations Observer Group in Central America established pursuant to Security Council resolution 644 (1989)

Establishment

By a letter dated 24 February 1989, addressed to the Secretary-General,¹²⁷ the representatives of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua transmitted the text of the Joint Declaration of the Central American Presidents,¹²⁸ in which they

¹²⁶ S/24892/Add.1.

¹²⁷ S/20491.

¹²⁸ This Declaration had been adopted by the Central American Presidents on 14 February 1989 at their summit meeting held at Costa del Sol, El Salvador. For details, see S/20491, annex.

entrusted the United Nations, *inter alia*, with the task of assisting in the establishment of an international mechanism for the on-site verification of the security commitments which they had entered into under the Esquipulas II Agreement,¹²⁹ namely (a) the cessation of aid to irregular forces and insurrectionist movements, and (b) the non-use of the territory of one State for attacks on other States.

In a report dated 26 June 1989,¹³⁰ submitted to the Security Council pursuant to resolutions 530 (1983) and 562 (1985), the Secretary-General informed the Council that the five Central American Presidents had addressed to him a letter dated 31 March 1989,¹³¹ asking him to take the necessary steps to establish a United Nations Observer Group in Central America (ONUCA). However, in view of the reservation formulated by one of the signatories, he had not been able to take those steps.¹³²

At its 2871st meeting, on 27 July 1989, the Council adopted resolution 637 (1989), by which it, *inter alia*, called upon the Presidents to continue their efforts to achieve a firm and lasting peace; lent its full support to the Secretary-General to continue his mission of good offices in consultation with the Security Council; and requested him to report regularly on the implementation of the resolution.

On 11 October 1989, in accordance with resolution 637 (1989), the Secretary-General submitted to the Council a report¹³³ in which he explained that, at the meeting of the five Central American Presidents at Tela, Honduras, on 7 August 1989,¹³⁴ the way had become clear for him to send to the region a reconnaissance mission,¹³⁵ on the basis of whose findings he could now formulate a recommendation to the Council for the establishment of ONUCA. The operational concept of ONUCA would be based on the working paper that had been agreed earlier with those

Governments. The Secretary-General recommended that ONUCA be established forthwith for an initial period of six months. His report contained detailed proposals regarding the mandate, composition and deployment of the mission as well as a preliminary estimate with regard to its financial requirements.

At its 2890th meeting, on 7 November 1989, the Council adopted resolution 644 (1989), by which it, *inter alia*, approved the report of the Secretary-General of 11 October 1989; decided to set up immediately, under its authority, a United Nations Observer Group in Central America for a period of six months; and requested the Secretary-General to keep the Security Council fully informed of further developments. At the same meeting, the President made a statement on behalf of the members of the Council noting that, in any consideration of the renewal of the mandate of ONUCA, the Council members would wish to assure themselves that the presence of ONUCA was continuing to contribute actively to the achievement of a firm and lasting peace in Central America.¹³⁶

Mandate

Pursuant to resolution 644 (1989), by which the Council approved the Secretary-General's report of 11 October 1989,¹³⁷ ONUCA was to undertake the on-site verification of: (a) the cessation of aid to irregular forces and insurrectionist movements; and (b) the non-use of the territory of one State for attacks on other States.

To perform these tasks, ONUCA would consist of a total of 260 military observers; about 115 air-crew and support personnel; about 50 personnel for the naval unit; up to 14 medical personnel; about 104 international staff to perform political and administrative functions; and about 82 locally recruited civilians.¹³⁸ The military observers of ONUCA, like those of other such United Nations missions, would not be armed. However, the five Governments would be asked to undertake that if, in an exceptional case, an armed escort were to be requested by the Chief Military Officer to protect ONUCA personnel during

¹²⁹ Document entitled "Procedure for the establishment of a firm and lasting peace in Central America", signed at Guatemala City on 7 August 1987 by the Presidents of the five Central American republics (S/19085, annex).

¹³⁰ S/20699.

¹³¹ S/20642.

¹³² See the Secretary-General's note dated 18 May 1989 (S/20643) addressed to the Ministers for Foreign Affairs of Central America.

¹³³ S/20895.

¹³⁴ See S/20778, annex II, and S/20786.

¹³⁵ That mission visited the region from 3 to 23 September 1989.

¹³⁶ S/20952.

¹³⁷ S/20895.

¹³⁸ For the list of Member States contributing personnel to ONUCA, see the following exchange of letters between the Secretary-General and the President of the Council: S/20979 and S/20980; S/21232 and S/21233; S/21261 and S/21262.

the exercise of their functions, such escort would be provided by the Government concerned. Through an exchange of letters between the Secretary-General and the President of the Security Council, dated 16 and 21 November 1989,¹³⁹ the Council agreed to the Secretary-General's proposal to appoint Major General Agustín Quesada Gómez (Spain) as Chief Military Observer of ONUCA.¹⁴⁰

ONUCA was established on 7 November 1989 for an initial period of six months. As recommended by the Secretary-General in his report of 11 October 1989, its costs, estimated at \$41 million for this initial period, would be considered as expenses of the Organization to be borne by the Member States in accordance with Article 17 (2) of the Charter.

Implementation/extensions and changes of mandate

In a report dated 15 March 1990,¹⁴¹ the Secretary-General sought the urgent approval of the Council, on a contingency basis, for an enlargement of the ONUCA mandate and the temporary addition of armed personnel to its strength to enable it to play a part in the voluntary demobilization of the Nicaraguan resistance. Under its enlarged mandate, ONUCA would be responsible for implementing the military aspects of the joint plan for the voluntary demobilization, repatriation or relocation of the members of the Nicaraguan resistance,¹⁴² which had been agreed at Tela, Honduras, on 7 August 1989, while the International Support and Verification Commission,¹⁴³ set up pursuant to the joint plan, would be in charge of civilian matters.

At its 2913th meeting, on 27 March 1990, the Council adopted resolution 650 (1990), by which it approved the report of the Secretary-General; decided

to authorize, in accordance with that report, an enlargement of the mandate of ONUCA and the addition of armed personnel to its strength; and requested the Secretary-General to keep the Council fully informed of further developments regarding the implementation of the resolution.

In a letter dated 19 April 1990 addressed to the President of the Council,¹⁴⁴ the Secretary-General referred to a statement he had made during the Council's informal consultations on the same day¹⁴⁵ in relation to a series of agreements signed by the parties earlier that day in Managua, Nicaragua, on the voluntary demobilization of the Nicaraguan resistance (the Managua Agreements). As a consequence of those agreements, the parties had requested that ONUCA monitor both the ceasefire that had come into effect on the same day and the separation of forces which would result from the Government's withdrawal from the security zones which were to be established to facilitate the demobilization process. Noting that the Managua Agreements constituted an important step forward in the Central American peace process, the Secretary-General recommended that the Council approve a further expansion of the ONUCA mandate to include the above tasks.

At its 2919th meeting, on 20 April 1990, the Council adopted resolution 653 (1990), by which it approved the Secretary-General's proposals concerning the addition of new tasks to the mandate of ONUCA and requested him to report on all aspects of the Group's operations before the expiry of its mandate on 7 May 1990.

In accordance with resolution 653 (1990), the Secretary-General submitted a report on 27 April 1990,¹⁴⁶ giving an account of operations during the first six months of its existence. He recalled that the Group's original mandate was to verify compliance by the five Central American Governments with their security commitments under the Esquipulas II Agreement. Following the elections in Nicaragua, there had been two enlargements of the Group's mandate at the request of the Nicaraguan parties. An account of the Group's performance of its new functions, which had only just begun, would be set out in an addendum to the report. He recommended that the mandate and

¹³⁹ S/20981 and S/20982.

¹⁴⁰ Following the reduction in size of ONUCA, Brigadier General Lewis MacKenzie (Canada) served as acting Chief Military Officer from 18 December to 13 May 1991, followed by Brigadier General Victor Suanzes Pardo (Spain), who was appointed as Chief Military Officer through an exchange of letters dated 24 April 1991 between the Secretary-General and the President of the Council (S/22527 and S/22528).

¹⁴¹ S/21194.

¹⁴² S/20778, annex I.

¹⁴³ For details on the International Support and Verification Commission, see section E.1 below.

¹⁴⁴ S/21257.

¹⁴⁵ S/21259, annex.

¹⁴⁶ S/21274.

military observer strength of ONUCA be left unchanged and extended for a further period of six months, on the understanding that its tasks of monitoring the ceasefire and the separation of forces in Nicaragua and demobilizing the resistance would lapse with the completion of demobilization, not later than 10 June 1990.

On 2 May 1990, in an addendum¹⁴⁷ to his report of 27 April 1990, the Secretary-General observed, as a matter of grave concern, that the demobilization of the Nicaraguan resistance had not begun on 25 April, as stipulated in the Managua Agreements. He believed that serious efforts should now be made by all concerned to get the demobilization back on track.

At its 2921st meeting, on 4 May 1990, the Council adopted resolution 654 (1990), by which it, *inter alia*, approved the report of the Secretary-General of 27 April and 2 May 1990; decided to extend the mandate of ONUCA for a further period of six months until 7 November 1990, as recommended by the Secretary-General, on the understanding that its tasks of monitoring the ceasefire and the separation of forces in Nicaragua and demobilizing the resistance would lapse with the completion of demobilization, not later than 10 June 1990; and requested the Secretary-General to report on the Group's operations before the expiry of the mandate period and in particular to report on the completion of the demobilization process not later than 10 June 1990.

At the 2922nd meeting, on 23 May 1990, the President made a statement in which the members of the Council expressed concern at the slow pace of demobilization and requested the Secretary-General to continue to observe the situation on the ground through a senior representative and to report to the Council by 4 June 1990.¹⁴⁸

Pursuant to that presidential statement, the Secretary-General submitted a report on 4 June 1990,¹⁴⁹ briefing the Council on the developments on the ground relevant to the tasks entrusted to ONUCA and informing the Council that, at a meeting of the parties on 29 and 30 May 1990, the resistance had proposed that ONUCA be given the additional tasks of collecting weapons that might have remained in civilian hands, training a new national police force and

verifying the proposed reduction in the strength of the army.

On 8 June 1990, the Secretary-General submitted a report to update the Council specifically on the demobilization process,¹⁵⁰ in accordance with resolution 654 (1990). The Secretary-General informed the Council that there had been rapid progress in this process, but considered it doubtful whether it would be possible to complete demobilization by 10 June 1990, as envisaged in his report of 27 April 1990. He recommended that the Council extend the tasks of ONUCA related to monitoring the ceasefire and separation of forces and to demobilizing the resistance until 29 June 1990.

At its 2927th meeting, on 8 June 1990, the Council adopted resolution 656 (1990), by which it, *inter alia*, decided to extend the ONUCA tasks mentioned above, on the understanding that those tasks would lapse with the completion of the demobilization process not later than 29 June 1990, and requested the Secretary-General to report to the Council by that date.

In accordance with resolution 656 (1990), the Secretary-General submitted a report on 29 June 1990,¹⁵¹ informing the Council that demobilization had essentially been completed. On 26 October 1990, pursuant to resolution 654 (1990), the Secretary-General submitted to the Council an additional report containing an account of ONUCA operations since 7 May 1990.¹⁵² He stated that, after the cessation of the involvement by ONUCA in the demobilization process, the Government of Nicaragua had assumed responsibility for the demobilization of any remaining members of the resistance, while the International Support and Verification Commission continued to handle the civilian aspects of that process. Following consultations with the Government of Nicaragua it was decided that ONUCA would continue, on a temporary basis, to maintain a presence in those areas in which large numbers of demobilized members of the resistance and their dependants were being resettled. ONUCA had now reverted to its original mandate as approved by the Council in resolution 644 (1989), namely to verify compliance by the Central American Governments with their security commitments under the Esquipulas II Agreement. Noting the importance of

¹⁴⁷ S/21274/Add.1.

¹⁴⁸ S/21331.

¹⁴⁹ S/21341.

¹⁵⁰ S/21349.

¹⁵¹ S/21379.

¹⁵² S/21909.

maintaining a United Nations military presence in the region to support the peace process, the Secretary-General recommended that the Council extend the mandate of ONUCA, as defined in resolution 644 (1989), for a further period of six months, until 7 May 1991. The Secretary-General also informed the Council of his intention to reduce the strength of military observers to 158 by mid-December.

At its 2952nd meeting, on 5 November 1990, the Council adopted resolution 675 (1990), by which it, *inter alia*, approved the Secretary-General's report; decided to extend the mandate of ONUCA as defined in resolution 644 (1989) for a further period of six months; and requested the Secretary-General to report on the operations of ONUCA before the expiry of the new mandate period.

In accordance with resolution 675 (1990), the Secretary-General submitted a report on 29 April 1991,¹⁵³ containing an account of the organization and operational activities of ONUCA since 27 October 1990. Based on the advice of the Chief Military Observer, the Secretary-General recommended the reduction of the Group's strength to 130 military observers and the extension of its mandate, as defined in resolution 644 (1989), for an additional period of six months, until 7 November 1991.

At its 2986th meeting, on 6 May 1991, the Council adopted resolution 691 (1991), by which it, *inter alia*, approved the report of the Secretary-General; decided to extend the mandate of ONUCA, as defined in resolution 644 (1989), for a further period of six months; and requested the Secretary-General to report on the Group's operations before the expiry of the mandate period.

On 28 October 1991, pursuant to resolution 691 (1991), the Secretary-General submitted a report,¹⁵⁴ informing the Council that the five Central American Governments had indicated their wish that the mandate of ONUCA be extended for a further period of six months. For accounting purposes only, the Secretary-General recommended that the mandate be extended for a period of five months and 23 days, rather than six months, so that the mandate could end on the last date of a calendar month, namely on 30 April 1992.

¹⁵³ S/22543.

¹⁵⁴ S/23171.

At its 3016th meeting, on 6 November 1991, the Council adopted resolution 719 (1991), by which it, *inter alia*, approved the report of the Secretary-General; decided to extend the mandate of ONUCA, as defined in resolution 644 (1989), until 30 April 1992; and requested the Secretary-General to report on the Group's operations before the expiry of the mandate period, and in particular to report to the Council within three months about any developments which would indicate that the size or the future of ONUCA should be reconsidered.

Termination

In a report dated 14 January 1992,¹⁵⁵ submitted pursuant to resolution 719 (1991), the Secretary-General informed the Council that there had been major progress in negotiations on a settlement to the armed conflict in El Salvador, and recommended that the Council terminate the mandate of ONUCA with effect from 17 January 1992. At its 3031st meeting, on 16 January 1992, the Council adopted resolution 730 (1992), by which it approved the report of the Secretary-General of 14 January 1992 and, in accordance with the recommendation contained therein, decided to terminate the mandate of ONUCA with effect from 17 January 1992.

9. United Nations Observer Mission in El Salvador established pursuant to Security Council resolution 693 (1991)

Establishment

In a statement made in informal consultations on 3 August 1990,¹⁵⁶ the Secretary-General recalled that, on 4 April 1990, representatives of the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) had signed at Geneva, in his presence, an agreement to launch a negotiating process under his auspices in order to end the armed conflict in El Salvador through political means. On the basis of the negotiations held since that date, the Secretary-General envisaged that the responsibilities devolving upon the United Nations in pursuance of the objectives established in the agreement would include the verification of a ceasefire, the monitoring of the electoral process and the verification of respect for human rights. The Secretary-General expressed his

¹⁵⁵ S/23421.

¹⁵⁶ S/22031, annex.

view that these tasks would most appropriately be carried out as an integrated operation under the authority of the Security Council.

By a letter dated 29 August 1990 addressed to the President of the Council,¹⁵⁷ the Secretary-General informed the Council that, as a result of the most recent round of direct talks just concluded in Costa Rica, it had emerged that the parties shared the wish that preparations for carrying out the above responsibilities should be initiated at the earliest possible date. While there had been no formal and verifiable cessation of combat, the Secretary-General believed that steps should be taken to enable the United Nations to assess the situation and initiate preparations. Accordingly, the Secretary-General sought the concurrence of the Council to his making the necessary arrangements, including the possible establishment of a small preparatory office in El Salvador for a verification mission to be set up at the appropriate time. By a letter dated 6 September 1990,¹⁵⁸ the President of the Security Council informed the Secretary-General that the members of the Council had concurred with his proposal.

In a report dated 8 November 1990,¹⁵⁹ submitted pursuant to resolution 637 (1989), the Secretary-General stated that, as a first substantive result of the negotiation process, the parties had signed on 26 July 1990, at San José, Costa Rica, an Agreement on Human Rights,¹⁶⁰ which not only contained detailed commitments to guarantee unrestricted respect for human rights in El Salvador but provided for the establishment of a United Nations verification mission, which was to be given powers to take whatever legally permissible action it might consider appropriate to protect and promote human rights in the country.

In a report dated 21 December 1990,¹⁶¹ also submitted pursuant to resolution 637 (1989), the Secretary-General informed the Council that, while the schedule of negotiations agreed to at Caracas had envisaged a series of synchronized agreements, both parties in El Salvador had signified their desire to have the human rights mechanism in place without waiting for the conclusion of other agreements. Accordingly, he

intended shortly to request the Council's authorization to establish a United Nations Observer Mission in El Salvador (ONUSAL), with the task of monitoring agreements concluded between the parties. The Secretary-General recommended that, as a first step towards establishing this integrated operation, the human rights verification component should be established as soon as possible. For that purpose, he would dispatch a technical mission to El Salvador to assist him in preparing an operational plan. He would also, at the appropriate time, seek the Council's authorization for the deployment of other components of ONUSAL, charged with the verification of further political agreements that might be arrived at and a ceasefire, in keeping with the concept of a single, integrated operation in El Salvador.

On 16 April 1991, pursuant to resolution 637 (1989), the Secretary-General submitted a report¹⁶² in which he recommended that the human rights component of ONUSAL be established as soon as possible. Once there was agreement on a ceasefire and the United Nations was called upon to play the broader role envisaged for it, the corresponding resources could be included in the Mission's structure to enable it to operate effectively as an integrated whole. The Secretary-General also made proposals with regard to the mandate, composition, deployment and duration of the human rights component of ONUSAL and provided a preliminary estimate with regard to its financial requirements.¹⁶³

At its 2988th meeting, on 20 May 1991, the Council adopted resolution 693 (1991), by which it, *inter alia*, approved the report of the Secretary-General of 16 April 1991; decided to establish, under its authority, a United Nations Observer Mission in El Salvador to monitor all agreements concluded between the parties, whose initial mandate would be to verify the compliance by the parties with the Agreement on Human Rights signed at San José on 26 July 1990; decided that ONUSAL would be established for an

¹⁵⁷ S/21717.

¹⁵⁸ S/21718.

¹⁵⁹ S/21931.

¹⁶⁰ S/21541.

¹⁶¹ S/22031.

¹⁶² S/22494 and Corr.1.

¹⁶³ Following consultation with certain members of the Council, the Secretary-General, in an addendum to his report (S/22494/Add.1), provided a clarification regarding the method of financing, stating that it would be his recommendation to the General Assembly that the cost of ONUSAL be considered an expense of the Organization to be borne by Member States in accordance with Article 17 (2) of the Charter.

initial period of 12 months; and requested the Secretary-General to keep the Council fully informed on the implementation of the resolution.

Mandate

The United Nations Observer Mission in El Salvador was established on 20 May 1991 for an initial period of 12 months and became operational on 26 July 1991.¹⁶⁴

Pursuant to resolution 693 (1991), by which the Council approved the Secretary-General's report of 16 April 1991,¹⁶⁵ the initial mandate of ONUSAL comprised the following tasks: (a) active monitoring of the human rights situation; (b) investigation of specific cases of alleged violations of human rights; (c) promotion of human rights; and (d) providing recommendations to eliminate violations of, and to promote respect for, human rights.

In assuming those tasks before a ceasefire, ONUSAL was to adopt a progressive approach. While in the first phase, expected to last 60 to 90 days, it was to concentrate on monitoring the human rights situation and the processing by the parties of cases involving alleged violations of human rights, it would exercise all the functions assigned to it under the Human Rights Agreement in the second phase. During the first phase, ONUSAL would be composed of approximately 70 international professional personnel, 28 police personnel and 15 military liaison officers. Approximately 20 professional personnel and 38 police personnel would be added during the second phase.

Through an exchange of letters between the Secretary-General and the President of the Security Council dated 26 June and 1 July 1991,¹⁶⁶ the Council agreed to the composition of the ONUSAL military component proposed by the Secretary-General.

As recommended by the Secretary-General, the cost of the Mission, estimated at \$32 million for an initial period of 12 months, would be considered an expense of the Organization to be borne by the

Member States in accordance with Article 17 (2) of the Charter.

Implementation/extension/changes of mandate

By notes dated 16 September and 15 November 1991,¹⁶⁷ the Secretary-General transmitted to the Security Council initial progress reports of ONUSAL, informing the Council of the Mission's structure and activities during the period from 26 July to 31 October 1991.

On 3 January 1992, in a statement made by the President of the Security Council,¹⁶⁸ the members of the Council welcomed the signing by the Government of El Salvador and FMLN, on 31 December 1991, of the "Act of New York",¹⁶⁹ which recorded, inter alia, that the parties had concluded a number of further agreements whose implementation would put a final end to the armed conflict in El Salvador. The Council members also welcomed the Secretary-General's intention, stated on the same day, to submit a written report and proposals with a view to Council action required in relation to the content of those agreements, in particular the Agreement on the Cessation of the Armed Conflict and the Agreement on the Establishment of a National Civil Police, which were to be signed as part of the final Peace Agreement¹⁷⁰ in Mexico City on 16 February 1992 and which envisaged verification and monitoring functions to be performed by the United Nations.

On 10 January 1992, pursuant to resolution 693 (1991), the Secretary-General submitted to the Council a report¹⁷¹ recommending the enlargement of the mandate of ONUSAL and an immediate and substantial increase in its strength to enable it to undertake the additional functions desired of it by the Government of El Salvador and FMLN, in particular verifying all aspects of the ceasefire and the separation of forces and monitoring the maintenance of public order pending the establishment of a new national police

¹⁶⁴ See the Secretary-General's first report on ONUSAL (S/23037), in which 26 July 1991 was stated as the date on which the Mission was launched, one year after the signing of the San José Agreement on Human Rights.

¹⁶⁵ S/22494 and Corr.1 and Add.1.

¹⁶⁶ S/22751 and S/22752.

¹⁶⁷ S/23037 and S/23222. Annexed to these documents were reports by the Director of the ONUSAL Human Rights Division. By notes dated 19 February, 5 June and 12 August 1992, the Secretary-General transmitted further progress reports of the Human Rights Division (for details, see S/23580, S/24066 and S/24375).

¹⁶⁸ S/23360.

¹⁶⁹ S/23402, annex.

¹⁷⁰ S/23501, annex.

¹⁷¹ S/23402.

force. If the mandate were to be enlarged to fulfil those new tasks, it would be necessary to add two new divisions — a Military Division and a Police Division — to the existing Human Rights Division. The core strength of the Military Division, which would be required until the cessation of the armed confrontation was completed, would be 244 observers. Another 128 observers would be needed to enable ONUSAL to carry out the extensive responsibilities entrusted to it during the 30-day period when the separation of forces would be implemented. The core strength of the Police Division would be 631 officers. In addition, 95 civilian staff would be required to provide administrative, transport, communication and procurement support. As envisaged under the Agreement on the Cessation of the Armed Conflict,¹⁷² the process of ending the armed confrontation would be completed by 31 October 1992. Accordingly, the Secretary-General would submit a further report to the Council in mid-October 1992, which would include his recommendations concerning the Mission's continuing operations and strength in the period following the end of that month.

In an addendum to his report,¹⁷³ the Secretary-General provided an estimate with regard to the cost implications of the expansion of the Mission's mandate. Should the Council decide to approve the expansion, it was estimated that the cost of the Mission would be approximately \$58.9 million for the period from 1 January to 31 October 1992. The Secretary-General recommended that the cost of the Mission be considered an expense of the Organization to be borne by the Member States in accordance with Article 17 (2) of the Charter.

At its 3030th meeting, on 14 January 1992, the Council adopted resolution 729 (1992), by which it, *inter alia*, approved the report of the Secretary-General of 10 January 1992; decided to enlarge the mandate of ONUSAL to include the verification and monitoring of the implementation of all the agreements concluded between the parties once they were signed, in particular the Agreement on the Cessation of the Armed Conflict and the Agreement on the Establishment of a National Civil Police; also decided to extend the mandate of ONUSAL until 31 October 1992; and requested the

Secretary-General to report on the Mission's operations before the expiry of the new mandate period.

Through an exchange of letters between the Secretary-General and the President of the Security Council dated 16 and 17 January 1992,¹⁷⁴ the Council agreed to the Secretary-General's proposal to appoint Brigadier General Victor Suanzes Pardo of Spain as Chief Military Observer and Commander of the Military Division of ONUSAL. Through a further exchange of letters dated 3 and 5 February 1992,¹⁷⁵ the Secretary-General informed the Council and the Council took note of the composition of the Military Division of ONUSAL.¹⁷⁶

On 25 February 1992, pursuant to resolutions 693 (1991) and 729 (1992), the Secretary-General submitted to the Security Council a report informing the Council that both the Military Division and the Police Division had been established and that the Military Division had begun its verification activities.¹⁷⁷

In a report dated 26 May 1992,¹⁷⁸ submitted to the Security Council pursuant to resolution 729 (1992), the Secretary-General described the Mission's activities since the entry into force of the ceasefire on 1 February 1992 and the progress made by the parties in the implementation of the agreements concluded between them. While commending the parties for their success in maintaining the ceasefire, the Secretary-General expressed concern about the delays in implementing the agreements.¹⁷⁹

¹⁷⁴ S/23433 and S/23434.

¹⁷⁵ S/23521 and S/23522.

¹⁷⁶ Through an exchange of letters between the Secretary-General and the President of the Security Council, dated 15 and 20 May 1992 respectively, the Council agreed with the Secretary-General's recommendation to temporarily maintain the strength of the Military Division and extend until 1 September the services of 39 military observers who were due to leave ONUSAL on 1 June (S/23987 and S/23988).

¹⁷⁷ S/23642.

¹⁷⁸ S/23999.

¹⁷⁹ On 3 June 1992, the President of the Council made a statement to the media in which the Council, *inter alia*, urged both parties to demonstrate good faith in implementing the agreements fully and reminded them of their obligation to take all necessary measures to guarantee the safety of the Mission and its members.

¹⁷² For the text of this Agreement, see chapter VII of the final Peace Agreement signed in Mexico City on 16 January 1992 (S/23501, annex).

¹⁷³ S/23402/Add.1 of 13 January 1992.

By a letter dated 19 October 1992 addressed to the President of the Council,¹⁸⁰ the Secretary-General reported that he did not believe it would be possible to complete the demobilization of FMLN by 31 October 1992, as provided for in the Peace Agreement of 16 January 1992. By a letter dated 28 October 1992,¹⁸¹ the Secretary-General informed the President of the Council that he had made proposals to both parties for overcoming the difficulties in dismantling the military structures of FMLN and that consultations were continuing. In the meantime, he recommended that the Council extend the mandate of ONUSAL for an interim period of one month, until 30 November. The Secretary-General anticipated that, by that date, he would be able to make a specific recommendation on the mandate and strength that ONUSAL would need in order to verify implementation of the final phase of the peace process in El Salvador.

At its 3129th meeting, on 30 October 1992, the Council adopted resolution 784 (1992), by which it, *inter alia*, approved the Secretary-General's proposal to extend the mandate of ONUSAL until 30 November 1992 and requested him to submit, by that date, recommendations on the period of extension of the mandate, on the mandate itself and on the strength that the Mission would need to verify the implementation of the final phase of the peace process.

By a letter dated 11 November 1992 addressed to the President of the Council,¹⁸² the Secretary-General informed the Council that the parties had agreed to his proposal of formally bringing the armed conflict to an end on 15 December 1992. As requested in resolution 784 (1992), he would present to the Council a report on the progress of the peace process and his recommendations regarding the extension of the ONUSAL mandate.

On 23 November 1992, pursuant to resolutions 729 (1992) and 784 (1992), the Secretary-General submitted to the Security Council a report recommending the extension of the mandate of ONUSAL for a further six months, until 31 May 1993.¹⁸³ He reported that ONUSAL continued to carry out all the verification functions assigned to it under the various agreements signed by the Government of El

Salvador and FMLN. He noted that the Mission's mandate, as provided for under resolution 693 (1991), was "to monitor all agreements concluded between the two parties". Since certain major undertakings, such as the reduction of the armed forces and the deployment of the National Civil Police, extended into 1994, the Secretary-General intended to submit to the Council at regular intervals his recommendations on the future activities and strength of the Mission. He anticipated that ONUSAL would complete its work by mid-1994. In an addendum to his report,¹⁸⁴ the Secretary-General recommended that the cost relating to the extension of the Mission's mandate should be considered as an expense of the Organization to be borne by the Member States in accordance with Article 17 (2) of the Charter.

At its 3142nd meeting, on 30 November 1992, the Council adopted resolution 791 (1992), by which it, *inter alia*, approved the report of the Secretary-General of 23 November 1992; decided to extend the mandate of ONUSAL, as defined in resolutions 693 (1991) and 729 (1992), until 31 May 1993; and requested the Secretary-General to report, as necessary, on all aspects of the Mission's operations, at the latest before the expiry of the new mandate period.

In a report dated 23 December 1992,¹⁸⁵ the Secretary-General informed the Council that the armed conflict between the Government of El Salvador and FMLN had formally been brought to an end on 15 December. The Secretary-General noted, however, that much remained to be done to ensure the punctual implementation of the remaining provisions of the peace accords under the supervision of ONUSAL.

Asia

10. United Nations Military Observer Group in India and Pakistan established pursuant to Security Council resolution 47 (1948)

During the period under review, the United Nations Military Observer Group in India and Pakistan (UNMOGIP), established pursuant to Security Council resolution 47 (1948), continued to monitor the ceasefire between India and Pakistan in the State of

¹⁸⁰ S/24688.

¹⁸¹ S/24731.

¹⁸² S/24805.

¹⁸³ S/24833.

¹⁸⁴ S/24833/Add.1, 30 November 2002.

¹⁸⁵ S/25006.

Jammu and Kashmir on the basis of Security Council resolution 91 (1951).¹⁸⁶

11. United Nations Good Offices Mission in Afghanistan and Pakistan established pursuant to Security Council resolution 622 (1988)

In April 1988, the Geneva Agreements on the Settlement of the Situation relating to Afghanistan were concluded.¹⁸⁷ In letters dated 14 and 22 April 1988, the Secretary-General informed the Security Council of the role requested of him in monitoring their implementation.¹⁸⁸ He stated his intention to dispatch 50 military observers to the area, subject to the concurrence of the Council. By resolution 622 (1988) of 31 October 1988, the Security Council confirmed its agreement to the measures envisaged in the letters, 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. The Mission was initially established for a period of 20 months from May 1988.

By resolution 647 (1990) of 11 January 1990, the Security Council extended the mandate of the United Nations Good Offices Mission in Afghanistan and Pakistan for a further two-month period, until 15 March 1990, in accordance with the recommendations of the Secretary-General.¹⁸⁹ Subsequently, in his letter dated 12 March 1990

addressed to the President of the Council,¹⁹⁰ the Secretary-General noted that his consultations with the signatories to the Geneva Agreements had indicated that another extension of the existing arrangements would not “meet with the necessary consensus”. He therefore intended to redeploy a small number of military officers as military advisers to his Personal Representative in Afghanistan and Pakistan to assist in the further implementation of the responsibilities entrusted to him by the General Assembly to facilitate the early realization of a comprehensive political settlement agreement.¹⁹¹ The Council accordingly allowed the mandate of the Mission to expire on 15 March 1990.¹⁹²

12. United Nations Advance Mission in Cambodia established pursuant to Security Council resolution 717 (1991)

Establishment

By resolution 668 (1990) of 20 September 1990, the Security Council endorsed the framework for a comprehensive political settlement of the Cambodia conflict;¹⁹³ welcomed the acceptance of the framework by all the Cambodian parties and their agreement to form a Supreme National Council as the legitimate body and source of authority in Cambodia during the transitional period;¹⁹⁴ and encouraged the Secretary-General to continue, within the context of preparations for reconvening the Paris Conference on Cambodia and on the basis of the resolution, preparatory studies to assess the resource implications, timing and other considerations relevant to the United Nations role in Cambodia.

By a letter dated 8 August 1991 addressed to the President of the Security Council,¹⁹⁵ the Secretary-General drew attention to a number of important decisions taken by the Supreme National Council, in particular, its agreement to an immediate and unlimited ceasefire and to undertake to stop receiving outside military assistance, and its decision to request the United Nations to dispatch a survey mission to

¹⁸⁶ By paragraph 7 of resolution 91 (1951), the Council decided that “the military observer group shall continue to supervise the ceasefire in the State”. Since 1971, the Council has not formally discussed UNMOGIP, which is funded from the regular United Nations budget without the requirement of a periodic renewal procedure. Following the Simla Agreement of 2 July 1972 between India and Pakistan, India took the position that the UNMOGIP mandate had lapsed, a position not accepted by Pakistan. Successive Secretaries-General have maintained that UNMOGIP can be terminated only by a Security Council decision.

¹⁸⁷ The Geneva Accords (S/19835, annex), signed on 14 April 1988 by Afghanistan and Pakistan with the United States and the Union of Soviet Socialist Republics as guarantors, provided, inter alia, for the complete withdrawal of foreign troops from Afghanistan.

¹⁸⁸ S/19835, S/19836.

¹⁸⁹ See the note by the Secretary-General of 15 February 1989 (S/20465), his report of 20 October 1989 (S/20911) and his letter of 9 January 1990 (S/21071).

¹⁹⁰ S/21188.

¹⁹¹ General Assembly resolution 44/15 of 1 November 1989.

¹⁹² See letter from the President of the Council dated 28 March 1990 indicating the agreement of the members of the Council (S/21218).

¹⁹³ S/21689.

¹⁹⁴ S/21732.

¹⁹⁵ S/22945.

Cambodia. He added that in a letter dated 16 July, Prince Sihanouk, on behalf of the Supreme National Council, had formally requested the United Nations to dispatch a survey mission to Cambodia in order to evaluate the modalities of control and an appropriate number of United Nations personnel to control the ceasefire and the cessation of foreign military aid in cooperation with the Military Working Group of the Supreme National Council. The Secretary-General also noted that in a communiqué issued on 18 July 1991,¹⁹⁶ the five permanent members of the Security Council and Indonesia had reiterated that the withdrawal of foreign military forces, the ceasefire and the cessation of outside military assistance must be verified and supervised by the United Nations. To that end, they had welcomed the proposal made by the Supreme National Council that a United Nations survey mission should be sent to Cambodia. They had agreed to recommend the dispatch of such a mission, to begin the process of preparing for the military aspects of the United Nations Transitional Authority in Cambodia (UNTAC), and consider how the good offices of the Secretary-General could be used to maintain the ceasefire. In the light of the foregoing, the Secretary-General informed the Council of his intention to proceed with the necessary arrangements for the dispatch of a survey mission to Cambodia. By a letter dated 14 August 1991,¹⁹⁷ the President of the Council informed the Secretary-General that the members of the Council agreed with his proposal.

In a report dated 30 September 1991,¹⁹⁸ the Secretary-General stated that, in the light of the survey mission's report, the United Nations could assist the Cambodian parties to maintain the ceasefire by deploying in Cambodia a small advance mission consisting mainly of military liaison officers, in order to help the parties address and resolve any violations or alleged violations of the ceasefire. Such an advance mission could be envisaged as the first stage of the good offices mechanism foreseen in the draft peace agreements. On that basis, the Secretary-General recommended that the Council authorize the establishment of a United Nations Advance Mission in Cambodia (UNAMIC), to become operational as soon as the agreements on a comprehensive political settlement of the Cambodian conflict were signed.

¹⁹⁶ S/22889.

¹⁹⁷ S/22946.

¹⁹⁸ S/23097 and Add.1.

UNAMIC would be absorbed into UNTAC once UNTAC was established by the Security Council. The Secretary-General recommended that UNAMIC operate under the authority of the Security Council and United Nations command.

By its resolution 717 (1991) of 16 October 1991, the Council decided to establish UNAMIC under its authority, as recommended by the Secretary-General, immediately after the signing of the agreements for a comprehensive political settlement of the Cambodian conflict. The Council requested the Secretary-General to report by 15 November 1991 on the implementation of the resolution, and to keep the Council fully informed of further developments.

Mandate/composition

The mandate of UNAMIC, as recommended by the Secretary-General and approved by the Council in resolution 717 (1991), was to assist the four Cambodian parties to address and resolve any violations or alleged violations of the ceasefire, and to carry out mine-awareness training of civilian populations.

UNAMIC was to function in the field as an integrated operation under the overall responsibility of a civilian Chief Liaison Officer, appointed by the Secretary-General.¹⁹⁹ In addition to his duties in relation to UNAMIC, the Chief Liaison Officer would have responsibility for maintaining contacts with the Supreme National Council on preparations for the deployment of UNTAC and on other matters related to the role of the United Nations in the implementation of the peace agreements. A Senior Military Liaison Officer, appointed by the Secretary-General with the consent of the Security Council, was to exercise command over the military elements of UNAMIC and report to the Secretary-General through the Chief Liaison Officer.²⁰⁰ The Secretary-General would, in turn, report regularly to the Security Council on the operations of UNAMIC.

¹⁹⁹ The Secretary-General appointed Mr. A. H. S. Ataul Karim (Bangladesh) as the Chief Liaison Officer of UNAMIC. See the report of the Secretary-General to the Security Council of 14 November 1991 (S/23218, para. 3).

²⁰⁰ An exchange of letters between the Secretary-General and the President of the Council (S/23205 and S/23206) confirmed the appointment of Brigadier General Michel Loridon (France) as the Senior Military Liaison Officer.

The Mission was estimated to require 8 civilian liaison staff, 50 military liaison officers, 20 other military personnel to form the mine-awareness unit, and approximately 75 international and 75 local civilian support personnel. There would also be a military communications unit of some 40 persons, provided by Australia as a voluntary contribution, and an air unit. The military personnel of UNAMIC would be unarmed and provided by Member States at the request of the Secretary-General.²⁰¹ It was envisaged that UNAMIC would be deployed progressively and in phases. The cost of the Mission, estimated at \$19.9 million for a six-month period of operation, was to be borne by Member States in accordance with Article 17 (2) of the Charter.

Implementation/expansion of mandate

In a note dated 30 October 1991,²⁰² the Secretary-General drew the attention of the Security Council to the instruments adopted at the Paris Conference on Cambodia on 23 October 1991 (the Paris Agreements). In a report dated 14 November 1991,²⁰³ he informed the Council that following the signing of the Paris Agreements, the arrangements for the establishment of UNAMIC had entered into force and the Mission had become operational. Deployment of all civilian and military personnel was expected to be completed on schedule by mid-December 1991.

In a further report dated 30 December 1991,²⁰⁴ the Secretary-General recommended that the UNAMIC mandate be expanded to include training of Cambodians in mine clearance and the initiation of a mine-clearance programme, in addition to the existing mine-awareness programme. He noted that while the total eradication of mines would necessarily be a long-term endeavour, the initial programme would enable UNAMIC to reduce the threat posed by mines to the civilian population and to prepare the ground for a safe

and orderly repatriation of the refugees and displaced persons under United Nations auspices. It would also facilitate the timely deployment of UNTAC and the discharge of its responsibilities throughout Cambodia. The proposed expansion of the UNAMIC mandate called for some additional 1,100 personnel, including a 700-person field-engineering battalion, and entailed financial and administrative implications.

By resolution 728 (1992) of 8 January 1992, the Council approved the Secretary-General's report of 30 December, "especially the provision of assistance in mine clearing by Cambodians"; called upon the Supreme National Council and all the Cambodian parties to continue to cooperate fully with UNAMIC, including in the discharge of its expanded mandate; and requested the Secretary-General to keep the Security Council informed of further developments.

Termination

In his first progress report on the United Nations Transitional Authority in Cambodia,²⁰⁵ submitted to the Council on 1 May 1992, the Secretary-General stated that the arrival of his Special Representative for Cambodia, Mr. Yasushi Akashi, in the country on 15 March 1992 had marked the initial deployment of UNTAC, which had thereupon absorbed UNAMIC.

13. United Nations Transitional Authority in Cambodia established pursuant to Security Council resolution 745 (1992)

Establishment

By a note dated 30 October 1991,²⁰⁶ the Secretary-General, in accordance with the request in paragraph 12 of the Final Act of the Paris Conference on Cambodia, drew the attention of the Security Council to the instruments adopted at the Paris Conference on 23 October 1991,²⁰⁷ including the Agreements on a Comprehensive Political Settlement of the Cambodia Conflict (the Paris Agreements), which invited the Council to establish the United Nations Transitional Authority in Cambodia and to provide it with the mandate set out in the Agreements.

²⁰¹ In accordance with normal practice, the contributing countries were to be selected in consultation with the parties and with the concurrence of the Security Council, bearing in mind the principle of geographical equity. For the list of countries that contributed personnel to the UNAMIC military component, see the following exchanges of letters between the Secretary-General and the President of the Council: S/23186 and S/23187; S/23216 and 23217; S/23414 and S/23415.

²⁰² S/23179.

²⁰³ S/23218.

²⁰⁴ S/23331 and Add.1.

²⁰⁵ S/23870 and Corr.1 and 2. On UNTAC, see sect. 13 below.

²⁰⁶ S/23179.

²⁰⁷ S/23177.

At its 3015th meeting, on 31 October 1991, the Council adopted resolution 718 (1991) by which it, *inter alia*, expressed full support for the Paris Agreements; authorized the Secretary-General to designate a Special Representative for Cambodia to act on his behalf, as provided for in the Agreements; welcomed his intention to send a survey mission to Cambodia to prepare a plan for implementing the mandate envisaged in the Agreements; and requested the Secretary-General to submit a report containing his implementation plan, including in particular a detailed estimate of the cost of UNTAC, on the understanding that the report would be the basis on which the Council would authorize the establishment of UNTAC and the budget of which would subsequently be considered and approved in accordance with the provisions of Article 17 (2) of the Charter.

Through an exchange of letters dated 14 and 15 January 1992 between the Secretary-General and the President of the Council,²⁰⁸ the members of the Council welcomed the appointment of Under-Secretary-General Yasushi Akashi (Japan) as Special Representative for Cambodia.

By a letter dated 18 January 1992 addressed to the President of the Council,²⁰⁹ the Secretary-General noted the widely recognized need for the urgent deployment of UNTAC. He informed the Council that in order to prepare for phase I of the deployment, he had decided to submit to the General Assembly a proposal for the provision of an initial appropriation of \$200 million, which, upon the approval by the Council of his report on the implementation plan, would become available immediately to cover the initial expenses. By a letter dated 24 January 1992,²¹⁰ the President of the Council informed the Secretary-General that members had taken note of his intention and welcomed the assurance that a detailed breakdown would be provided for the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee when they considered the question.

Pursuant to resolution 718 (1991), on 19 February 1992 the Secretary-General submitted a report containing his plan for implementing the Paris Agreements.²¹¹ He proposed that UNTAC consist of

seven distinct components: human rights, electoral, military, civil administration, police, repatriation and rehabilitation. The level of the activities of the different components would vary during the course of the transitional period and would be coordinated, as necessary, in order to allow for the most efficient and cost-effective use of resources. Noting that the elections were the focal point of the comprehensive settlement, he recommended that they should be scheduled for late April or early May 1993.

At its 3057th meeting, on 28 February 1992, the Council adopted resolution 745 (1992) by which it, *inter alia*, approved the report of the Secretary-General containing his plan; established UNTAC, under its authority, for a period not to exceed 18 months; decided that elections should be held in Cambodia by May 1993; and requested the Secretary-General to report to the Council at stated intervals on progress made in the implementation of the resolution and on tasks still to be performed in the operation, with particular regard to the most effective and efficient use of resources.²¹²

Mandate/composition

During the transitional period,²¹³ the Supreme National Council of Cambodia was to delegate to UNTAC all powers necessary to ensure the implementation of the Paris Agreements, including those relating to the conduct of free and fair elections and the relevant aspects of the administration of Cambodia. The mandate given to UNTAC included the promotion and protection of human rights; the organization and conduct of free and fair general elections; the establishment of military arrangements to stabilize security and build confidence among the four Cambodian parties to the conflict; the setting up of a civil administration to ensure a neutral political

²¹² The United Nations Advance Mission in Cambodia, established immediately after the signing of the Agreements in October 1991, continued to operate until UNTAC became operational, at which time UNAMIC and its functions were subsumed by UNTAC.

²¹³ The transitional period was defined as the period beginning with the entry into force of the Paris Agreements (on 23 October 1991) and terminating when the constituent assembly elected in conformity with the Agreements had approved the new Cambodian Constitution and transformed itself into a legislative assembly, and thereafter a new Cambodian Government had been created.

²⁰⁸ S/23428 and S/23429.

²⁰⁹ S/23458.

²¹⁰ S/23459.

²¹¹ S/23613 and Add.1.

environment conducive to free and fair elections; the maintenance of law and order; the repatriation and resettlement of the Cambodian refugees and displaced persons; and the rehabilitation of essential Cambodian infrastructures.²¹⁴

The Special Representative of the Secretary-General was to head UNTAC and maintain an ongoing dialogue with the Supreme National Council regarding the Authority's activities in implementing its mandate. The number of international civilian staff required was estimated at 1,149. Additionally, the military component, headed by a Force Commander, was to have a strength of about 15,900 all ranks. It was further estimated that UNTAC components would be assisted by 7,000 locally recruited support personnel, including some 2,500 interpreters and additional temporary staff as might be required.

The estimated costs of UNTAC, inclusive of the initial appropriation of \$200 million, were approximately \$1,900 million. The estimate excluded the cost of the repatriation programme, for the financing of which a separate appeal was to be launched.

Implementation

Through an exchange of letters dated 8 and 11 March 1992 between the Secretary-General and the President of the Council,²¹⁵ the members of the Council agreed to the appointment of Lieutenant General John M. Sanderson (Australia) as Force Commander and Brigadier General Michel Loridon (France) as Deputy Force Commander of the military component of UNTAC. In a further exchange of letters dated 31 March and 2 April 1992,²¹⁶ the Council members agreed to the composition of the military contingents of UNTAC.

Pursuant to resolution 745 (1992), on 1 May 1992 the Secretary-General submitted to the Council the first progress report on the operations of UNTAC²¹⁷ on the basis of his visit to Cambodia from 18 to 20 April 1992. He reported that the arrival of his Special

Representative on 15 March 1992 in Cambodia, accompanied by his senior aides, marked the initial phase of the mission's deployment and the absorption of UNAMIC into it. He cautioned that while every effort was being made to discharge the Authority's complex tasks within the time frames envisaged in the implementation plan, the difficulties and delays encountered in its deployment, if not remedied, could have an adverse impact on its ability to maintain its tight schedule of operations. In his concluding remarks, the Secretary-General noted that the experience of mounting such a large and complex operation had pointed to the possible need of re-examining the manner in which existing financial and administrative regulations of the Organization were applied to such operations.

By a letter dated 14 May 1992,²¹⁸ the President of the Council, on behalf of the Council members, thanked the Secretary-General for his report and welcomed a subsequent announcement that phase II of the ceasefire arrangements (the cantonment, disarmament and demobilization phase) would begin on 13 June 1992.

On 12 June 1992, the Secretary-General submitted a special report to the Security Council.²¹⁹ He noted that the implementation of phase II of the ceasefire, scheduled to begin on 13 June 1992, was being seriously compromised by lack of cooperation from the Party of Democratic Kampuchea (PDK). However, after careful consideration, he had concluded that phase II of the ceasefire should commence on 13 June as scheduled to avoid losing the momentum and jeopardizing the ability of UNTAC to organize and conduct the elections by April or May 1993. He stressed that all efforts should be made to persuade PDK to join the other parties in implementing the comprehensive political settlement and suggested that the Security Council itself might wish to consider appropriate action to achieve that objective.

At the 3085th meeting, on 12 June 1992, the President made a statement on behalf of the Council,²²⁰ in which the Council stressed the need for phase II of the military arrangements to begin on 13 June 1992 and urged the Secretary-General to accelerate the deployment to Cambodia and within the country of the

²¹⁴ For details, see S/23613.

²¹⁵ S/23695 and S/23696.

²¹⁶ S/23773, S/23774 and S/23775. For additional information on the composition of the UNTAC military contingents during the period under review, see S/24397 and S/24398; S/24706 and S/24707.

²¹⁷ S/23870 and Corr.1 and 2.

²¹⁸ S/23928.

²¹⁹ S/24090.

²²⁰ S/24091.

full UNTAC peacekeeping force. The Council called upon all parties to comply strictly with the commitments they had accepted, including cooperation with the Authority.

On 14 July 1992, the Secretary-General submitted to the Council a second special report on the difficulties UNTAC was facing in implementing the Paris Agreements.²²¹ Despite the continued lack of cooperation of PDK, he considered it more appropriate to press forward with phase II of the ceasefire than to suspend the operation. He underscored the need to address the question of how the full and active support of the signatories of the Paris Agreements could be obtained for the Authority's efforts to carry out its mandate.

At its 3099th meeting, on 21 July 1992, the Council adopted resolution 766 (1992) by which it, *inter alia*, urged all States, in particular neighbouring States, to provide assistance to UNTAC; approved the efforts of the Secretary-General and his Special Representative to continue to implement the Paris Agreements despite the difficulties and invited them to accelerate the deployment of the Authority's civilian components, especially the component mandated to supervise or control the existing administrative structures; demanded that PDK permit, without delay, the deployment of UNTAC in the areas under its control and implement fully phase II of the plan as well as the other aspects of the Paris Agreements; and requested the Secretary-General and his Special Representative to ensure that international assistance for the rehabilitation and reconstruction of Cambodia would benefit only the parties which were fulfilling their obligations under the Paris Agreements and cooperating fully with UNTAC.

Pursuant to resolution 745 (1992), on 21 September 1992 the Secretary-General submitted to the Security Council his second progress report on UNTAC.²²² He reported that despite the constraints imposed by the refusal of PDK to fully participate in the peace process, UNTAC had made substantial strides towards its goals and was close to its full deployment throughout almost the whole territory of Cambodia. Therefore, he remained determined that the electoral process should be carried out in accordance with the timetable laid down in the implementation

plan. He noted that was examining a proposal to hold a presidential election simultaneously with the election for a constituent assembly. However, since a presidential election was not provided for in the Paris Agreements, the authorization of the Security Council as well as the provision of additional resources would be required. The Secretary-General recommended an increase in the number of checkpoints within the country and along its borders.

By a letter dated 29 September 1992,²²³ the President of the Security Council informed the Secretary-General that members of the Council needed more time to study his report of 21 September 1992 and to determine what further action was required.

At its 3124th meeting, on 13 October 1992, the Council adopted resolution 783 (1992) by which it, *inter alia*, approved the report of the Secretary-General; confirmed that the electoral process should proceed in accordance with the timetable laid down in the implementation plan; supported the intention of the Secretary-General concerning the checkpoints in the country and along its borders with neighbouring countries; demanded that PDK fulfil immediately its obligations under the Paris Agreements, facilitate without delay full deployment of UNTAC in the areas under its control and implement fully phase II of the plan, particularly cantonment and demobilization; called upon all parties in Cambodia to cooperate fully with UNTAC to identify minefields and facilitate UNTAC investigations of reports of foreign forces, foreign assistance and ceasefire violations within the territory under their control; reiterated that all parties take all necessary measures to ensure the safety and security of United Nations personnel; encouraged the Secretary-General and his Special Representative to continue their efforts to create a neutral political environment for the election and in that context requested that an UNTAC radio broadcast facility be established without delay and with access to the whole territory of Cambodia; encouraged the Secretary-General and his Special Representative to make use fully of all possibilities offered by the UNTAC mandate to enhance the effectiveness of existing civil police in resolving the growing problems relating to the maintenance of law and order in Cambodia; and requested the Secretary-General to report to the Security Council as soon as possible, and no later than

²²¹ S/24286.

²²² S/24578.

²²³ S/24607.

15 November 1992, on the implementation of the resolution.

On 15 November 1992, the Secretary-General submitted to the Council his report on the implementation of resolution 783 (1992).²²⁴ He reported that PDK had continued to refuse to cooperate with UNTAC in the implementation of the Paris Agreements or to heed the appeals of the Security Council contained in resolutions 766 (1992) and 783 (1992). The difficulties encountered in implementing phase II of the ceasefire had led to the effective suspension of the cantonment, disarmament and demobilization process. In light of those developments, and an increase in ceasefire violations and attacks on UNTAC personnel, an adjustment in the activities of the military component of UNTAC had been made necessary. The Secretary-General indicated that he concurred with the Co-Chairmen of the Paris Conference that the implementation of the peace process had to continue and that the timetable leading to the holding of free and fair elections by May 1993 had to be upheld. He noted that he had already approved the adjustments that should be made in the deployment of the military component, with a view to fostering a general sense of security and enhancing the ability to protect the voter registration as well as, subsequently, the polling process, particularly in remote or insecure areas. It had meant that the projected reduction of the military component envisaged in his implementation plan of 19 February 1992²²⁵ was no longer feasible. Furthermore, having weighed the proposal of the Co-Chairmen for election by universal suffrage of a Cambodian Head of State, he agreed that a presidential election would contribute to the process of national reconciliation and reinforce stability during the period when the Constituent Assembly would have the task of drafting and adopting the new Cambodian constitution. He had, therefore, asked his Special Representative to draw up contingency plans for the organization and conduct of such an election by UNTAC, on the understanding that it would require, in due course, the authorization of the Security Council and the provision of additional resources.

At its 3143rd meeting, on 30 November 1992, the Council adopted resolution 792 (1992) by which it,

²²⁴ S/24800.

²²⁵ S/23613.

inter alia, endorsed the report of the Secretary-General; determined that UNTAC should proceed with preparations for free and fair elections to be held in April/May 1993 in all areas of Cambodia to which UNTAC had full and free access as at 31 January 1993; requested the Secretary-General to submit to the Council for decision any recommendations for the organization and conduct by UNTAC of a presidential election to be held in conjunction with the planned election for the constituent assembly; demanded that PDK fulfil immediately its obligations under the Paris Agreements; called upon those concerned to ensure that measures were taken, in accordance with the Agreements, to prevent the supply of petroleum products to the areas occupied by any Cambodian party not complying with the Paris Agreements and requested the Secretary-General to examine the modalities of such measures; invited UNTAC to establish all necessary border checkpoints and requested neighbouring States to cooperate fully in the establishment, operation and maintenance of those checkpoints; supported the decision of the Supreme National Council, dated 22 September 1992, to set a moratorium on the export of logs from Cambodia in order to protect Cambodia's natural resources and requested UNTAC to take appropriate measures to secure the implementation of such a moratorium; requested UNTAC to continue to monitor the ceasefire and to take effective measures to prevent the recurrence or escalation of fighting in Cambodia, as well as incidents of banditry and arms smuggling; demanded also that all parties take all action necessary to safeguard the lives and the security of UNTAC personnel throughout Cambodia and report their action to the Special Representative; and requested the Secretary-General to report to the Council as soon as possible and no later than 15 February 1993 on the implementation of the resolution, and on any further measures that might be necessary and appropriate to ensure the realization of the fundamental objectives of the Paris Agreements.

Europe

14. United Nations Peacekeeping Force in Cyprus established pursuant to Security Council resolution 186 (1964)

During the period under review, the United Nations Peacekeeping Force in Cyprus (UNFICYP),

established pursuant to Security Council resolution 186 (1964), continued to perform its task of conflict control. Accordingly, the Secretary-General reported to the Council, at the end of every six-month mandate period, that in the light of the situation on the ground and of political developments, the continued presence of UNFICYP remained indispensable, both in helping to maintain calm on the island and in creating the best conditions for his good offices efforts.²²⁶ For its part, the Council regularly extended the mandate of the Force for six-month periods.²²⁷

UNFICYP continued to be the only United Nations peacekeeping operation not financed from assessed contributions by States Members of the Organization. In accordance with resolution 186 (1964), the costs of the Force were met by the Governments providing the military contingents, by the Government of Cyprus, and by voluntary contributions. In resolution 682 (1990) of 21 December 1990, the Security Council expressed its concern about “the chronic and ever-deepening financial crisis” facing UNFICYP and decided to consider “alternative arrangements for meeting the costs of the Force for which the United Nations is responsible, in order to place the Force on a sound and secure financial basis”. On the basis of an extensive series of consultations with members of the Council, troop-contributing countries and others concerned, the Secretary-General, who had been asked to look into the question, reiterated his recommendation that a system of assessed contributions be adopted as the most viable means for placing UNFICYP on a sound and secure financial footing.²²⁸ At the end of 1991, however, the President of the Council made a statement to the media on behalf of the members of the Council, noting that in the light of the discussion in informal consultations, it had been concluded that the necessary agreement did not exist in the Council for a decision to be adopted on a change in the financing of UNFICYP.²²⁹ In a report dated 1 December 1992, the Secretary-General informed the Council that as a result of decisions by

troop-contributing countries to reduce their contingents, the Force would be restructured and reorganized in order to maintain its ability to carry out its mandate.²³⁰

15. United Nations Protection Force in the former Yugoslavia established pursuant to Security Council resolution 743 (1992)

Establishment

In response to requests by the principal Yugoslav parties for the establishment of a United Nations peacekeeping operation in Yugoslavia,²³¹ the Security Council, by resolution 724 (1991) of 15 December 1991, decided that a small group of personnel, including military personnel, be sent to Yugoslavia to carry forward preparations for the possible deployment of such an operation.²³²

By resolution 727 (1992) of 8 January 1992, the Council endorsed the Secretary-General’s plan²³³ to send immediately to Yugoslavia a group of up to 50 military liaison officers, which was to be followed by a larger operation when the necessary conditions for the deployment of a peacekeeping force were met.

By resolution 740 (1992) of 7 February 1992, the Council welcomed the continuing efforts of the

²³⁰ S/24917.

²³¹ In a letter dated 24 November 1991 addressed to the President of the Council (S/23239), the Secretary-General had informed the Council that, at a meeting at Geneva on 23 November chaired by his Personal Envoy, the principal Yugoslav parties (represented by President Milosevic of the Republic of Serbia, President Tudjman of the Republic of Croatia and General Kadijevic, Minister of Defence of the Socialist Federal Republic of Yugoslavia) had stated that they wished to see the deployment of a United Nations peacekeeping operation in Yugoslavia. An official request for the establishment of such an operation was submitted by the Permanent Representative of Yugoslavia on 26 November (S/23240).

²³² The Council had first referred to the possible establishment of such an operation in its resolution 721 (1991) of 27 November 1991. Pursuant to that resolution, the Secretary-General had submitted to the Council a concept paper for the establishment of such an operation (S/23280, annex III), which was accepted by the parties, as noted in the Secretary-General’s report dated 5 and 7 January 1992 (S/23363 and Add.1).

²³³ See the Secretary-General’s report dated 5 and 7 January 1992 (S/23363 and Add.1).

²²⁶ S/20663 and Add.1, S/21010 and Add.1, S/21340 and Add.1, S/21981 and Add.1, S/22665 and Add.1 and Add.2, S/23263 and Add.1, S/24050 and Add.1, S/24917 and Add.1.

²²⁷ By resolutions 634 (1989), 646 (1989), 657 (1990), 680 (1990), 697 (1991), 723 (1991), 759 (1992), 796 (1992).

²²⁸ Report of the Secretary-General on the financing of UNFICYP dated 15 October 1991 (S/23144).

²²⁹ Presidential statement of 12 December 1991 (S/23284).

Secretary-General and his Personal Envoy for Yugoslavia to remove the remaining obstacles to the deployment of a peacekeeping operation,²³⁴ and requested the Secretary-General to expedite his preparations for such an operation so as to be prepared to deploy immediately once the Council decided to do so.

In accordance with the Secretary-General's subsequent recommendations²³⁵ and the peacekeeping plan of 11 December 1991,²³⁶ the Security Council, by resolution 743 (1992) of 21 February 1992, decided to establish a peacekeeping operation as an "interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis".²³⁷ The operation was to be known as the United Nations Protection Force (UNPROFOR).²³⁸ The Council requested the Secretary-General immediately to deploy those elements of the Force which could assist in developing an implementation plan for the earliest possible full deployment of the Force.²³⁹

After having received an implementation plan from the Secretary-General on 2 April 1992,²⁴⁰ the Security Council, by resolution 749 (1992) of 7 April 1992, authorized the earliest possible full deployment of UNPROFOR.

Mandate and composition

As recommended by the Secretary-General,²⁴¹ UNPROFOR was established for an initial period of 12 months. The Force would maintain its headquarters in Sarajevo and be deployed in three areas in Croatia

designated as "United Nations Protected Areas". These were areas in which the Secretary-General judged that special arrangements were required to ensure that a lasting ceasefire was maintained. Such special arrangements would be of an interim nature and would not prejudice the outcome of political negotiations for a comprehensive settlement of the Yugoslav crisis. For United Nations purposes, the Protected Areas were divided into four sectors — East, West, North and South — in the areas of Eastern Slavonia, Western Slavonia and Krajina. In addition, military observers would be deployed in certain parts of Bosnia and Herzegovina adjacent to Croatia.

The tasks of UNPROFOR would include the following: (a) to ensure that the Protected Areas were demilitarized, and that all persons residing in them were protected from fear of armed attacks; (b) to ensure that the local police forces carried out their duties without discriminating against persons of any nationality; and (c) to assist the United Nations humanitarian agencies in the return of all displaced persons who so desired to their homes in the Protected Areas.

To fulfil the above tasks, UNPROFOR would consist of military, police and civilian components, and an air unit. The overall command in the field would be exercised by the Force Commander.²⁴² The military component would consist of 12 enlarged infantry battalions totalling 10,400 all ranks, headquarters, logistics and other support elements totalling about 2,840 all ranks, and 100 military observers.²⁴³ The normal rules in United Nations peacekeeping operations for the bearing and use of arms would apply. The police component would consist of approximately 530 unarmed police personnel, of which 320 would be deployed at the initial stage. The civilian component, which would perform a range of political, legal, public information and administrative functions, was initially

²³⁴ In his report dated 4 February 1992 (S/23513), the Secretary-General had noted that he was not yet in a position to recommend the deployment of a peacekeeping force, as one of the signatories to the Geneva Agreement and another party appeared to have rejected key elements of the United Nations peacekeeping plan.

²³⁵ See the Secretary-General's report dated 15 and 19 February 1992 (S/23592 and Add.1).

²³⁶ S/23280, annex III.

²³⁷ See paras. 2 and 5 of the resolution.

²³⁸ See para. 2 of the resolution.

²³⁹ See para. 4 of the resolution.

²⁴⁰ The implementation plan was attached to the Secretary-General's report of 2 April 1992 (S/23777).

²⁴¹ See the following reports of the Secretary-General: S/23280 of 11 December 1991; S/23592 and Add.1 of 15 and 19 February 1992; and S/23777 of 2 April 1992.

²⁴² Through an exchange of letters between the Secretary-General and the President of the Council dated 26 February 1992 (S/23646 and S/23647), Council members agreed to the Secretary-General's proposal to appoint Lieutenant General Satish Nambiar (India) as Force Commander of UNPROFOR.

²⁴³ For the list of countries contributing military personnel to UNPROFOR, see the following exchanges of letters between the Secretary-General and the President of the Council: S/23648 and S/23649; S/23697 and S/23698.

to consist of some 500 personnel drawn largely from existing United Nations staff.

The Secretary-General estimated that the cost associated with the emplacement and maintenance of UNPROFOR, for an initial period of 12 months, would be approximately \$600 million. This cost was to be borne by Member States in accordance with Article 17 (2) of the Charter. In addition, some gratis goods and services were made available by the Yugoslav parties to the United Nations.

Implementation and enlargement

(a) Croatia

(i) Feasibility of peacekeeping in Croatia

In a report dated 12 May 1992,²⁴⁴ the Secretary-General observed that developments since the Council's approval of the plan for the United Nations peacekeeping force in Croatia had raised new doubts about the practicability of that operation. In particular, the Secretary-General drew the Council's attention to the decision of the Belgrade authorities, following the declaration on 27 April 1992 of the new Federal Republic of Yugoslavia, to withdraw Yugoslav People's Army personnel from republics other than Serbia and Montenegro and to renounce authority over those who remained. He observed that this in effect removed a party to the peacekeeping plan whose cooperation was essential to its success, while substituting for it a new element or elements which were not formally bound by the Belgrade authorities' acceptance of the plan. Refusal by the much-enlarged local forces to demobilize would undermine the very basis of the plan that UNPROFOR had been mandated to implement. However, he saw no alternative but for the Force to assume its responsibilities in the United Nations Protected Areas in accordance with the peacekeeping plan, while appealing to the Yugoslav People's Army and the Serbian authorities to use their influence to calm the fears of the Serb communities who would find themselves outside the Protected Areas.

(ii) Initial deployment

By resolution 752 (1992) of 15 May 1992, the Security Council noted the progress made thus far in the deployment of UNPROFOR, welcomed the fact that the Force had assumed the responsibility called for

by its mandate in Eastern Slavonia, and requested the Secretary-General to ensure that it would assume its full responsibilities in all the United Nations Protected Areas as soon as possible.

On 26 June 1992, the Secretary-General reported²⁴⁵ that UNPROFOR had assumed its full responsibilities in Sectors East and West. However, the Force Commander had assessed that until a solution was found to the question of certain areas of Croatia adjacent to Sectors North and South,²⁴⁶ which had been controlled by the Yugoslav People's Army and populated largely by Serbs, but which were outside the agreed United Nations Protected Area boundaries, it would prove extremely difficult for UNPROFOR to assume its full responsibilities in those sectors. While the Belgrade authorities had pressed strongly for those areas to be included in the United Nations Protected Areas, the Croatian authorities had resisted any changes in the Protected Area boundaries. In such circumstances, in order to stabilize the situation, the Secretary-General proposed (a) that a joint commission be established under the chairmanship of UNPROFOR, consisting of representatives of the Government of Croatia and the local authorities in the region, to oversee and monitor the process of the restoration of authority in those areas by the Government of Croatia; (b) that an appropriate number of United Nations military observers be deployed along the line of confrontation and within those areas; and (c) that United Nations civilian police be deployed throughout the areas in order to monitor the maintenance of law and order by the existing police forces, with particular regard to the well-being of any minority groups. The Secretary-General indicated that implementation of these measures would require the strengthening of UNPROFOR by the addition of some 60 military observers and 120 civilian police.

(iii) Implementation and expansion of mandate

By resolution 762 (1992) of 30 June 1992, the Security Council urged the Government of Croatia and others concerned to follow the course of action outlined in the report of the Secretary-General and appealed to all parties to assist the Force in its implementation. It recommended the establishment of the Joint Commission described in the report, which

²⁴⁴ S/23900.

²⁴⁵ S/24188.

²⁴⁶ In the report, these areas were referred to as "pink zones".

was to consult with the Belgrade authorities in performing its functions. It also authorized the strengthening of the Force, as proposed in the report, to perform the functions envisaged therein, with the agreement of the Government of Croatia and others concerned.

In a report dated 27 July and 6 August 1992,²⁴⁷ the Secretary-General informed the Council that UNPROFOR had achieved a number of successes since its assumption of responsibility in the four sectors, including the elimination of ceasefire violations involving the use of heavy weapons, the lessening of tension and the withdrawal of most elements of the Yugoslav People's Army. Problems nevertheless remained, especially with regard to the excessive armament of the local police in the United Nations Protected Areas and the continuing persecution of non-Serbs in some areas. Conditions did not therefore exist for the voluntary return of displaced persons to their homes, an important aspect of the United Nations peacekeeping plan. Moreover, since the peacekeeping plan had been accepted by the parties and approved by the Council, the Republics in the area had acquired an international legal personality and three had become States Members of the United Nations. The Croatian authorities had raised the issue of the control of the Protected Area boundaries where those coincided with what were now international borders.

The Secretary-General presented his Force Commander's recommendations that the Force's existing mandate be further enlarged to control the entry of civilians into the United Nations Protected Areas and to perform immigration and customs functions at the Protected Area borders where these coincided with international frontiers. The strength of the civil affairs component would also have to be increased. Observing that the evolution of the situation in the former Yugoslavia was drawing UNPROFOR into quasi-governmental functions which went beyond normal peacekeeping practice, the Secretary-General nevertheless believed that the assumption of those functions was necessary if the effort already invested by the Council in Croatia was not to be undermined.²⁴⁸

The Secretary-General estimated that the cost associated with the further enlargement of the mandate and strength of UNPROFOR, as recommended above, would amount to some \$30 million and, thereafter, approximately \$6 million per month.

By resolution 769 (1992) of 7 August 1992, the Security Council approved the report of the Secretary-General and authorized the proposed enlargement of the mandate and strength of UNPROFOR.

On 28 September 1992, the Secretary-General submitted to the Council a further report,²⁴⁹ in which he noted that an agreement had been reached on the withdrawal of the remaining elements of the Yugoslav Army from Croatia and the demilitarization of the Prevlaka peninsula. Detailed arrangements for the implementation of the agreement were being finalized. In the meantime, he recommended that the Security Council authorize UNPROFOR to assume responsibility for monitoring the agreed arrangements.

By resolution 779 (1992) of 6 October 1992, the Security Council approved the report of the Secretary-General and authorized the Force to assume responsibility for monitoring the arrangements agreed for the complete withdrawal of the Yugoslav Army from Croatia, the demilitarization of the Prevlaka peninsula and the removal of heavy weapons from neighbouring areas of Croatia and Montenegro.

(b) Bosnia and Herzegovina

(i) Feasibility of peacekeeping in Bosnia and Herzegovina

By a report dated 24 April 1992,²⁵⁰ the Secretary-General informed the Council that, at a meeting with the Foreign Minister of Bosnia and Herzegovina on 10 April 1992, the latter had asked for the deployment of United Nations peacekeeping forces in Bosnia and Herzegovina. In response to that request, the Secretary-General had emphasized the division of labour between the United Nations, whose peacekeeping mandate was limited to the situation in Croatia, and the peacemaking role of the European Commission for Yugoslavia as a

control of the United Nations Protected Area boundaries where these coincided with international borders of the Republic of Croatia until the conditions for their full control by the Croatian authorities were fulfilled.

²⁴⁹ S/24600.

²⁵⁰ S/23836.

²⁴⁷ S/24353 and Add.1.

²⁴⁸ By a letter dated 7 August 1992 addressed to the President of the Council (S/24390), the Government of Croatia confirmed that Croatia had accepted the report of the Secretary-General as a temporary solution for the

whole.²⁵¹ The Secretary-General's Personal Envoy had informed the President that, in the light of all the factors bearing on the situation in Bosnia and Herzegovina, including in particular the current widespread violence, and in view of the limitations on human, material and financial resources, the deployment of a peacekeeping operation was not feasible.²⁵² The Secretary-General decided, though, to advance the dispatch to Bosnia and Herzegovina of unarmed military observers, whose deployment, according to the concept paper for UNPROFOR,²⁵³ had originally been envisaged for the time after the demilitarization of the Protected Areas.²⁵⁴

The decision to dispatch military observers to Bosnia and Herzegovina was welcomed by the Council in a statement made by its President on 24 April 1992.²⁵⁵ The Council believed that the presence of such observers, like that of the monitors of the European Commission, should help the parties to implement their commitment, undertaken on 23 April 1992, to respect the ceasefire agreement signed in Sarajevo on 12 April.

On 30 April 1992, the Secretary-General informed the Council that he had decided to dispatch the Under-Secretary-General for Peacekeeping Operations, Murrack Goulding, to examine the evolving situation in Bosnia and Herzegovina and to look into the feasibility of a United Nations peacekeeping operation there,²⁵⁶ which initiative was also welcomed by the Council.²⁵⁷

Following Mr. Goulding's visit to the region, the Secretary-General, on 12 May 1992, submitted to the Council a report²⁵⁸ stating that, according to Mr. Goulding's findings, it had proved impossible to implement the ceasefire agreement signed on 12 April. The Secretary-General did not believe, therefore, that in the present phase of the conflict it was feasible to undertake peacekeeping activities in Bosnia and Herzegovina beyond the existing limited involvement

of UNPROFOR military observers in Sarajevo and the Mostar region. The Secretary-General noted that one option that had been explored was the feasibility of deploying United Nations peacekeeping forces in a more limited role — as had been requested by President Izetbegovic of Bosnia and Herzegovina — to control the Sarajevo airport, protect humanitarian aid deliveries and keep open roads, bridges and border crossings.

By resolution 752 (1992) of 15 May 1992, the Security Council requested the Secretary-General to keep under active review the feasibility of protecting international humanitarian relief programmes and of ensuring safe and secure access to Sarajevo airport, but also, in light of the evolving situation, the possibility of deploying a peacekeeping mission.

On 26 May 1992, the Secretary-General reported²⁵⁹ that the military observers deployed in the Mostar region had left the area on 14 May, when risks to their lives had reached an unacceptable level. About two thirds of UNPROFOR headquarters personnel had also withdrawn from Sarajevo on 16 and 17 May, leaving behind some 90 personnel who were lending their good offices to promote local ceasefires and humanitarian activities. Regarding the feasibility of protecting international humanitarian relief programmes, the Secretary-General believed that a determined effort to persuade warring parties to conclude and honour agreements permitting the unimpeded delivery of relief supplies might be the most promising course of action. He expressed some optimism that conditions might now be more propitious for the conclusion of such agreements. The Chief Military Observer of UNPROFOR, who was leading the sole remaining international presence in Sarajevo, would continue his efforts to arrange and assist the necessary negotiations.

(ii) Sarajevo Airport Agreement

In a report dated 6 June 1992,²⁶⁰ the Secretary-General noted that, on the previous day, the parties in Bosnia had signed an agreement which inter alia envisaged that UNPROFOR would take over full operational responsibility for the functioning and security of the Sarajevo airport, which was to be reopened for the delivery of humanitarian supplies,

²⁵¹ See para. 2 of the report.

²⁵² See para. 27 of the report.

²⁵³ S/23280, annex III, para. 13.

²⁵⁴ See S/23836, para. 20.

²⁵⁵ S/23842.

²⁵⁶ Letter from the Secretary-General to the President of the Council dated 29 April 1992 (S/23860).

²⁵⁷ Letter dated 30 April 1992 from the President of the Council to the Secretary-General (S/23861).

²⁵⁸ S/23900.

²⁵⁹ S/24000.

²⁶⁰ S/24075 and Add.1.

under the exclusive authority of the United Nations. On the basis of that agreement (the Airport Agreement), the Force Commander of UNPROFOR had proposed a concept of operations according to which, as a first measure, United Nations military observers would be deployed to Sarajevo to create the necessary security conditions. It was estimated that the following additions to the Force's strength would be required: (a) a reinforced infantry battalion of some 1,000 persons; (b) 60 military observers; (c) military and civilian staff for an UNPROFOR sector headquarters to be established at Sarajevo; (d) 40 civilian police; and (e) possibly some technical personnel, engineers and airport staff, if the existing airport personnel required reinforcement.²⁶¹

The Secretary-General estimated that the additional cost of the enlargement, for a four-month period until mid-October 1992, would amount to some \$20 million and, thereafter, approximately \$3 million per month. He recommended that this additional cost be borne by Member States in accordance with Article 17 (2) of the Charter.

By resolution 758 (1992) of 8 June 1992, the Council decided to enlarge the mandate and strength of UNPROFOR in accordance with the Secretary-General's report. The Council authorized the Secretary-General to deploy, when he judged it appropriate, the military observers and related personnel and equipment required for the implementation of the first phase of activities.

On 29 June 1992, the Secretary-General informed the Council that considerable progress had been made towards the assumption by UNPROFOR of responsibility for the airport.²⁶² Although an absolute ceasefire had not yet been achieved, he endorsed the recommendation of his Force Commander that UNPROFOR seize the opportunity offered by these developments. He therefore requested the Council to

grant the authorization foreseen in resolution 758 (1992) to deploy the additional elements of UNPROFOR necessary to secure the airport and make it operational.²⁶³

On the same day, the Security Council adopted resolution 761 (1992), by which it granted such authorization.

In a report dated 10 and 13 July 1992,²⁶⁴ the Secretary-General stated that the airport had now reopened, under UNPROFOR control, for the delivery of humanitarian assistance. However, as the operation had taken shape, it had become apparent that the strength of UNPROFOR was inadequate. He recommended that it be increased by some 1,600 additional personnel, to ensure the security and functioning of the airport and the delivery of humanitarian assistance. He estimated that the revised cost of the enlargement, for a four-month period until mid-October 1992, would amount to some \$22.7 million and, thereafter, approximately \$3.8 million per month.²⁶⁵ The Secretary-General also noted that, despite an encouraging start, some basic conditions stipulated in the Airport Agreement had not been complied with by either side.²⁶⁶

By resolution 764 (1992) of 13 July 1992, the Security Council authorized the Secretary-General to immediately deploy additional elements of UNPROFOR, in accordance with the recommendation contained in his above report.

(iii) Supervision of heavy weapons

By a letter dated 17 July 1992 addressed to the President of the Council,²⁶⁷ the representatives of Belgium, France and the United Kingdom transmitted the text of an agreement between the parties in Bosnia and Herzegovina, signed at London, in which the parties had, inter alia, agreed to a ceasefire throughout the entire territory of Bosnia and Herzegovina for a period of 14 days, and asked the Security Council to

²⁶¹ In his report, the Secretary-General also noted that he had asked the Force Commander to pursue negotiation of a broader security zone encompassing the city of Sarajevo as a whole, as a second phase of negotiations with the parties.

²⁶² See S/24201. In his report dated 15 June 1992 (S/24100 and Corr.1), the Secretary-General had noted that despite significant progress in discussions on the withdrawal of heavy weapons from within the range of the airport, it was clear that considerable work still needed to be done to get the airport functioning again.

²⁶³ Statement by the Secretary-General to the Security Council (S/24201).

²⁶⁴ S/24263 and Add.1.

²⁶⁵ See S/24075/Add.1 for the earlier estimate.

²⁶⁶ Reference was made in particular to the necessity of a ceasefire; the complete concentration of heavy weaponry under UNPROFOR monitoring; and the establishment of security corridors.

²⁶⁷ S/24305.

make arrangements for the international supervision of all heavy weapons.

On the same date, the President made a statement on behalf of the Council,²⁶⁸ stating that the Council had decided in principle to respond positively to the request for the United Nations to make arrangements for the supervision of all heavy weapons in accordance with the London Agreement.

On 21 July 1992, the Secretary-General submitted to the Council a report, annexed to which was a concept of operations for the supervision of heavy weapons in Bosnia and Herzegovina. The Secretary-General observed, however, that, after having carefully considered the London Agreement and the circumstance in which it was concluded, as well as the advice of his Force Commander, he could not at the present time recommend that the Council accept the request of the three parties in Bosnia and Herzegovina that the United Nations supervise the heavy weapons which they had agreed to place under international supervision.²⁶⁹

On 24 July 1992, the President made a statement on behalf of the Council,²⁷⁰ in which the latter expressed its concurrence with the Secretary-General's view. The Council invited the Secretary-General to contact all Member States, particularly the States members of the relevant regional organizations in Europe, to ask them to make urgently available to the Secretary-General information about the personnel, equipment and logistic support which they would be prepared to contribute to the supervision of heavy weapons in Bosnia and Herzegovina. In the light of the outcome of those contacts, the Secretary-General would undertake further preparatory work.

(iv) Support for delivery of humanitarian assistance

On 10 September 1992, the Secretary-General submitted to the Council a report²⁷¹ in which he presented proposals on how the delivery of humanitarian assistance to Sarajevo and other parts of Bosnia and Herzegovina could be facilitated through the provision of protective support by UNPROFOR.²⁷²

²⁶⁸ S/24307.

²⁶⁹ S/24333.

²⁷⁰ S/24346.

²⁷¹ S/24540.

²⁷² These proposals had been developed in consultation with a number of the sponsors of resolution 770 (1992) of 13 August 1992 relating to Bosnia and Herzegovina.

The proposals envisaged that this function could be added to the Force's mandate and carried out by military personnel, under the command of the Force Commander. The task of UNPROFOR, under its enlarged mandate, would be to support the efforts of UNHCR to deliver humanitarian relief throughout Bosnia and Herzegovina and, in particular, to provide any necessary protection. In providing support to UNHCR-organized convoys, the UNPROFOR troops concerned would follow normal peacekeeping rules of engagement. They would thus be authorized to use force in self-defence, which, in that context, was deemed to include situations in which armed persons attempted by force to prevent United Nations troops from carrying out their mandate.²⁷³ The Secretary-General suggested that UNPROFOR could also be authorized to provide protection to convoys of released detainees, if the International Committee of the Red Cross so requested and if the Force Commander agreed that the request was practicable.²⁷⁴

By resolution 770 (1992), adopted on 13 August under Chapter VII of the Charter, the Security Council called upon States to use all measures necessary to facilitate the delivery of humanitarian assistance to Bosnia and Herzegovina. By resolution 776 (1992) of 14 September 1992, the Council authorized the mandate and strength of UNPROFOR to be expanded in implementation of that decision, thus linking the mandate of the Force to Chapter VII, and incorporating the authorization for the use of "all measures necessary" in the mandate of the Force.²⁷⁵

(v) Monitoring of military flight ban

The UNPROFOR mandate was again expanded on 9 October 1992, when the Security Council, by

²⁷³ See S/24540, para. 9.

²⁷⁴ Through an exchange of letters between the Secretary-General and the President of the Council dated 10 and 12 September 1992 (S/24549 and S/24550), Council members agreed with the Secretary-General's proposal that, pending the Council's approval of the recommendation in his report, UNPROFOR use its existing resources to protect detainees expected to be released shortly from two Serbian detention camps in the northern part of Bosnia and Herzegovina.

²⁷⁵ See para. 2 of the resolution. In addition to the reference to resolution 770 (1992), resolution 776 (1992) also refers to functions outlined in the Secretary-General's report on the revised concept of operations of UNPROFOR, issued on 10 September 1992 (S/24540).

resolution 781 (1992), decided to establish a ban on military flights in the airspace of Bosnia and Herzegovina and provided that UNPROFOR was to monitor compliance with the ban. Effective monitoring was to be achieved, *inter alia*, through the placement of observers at airfields in the territory of the former Yugoslavia, and through the establishment of an appropriate mechanism for the approval and inspection of flights.²⁷⁶

In a report dated 5 and 9 November 1992,²⁷⁷ the Secretary-General presented a concept of operations for monitoring by UNPROFOR, which envisaged the establishment of a Monitoring Coordination and Control Centre at UNPROFOR headquarters in Zagreb; the inspection of all flights with destinations in Bosnia and Herzegovina; and the monitoring of all flight movements into and out of Bosnia and Herzegovina. Monitoring and inspections tasks were to be carried out in cooperation with the European Community Monitoring Mission and NATO. It was estimated that 75 additional military observers would be required, and that the associated cost would amount to some \$5 million for the six-month period from 1 November 1992 to 30 April 1993 and, thereafter, to approximately \$500,000 per month. The additional cost was to be borne by Member States in accordance with Article 17 (2) of the Charter.

By resolution 786 (1992) of 11 November 1992, the Security Council endorsed the concept of operations and approved the Secretary-General's recommendation concerning the increase in the strength of the Force. The Council called upon all parties and others concerned henceforth to direct all requests for authorization of flights other than those banned to UNPROFOR, with special provisions being made for flights in support of United Nations operations.

(vi) Border control

By resolution 787 (1992) of 16 November 1992, by which it *inter alia* strengthened the sanctions imposed by resolution 713 (1991) and 757 (1992) and reaffirmed the demand that all interference from outside the territory of Bosnia and Herzegovina cease immediately, the Council decided that observers were to be deployed on the border of Bosnia and

Herzegovina to facilitate the implementation of its relevant resolutions. The Council requested the Secretary-General to present his recommendations on the matter as soon as possible.²⁷⁸

The Secretary-General presented his recommendations on 21 December 1992, including a recommendation for the enlargement of UNPROFOR with some 10,000 additional troops, which would enable UNPROFOR personnel to patrol between all border crossing points, search vehicles and people and deny any cross-border movement of people or goods which would violate decisions of the Council.²⁷⁹

(c) The former Yugoslav Republic of Macedonia

(i) Feasibility of preventive deployment

By a letter dated 25 November 1992 addressed to the President of the Council,²⁸⁰ the Secretary-General stated that the President of the former Yugoslav Republic of Macedonia had conveyed to him a request for the deployment of United Nations observers in that country, in view of the possible impact which the fighting elsewhere in the former Yugoslavia could have on it. The Secretary-General proposed to dispatch forthwith a group of about a dozen military, police and civilian personnel to the former Yugoslav Republic of Macedonia in order to explore the feasibility of a more substantive deployment of UNPROFOR in that country. In a reply dated 25 November 1992,²⁸¹ the President informed the Secretary-General that Council members agreed with his proposal.

On 9 December 1992, the Secretary-General submitted to the Council a report²⁸² on the outcome of the exploratory mission to the former Yugoslav Republic of Macedonia.²⁸³ The mission had recommended that a small UNPROFOR presence be established on the Macedonian side of that republic's borders with Albania and the Federal Republic of Yugoslavia (Serbia and Montenegro), with an "essentially preventive mandate" of monitoring and reporting any developments in the border areas which could undermine confidence and stability in that

²⁷⁶ See paras. 2 and 3 of the resolution.

²⁷⁷ S/24767 and Add.1.

²⁷⁸ See para. 16 of the resolution.

²⁷⁹ See document S/25000.

²⁸⁰ S/24851.

²⁸¹ S/24852.

²⁸² S/24923.

²⁸³ The mission had been conducted from 28 November to 3 December 1992.

republic. It had further recommended that a small group of United Nations civilian police be deployed in the border area to monitor the Macedonian border police, as incidents arising from illegal attempts to cross the border had recently led to increased tension on the Macedonian side. Unlike the military deployment, however, the latter proposal had not yet received the consent of the Macedonian authorities.

It was envisaged that the UNPROFOR presence would consist of military, civilian police and civil affairs components. It would comprise a battalion of up to 700 all ranks, 35 military observers, 26 civilian police monitors, 10 civil affairs staff, 45 administrative staff, and local interpreters. The headquarters would be in Skopje.²⁸⁴ Emplacement and start-up costs would be met initially from the resources already made available for UNPROFOR by the General Assembly at its current session.

(ii) Authorization of deployment

By resolution 795 (1992) of 11 December 1992, the Security Council authorized the Secretary-General to establish a presence of UNPROFOR in the former Yugoslav Republic of Macedonia, as recommended by him in his report, and so to inform the authorities of Albania and of the Federal Republic of Yugoslavia (Serbia and Montenegro). The Council requested the Secretary-General to deploy immediately the military, civil affairs and administrative personnel recommended in his report, and to deploy the police monitors immediately upon receiving the consent of the Government of the former Yugoslav Republic of Macedonia. It urged the Force presence in the former Yugoslav Republic of Macedonia to coordinate closely with the mission of the Commission on Security and Cooperation in Europe.

Middle East

16. United Nations Truce Supervision Organization established pursuant to Security Council resolution 50 (1948)

Between 1989 and 1992, the military observers of the United Nations Truce Supervision Organization (UNTSO) continued to assist and cooperate with the United Nations Disengagement Observer Force

(UNDOF), in accordance with the ceasefire and disengagement agreements of 1973/74, and with the United Nations Interim Force in Lebanon (UNIFIL) established in 1978, in accordance with its terms of reference.

17. United Nations Disengagement Observer Force established pursuant to Security Council resolution 350 (1974)

The United Nations Disengagement Observer Force, stationed at the armistice line between Israel and the Syrian Arab Republic, continued to serve as an interposition force between the parties. During the period under review, the Council extended its mandate eight times²⁸⁵ following consideration of the Secretary-General's regular progress reports.²⁸⁶

18. United Nations Interim Force in Lebanon established pursuant to Security Council resolutions 425 (1978) and 426 (1978)

Pursuant to resolution 425 (1978), by which the Security Council decided, at the request of the Government of Lebanon, to establish under its authority a United Nations interim force for southern Lebanon, the United Nations Interim Force in Lebanon continued to fulfil its mandate of "confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area".

Between 1989 and 1992, the Secretary-General submitted a number of reports on UNIFIL,²⁸⁷ and the Council adopted eight resolutions which successively extended the Force's mandate.²⁸⁸ In those resolutions, the Council 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.

²⁸⁵ The mandate of the Force was extended by resolutions 633 (1989), 645 (1989), 655 (1990), 679 (1990), 695 (1991), 722 (1991), 756 (1992) and 790 (1992).

²⁸⁶ S/20651, S/20976, S/21305, S/21950 and Corr.1, S/22631 and Add.1, S/23233, S/23955 and S/24821.

²⁸⁷ S/20416 and Add.1, Add.1/Corr.1 and Add.2, S/20742, S/21102, S/21406 and Corr.1 and Add.1, S/22129 and Add.1, S/22829, S/23253, and S/24341.

²⁸⁸ The mandate of the Force was extended by resolutions 630 (1989), 639 (1989), 648 (1990), 659 (1990), 684 (1991), 701 (1991), 734 (1992) and 768 (1992).

²⁸⁴ See S/24923, annex.

During the period under review, several members of UNIFIL were killed, wounded or kidnapped in attacks against the Force. The Council addressed such attacks in two presidential statements made at successive meetings held on 31 July 1989.²⁸⁹ In the second statement, after expressing profound concern over the safety and security of UNIFIL personnel, Council members noted with appreciation that significant efforts had been undertaken to improve the Force's security. They called upon all parties to do their utmost to ensure effective reinforcement of the Force's security and to enable it to carry out its mandate as laid down in resolution 425 (1978).

Further to a request made by Council members on 31 July 1990 for a review of the scale and deployment of UNIFIL,²⁹⁰ the Secretary-General recommended certain measures to streamline UNIFIL, which would permit a reduction of some 10 per cent in the Force's military strength.²⁹¹ The Council subsequently approved some of the measures recommended by the Secretary-General.²⁹²

19. United Nations Iran-Iraq Military Observer Group established pursuant to Security Council resolution 598 (1987)

From 1989 to February 1991, the United Nations Iran-Iraq Military Observer Group (UNIIMOG) continued to fulfil its mandate under resolution 598 (1987) of 20 July 1987, namely, "to verify, confirm and supervise the ceasefire and withdrawal". Following consideration of progress reports submitted by the Secretary-General,²⁹³ the Security Council adopted six resolutions successively extending the mandate of UNIIMOG.²⁹⁴

²⁸⁹ At the 2872nd meeting, under the item entitled "The question of hostage-taking and abduction" (statement not issued as a Security Council document: see S/PV.2872, para. 3); and at the 2873rd meeting, under the item entitled "The situation in the Middle East" (S/20758).

²⁹⁰ S/21833.

²⁹¹ S/22129/Add.1.

²⁹² Resolution 734 (1992) of 29 January 1992.

²⁹³ S/20442 of 2 February 1989, S/20862 of 22 September 1989, S/21200 of 22 March 1990, S/21803 of 21 September 1990, S/21960 of 23 November 1990, S/22148 of 29 January 1991 and S/22263 of 26 February 1991.

²⁹⁴ Resolutions 631 (1989) of 8 February 1989, 642 (1989) of 29 September 1989, 651 (1990) of 29 March 1990, 671 (1990) of 27 September 1990, 676 (1990) of

In a report dated 29 January 1991,²⁹⁵ the Secretary-General informed the Council that the activities of the Group had been considerably affected by developments in the Gulf region, where the outbreak of hostilities had effectively prevented UNIIMOG from continuing operations in Iraq. During the conflict, the elements of UNIIMOG which had operated in Iraq were temporarily withdrawn from Iraq and relocated to Cyprus. The operations continued on the Iranian side only.

Termination

Reporting to the Security Council on 26 February 1991,²⁹⁶ the Secretary-General described the general situation along the border between the Islamic Republic of Iran and Iraq as very calm. He also reported that the forces of the two sides had withdrawn fully to the internationally recognized boundaries, and that the military provisions of resolution 598 (1987) could thus be considered implemented. The remaining tasks under that resolution were essentially political and therefore the Secretary-General recommended replacing UNIIMOG with small civilian offices in Baghdad and Tehran. Accordingly, the Secretary-General recommended that the Council take no action to extend the mandate of UNIIMOG beyond its expiration date of 28 February 1991.

By a letter dated 28 February 1991,²⁹⁷ the President of the Council informed the Secretary-General that Council members agreed with his recommendations and concurred with the proposed arrangements. They expressed their gratitude to the Secretary-General and their appreciation to the members of UNIIMOG for the successful completion of their important task.

20. United Nations Iraq-Kuwait Observation Mission established pursuant to Security Council resolution 687 (1991)

Establishment

At its 2981st meeting, on 3 April 1991, the Security Council adopted resolution 687 (1991)

28 November 1990 and 685 (1991) of 31 January 1991.

²⁹⁵ S/22148.

²⁹⁶ S/22263. See also the Secretary-General's letter of the same date to the President of the Security Council, along similar lines (S/22279).

²⁹⁷ S/22280.

whereby, acting under Chapter VII of the Charter, it established the terms and conditions for a formal ceasefire between Iraq and Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990). Section B of the resolution established a demilitarized zone along the boundary between Iraq and Kuwait, and requested the Secretary-General to submit a plan for the immediate deployment of a United Nations observer unit to monitor the Khor Abdullah and the demilitarized zone.

On 5 April 1991, pursuant to resolution 687 (1991), the Secretary-General submitted a report to the Council²⁹⁸ containing a plan for the deployment of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) and the estimated cost of the Mission for the first six months (approximately \$83 million). He recommended that the costs should be borne by Member States in accordance with Article 17 (2) of the Charter. In an addendum to his report, dated 9 April 1991,²⁹⁹ the Secretary-General informed the Council of the acceptance of his proposed plan by the Governments of Iraq and Kuwait.

At its 2983rd meeting, on 9 April 1991, the Council, acting under Chapter VII of the Charter, adopted resolution 689 (1991) by which it approved the Secretary-General's plan for setting up UNIKOM. It noted that UNIKOM could only be terminated by a formal decision of the Council; therefore, the Council would review the question of the Mission's modalities, termination or continuation every six months.

Mandate and composition

The mandate of UNIKOM, as proposed by the Secretary-General³⁰⁰ and approved by the Council, consisted of three components: to monitor the Khor Abdullah and the demilitarized zone between Iraq and Kuwait;³⁰¹ to deter violations of the boundary through its presence in and surveillance of the demilitarized zone; and to observe any hostile action mounted from the territory of one State against the other. In his

²⁹⁸ S/22454 and Add.1-2.

²⁹⁹ S/22454/Add.3.

³⁰⁰ See S/22454.

³⁰¹ The demilitarized zone extended 10 kilometres into Iraq and 5 kilometres into Kuwait from the boundary referred to in the Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters (United Nations, *Treaty Series*, vol. 485, No. 7063).

report, the Secretary-General stated that, as an observation mission, UNIKOM would be required to monitor and observe only; it would not take physical action to prevent the entry of military personnel or equipment into the demilitarized zone nor assume responsibilities that fell within the competence of the host Governments.³⁰² UNIKOM and its personnel would be authorized to use force only in self-defence.

UNIKOM would be headquartered in Umm Qasr within the demilitarized zone. Command in the field would be exercised by a Chief Military Observer. To carry out the tasks outlined in the Mission's concept of operations, the Secretary-General suggested that a group of 300 military observers would be required initially and that that number would be reviewed as the Mission gained experience. Regarding support for the observers, he proposed assigning temporarily to UNIKOM five infantry units drawn from existing peacekeeping operations in the region, with the agreement of the troop-contributing Governments concerned. Those units would provide essential security for UNIKOM during the setting-up phase. If, after four weeks from the beginning of the operation, the Chief Military Observer foresaw a continuing need for an infantry element, the Secretary-General would seek the Council's authorization to replace the temporary units with one or more battalions on a more permanent basis. The maximum initial strength of UNIKOM, comprising military observers and infantry, engineer, air, logistics (including medical care) and headquarters units, would be approximately 1,440 all ranks, of which 680 would be infantry.

Implementation

Through an exchange of letters between the Secretary-General and the President of the Council dated 9 and 10 April 1991,³⁰³ the members of the Council agreed with the proposal to appoint Major General Günther Greindl (Austria) as Chief Military Officer of UNIKOM.³⁰⁴ Through a further exchange of

³⁰² The responsibility for the maintenance of law and order in the demilitarized zone rested with the Governments of Iraq and Kuwait, which maintained police posts in their respective parts of the zone. For further details, see S/22454, para. 6.

³⁰³ S/22478 and S/22479.

³⁰⁴ After Major General Günther Greindl (Austria) relinquished his command to return to his country, through a similar exchange of letters (S/24097 and

letters dated 11 and 12 April 1991,³⁰⁵ the members agreed with the proposed list of countries contributing military personnel to UNIKOM.

On 9 May 1991, pursuant to resolution 687 (1991), the Secretary-General submitted to the Council a report on the deployment and operations of UNIKOM.³⁰⁶ He informed the Council that the Mission's deployment had been completed on 6 May with a total strength of 1,385 military personnel. The Mission had then monitored the withdrawal of the armed forces that were still deployed in its assigned zone. Following complete withdrawal, the demilitarized zone had come into effect on 9 May 1991 and UNIKOM had assumed in full the observation responsibilities entrusted to it by the Council. On 12 June 1991, the Secretary-General submitted a further progress report on UNIKOM.³⁰⁷ He stated that the overall strength of the Mission had been reduced to 963 all ranks since three of the five infantry companies temporarily assigned from UNIFIL and UNFICYP had been returned to their parent missions after the completion of the setting-up phase and the absence of the security risks perceived in early April.

By a letter dated 9 August 1991 addressed to the President of the Council,³⁰⁸ the Secretary-General proposed to the Council a reduction of some 45 per cent in the strength of UNIKOM based on a further review and the recommendations of the Chief Military Officer. With a view to achieving greater efficiency and economy, he proposed a reduction in the number of military observers from 300 to 250 and in the size of the medical unit; a consolidation and reassignment of the tasks performed by the logistics units, with a small reduction in their strength; and reduction in the strength of the engineer unit from 293 to 85, with a subsequent reduction to 50 after the completion of work in support of the Boundary Demarcation Commission. However, in a subsequent letter dated 23 August 1991,³⁰⁹ the Secretary-General noted that in view of the increased level of activity on the Iraq-

Kuwait border he considered it advisable not to proceed with the planned reduction in the number of military observers. He intended to monitor the situation closely and, if necessary, would report to the Council.

In an interim report dated 3 September 1991,³¹⁰ the Secretary-General informed the Council that UNIKOM continued to monitor the demilitarized zone along the Iraq-Kuwait border, which had generally been respected. The number of violations had decreased. In view of the implications of the incidents that had occurred, UNIKOM continued to maintain a high level of vigilance in the performance of the tasks entrusted to it by the Council.

On three subsequent occasions during the period under review, pursuant to resolution 689 (1991), the Secretary-General submitted reports³¹¹ providing the Council, prior to its biannual review of UNIKOM, with an overview of the activities of the Mission covering a period of six months. In each case, he recommended that the Mission be maintained for an additional period of six months. The members of the Council concurred with his recommendations via letters addressed to him by the President of the Council.³¹²

In his report dated 2 October 1992,³¹³ the Secretary-General, *inter alia*, noted that UNIKOM continued to provide technical support to other United Nations missions in Iraq and Kuwait. In particular, it assisted the United Nations Iraq-Kuwait Boundary Demarcation Commission with air transport and communications and by clearing mines at the border marker sites. It gave further support to the United Nations Coordinator for the return of property from Iraq to Kuwait and provided movement control in respect of all United Nations aircraft operating in the area. UNIKOM remained deployed in the demilitarized zone and its concept of operations remained based on a combination of patrol and observation bases, observation points, ground and air patrols investigation teams and liaison with the parties at all levels. While the situation in the demilitarized zone had continued to be calm during the first weeks of the period under review in the report, it had since been marked by a

S/24098), the members of the Council agreed with the proposal to appoint Major General Timothy K. Dibuama (Ghana) as Chief Military Observer of UNIKOM with effect from 12 July 1992.

³⁰⁵ S/22488 and S/22489.

³⁰⁶ S/22580.

³⁰⁷ S/22692.

³⁰⁸ S/22916.

³⁰⁹ S/22977.

³¹⁰ S/23000.

³¹¹ S/23106 dated 2 October 1991 and Add. 1 and Add. 2; S/23766 dated 31 March 1992; and S/24615 dated 2 October 1992.

³¹² S/23118; S/23789; S/24649.

³¹³ S/24615.

gradual heightening of tensions. The main source of tension was the issue of the status and property rights of the Iraqi farmers who would be affected by the demarcation of the boundary between Iraq and Kuwait. During one of the related incidents, a UNIKOM military observer had been injured while trying to restore calm. In view of all the circumstances, the Secretary-General considered the continued functioning of UNIKOM as an indispensable factor in maintaining the demilitarized zone, preventing or containing further incidents and reducing tensions.

By a letter dated 3 November 1992,³¹⁴ the President of the Council informed the Secretary-General that the members of the Council fully shared his concerns related to the threats to security linked to the presence of Iraqi and Kuwaiti military equipment in six bunkers within the demilitarized zone, near the Mission headquarters.³¹⁵ As recommended by the Mission Commander, they deemed it necessary for the bunkers to be emptied of their contents. They also expressed the view that the military equipment should be destroyed; if the equipment fell into the categories mentioned in paragraph 8 of resolution 687 (1991) (relating to chemical and biological weapons and ballistic missiles with a range greater than 150 kilometres), it should be destroyed by the United Nations Special Commission in coordination with the Mission.

D. Security Council committees

During the period from 1989 to 1992, the Council established four new Security Council committees to supervise the implementation of measures adopted pursuant to Article 41 against Iraq, the former Yugoslavia, the Libyan Arab Jamahiriya and Somalia. During the same period, the previously established Security Council Committee established by resolution 421 (1977) concerning the question of South Africa continued its work. These committees are considered below in the order in which they were established.

³¹⁴ The letter was annexed to a special report on UNIKOM, dated 10 January 1993, submitted by the Secretary-General to the Council. See S/25085, annex III.

³¹⁵ The concerns in question were expressed by the Secretary-General in a letter dated 23 September 1992 which was not issued as a Council document.

1. Security Council Committee established pursuant to resolution 421 (1977) concerning the question of South Africa

The Security Council Committee established by resolution 421 (1977) continued its efforts to ensure the effective implementation of the mandatory arms embargo against South Africa imposed by resolution 418 (1977) of 4 November 1977. It reviewed a number of cases involving alleged violations of the arms embargo, and continued to consider the question of legislative and other implementing measures adopted by States. The Committee cooperated with various intergovernmental and non-governmental bodies and individuals with expertise in the field to promote more effective implementation of the arms embargo, and in September 1989, held closed hearings on the subject. On 11 December 1989, the Committee submitted to the Council a report on its activities from 1980 to 1989.³¹⁶ In the concluding paragraphs, the Committee observed that although the arms embargo had had a considerable effect on the South African defence establishment, the cases reported to the Committee made it clear that arms and related materiel continued to reach South Africa in violation of its provisions. The Committee appealed to States to tighten their scrutiny and to increase their vigilance with regard to licensing procedures for the export or re-export of military equipment, to ensure that none of it reached South Africa in violation of Security Council resolutions.

2. Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait

Establishment

By resolution 661 (1990) of 6 August 1990, the Security Council, acting under Chapter VII of the Charter and in accordance with rule 28 of its provisional rules of procedure, decided to establish a Committee of the Security Council consisting of all the members of the Council to monitor the implementation of the mandatory comprehensive sanctions imposed against Iraq by the same resolution. The Committee was to undertake the following tasks and to report on its work to the Council with its observations and recommendations: (a) to examine the reports on the progress of the implementation of the resolution, which would be submitted by the Secretary-General; and

³¹⁶ S/21015.

(b) to seek from all States further information regarding the action taken by them concerning the effective implementation of the sanctions.

Implementation/expansion of mandate

In an interim report dated 15 August 1990 on the implementation of resolution 661 (1990), the Secretary-General reported that the Committee had held its first meeting on 9 August 1990.³¹⁷

By resolution 665 (1990) of 25 August 1990, the Council authorized the use of such measures commensurate to the specific circumstances as might be necessary to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990). The States concerned were requested to submit reports in that regard to the Security Council and the Committee.

By resolution 666 (1990) of 13 September 1990, the Council, acting under Chapter VII of the Charter, decided that the Committee should keep the situation regarding foodstuffs in Iraq and Kuwait under constant review. For that purpose, the Secretary-General was requested to seek, on a continuing basis, information from relevant United Nations and other appropriate humanitarian agencies and all other sources on the availability of food in Iraq and Kuwait, and communicate such information to the Committee regularly. On the basis of the reports from the Secretary-General, if the Committee determined that circumstances had arisen in which there was an urgent humanitarian need to supply foodstuffs to Iraq or Kuwait, it would report promptly to the Council its decision as to how such need should be met.

By resolution 669 (1990) of 24 September 1990, the Council entrusted the Committee with the task of examining requests for assistance under the provisions of Article 50 of the Charter and making recommendations to the President of the Security Council for appropriate action.³¹⁸

By resolution 670 (1990) of 25 September 1990, the Council, acting under Chapter VII of the Charter,

confirmed that resolution 661 (1990) applied to all means of transport, including aircraft. No flights other than those undertaken in circumstances defined in resolution 670 (1990) were to be permitted to or from Iraq or occupied Kuwait. The Committee was vested with specific responsibilities in regard to authorizing such flights. The Council also reminded all States of their obligations under resolution 661 (1990) with regard to the freezing of Iraqi assets and the protection of the assets of the legitimate Government of Kuwait and its agencies located within their territory, and to report to the Committee regarding those assets. It also called upon all States to report to the Committee on action taken by them to implement the provisions laid down in resolution 670 (1990).

In a statement made by the President of the Council on its behalf on 3 March 1991,³¹⁹ the Security Council welcomed the decisions taken to date by the Committee relating to food and medical needs, including those taken to facilitate the provision of humanitarian assistance; called upon the Committee to continue to act promptly on requests submitted to it for humanitarian assistance; and urged the Committee to pay particular attention to the findings and recommendations of the relevant humanitarian agencies on critical medical/public health and nutritional conditions in Iraq.

At its 36th meeting, on 22 March 1991, the Committee adopted a decision with regard to the determination of humanitarian needs in Iraq.³²⁰ The Committee decided to make, with immediate effect, a general determination that humanitarian circumstances applied “with respect to the entire civilian population of Iraq in all parts of Iraq’s national territory”. The Committee also concluded that civilian and humanitarian imports to Iraq, as identified in the report prepared by Under-Secretary-General Martti Ahtisaari following his visit to Iraq from 10 to 17 March 1991,³²¹ were integrally related to the supply of foodstuffs and supplies intended strictly for medical purposes (which were exempt from sanctions under the provisions of resolution 661 (1990)), and that such imports should also be allowed with immediate effect. The Committee decided upon a simple notification procedure for foodstuffs supplied to Iraq and a “no objection” procedure for those civilian and

³¹⁷ S/21536, para. 5.

³¹⁸ For the practice of the Committee and the Council under Article 50 during the period under review, see chapter XI, part VIII.

³¹⁹ S/22322.

³²⁰ S/22400, annex.

³²¹ S/22366.

humanitarian imports. Subject to prior notification of the flight and its contents, the Committee granted general approval for all flights that would be transporting only foodstuffs, supplies intended for medical purposes or humanitarian imports.

By a letter dated 22 March 1991,³²² the President of the Council informed the Secretary-General that the members of the Council, in informal consultations of the whole on 22 March 1991, had taken note of the Committee's decision with regard to the determination of humanitarian needs in Iraq.

By resolution 687 (1991) of 3 April 1991, the Security Council, acting under Chapter VII of the Charter, established the terms and conditions for a formal ceasefire between Iraq and Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990). Section F of the resolution dealt with the sanctions imposed on Iraq. By paragraph 20 of the resolution, the Council decided that the prohibitions against the sale or supply to Iraq of commodities or products, other than medicine and health supplies, and prohibitions against financial transactions related thereto contained in resolution 661 (1990), would not apply to foodstuffs notified to the Committee or to materials and supplies for essential civilian needs approved by the Committee under the simplified and accelerated "no objection" procedure. By paragraph 23, the Council also empowered the Committee to approve exceptions to the prohibition against the import of commodities and products originating in Iraq, when required to assure adequate financial resources to provide for essential Iraqi civilian needs. By paragraph 28, the Council decided upon a review mechanism for the sanctions regime against Iraq.

In a report dated 2 June 1991, submitted pursuant to resolution 687 (1990), the Secretary-General set out draft guidelines to facilitate full international implementation of the arms embargo and related sanctions against Iraq imposed by resolution 661 (1990) and subsequent related resolutions.³²³ Under the draft guidelines, the Committee would be the organ of the Security Council responsible for monitoring the prohibitions against the sale or supply of arms to Iraq

and related sanctions and would carry out its functions in accordance with the mandate provided in resolutions 661 (1990), 665 (1990) and 670 (1990). The Committee would work in close cooperation with the Special Commission established under resolution 687 (1991) and with the International Atomic Energy Agency (IAEA).

By resolution 700 (1991) of 17 June 1991, the Council, acting under Chapter VII of the Charter, approved the guidelines to facilitate full international implementation of the arms and related sanctions against Iraq annexed to the report of the Secretary-General, and entrusted the Committee with the responsibility for monitoring the prohibitions against the sale or supply of arms to Iraq and related sanctions.

Pursuant to paragraph 6 of the guidelines approved by the Council under resolution 700 (1991), the Committee submitted five reports, at 90-day intervals, to the Council on the implementation of the arms embargo and related sanctions against Iraq.³²⁴

By resolution 706 (1991) of 15 August 1991, the Council, acting under Chapter VII of the Charter, authorized all States to permit the import, for a period of six months, of a quantity of Iraqi petroleum and petroleum products sufficient to create a sum to meet essential Iraqi civilian needs and finance United Nations operations mandated by resolution 687 (1991), subject to the following conditions: (a) approval by the Committee of each such purchase following notification by the State concerned; (b) payment of the proceeds into an escrow account to be established by the United Nations; and (c) approval by the Council of a scheme for the purchase of supplies for essential civilian needs and for appropriate United Nations monitoring and supervision.

By resolution 712 (1991) of 19 September 1991, the Council, acting under Chapter VII of the Charter, confirmed \$1.6 billion as the sum authorized for limited Iraqi oil sales, as mentioned in resolution 706 (1991), and invited the Committee to authorize immediately the release by the Secretary-General from the escrow account of the first one-third portion of the sum, subject to the availability of funds in the account.

Since resolutions 706 (1991) and 712 (1991) were not implemented during the period under review,

³²² S/22400, annex.

³²³ S/22660, annex entitled "Draft guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)".

³²⁴ See S/23036, S/23279, S/23708, S/24083, S/24545 and S/24912.

however, the measures described above did not take effect.

By resolution 715 (1991) of 11 October 1991, the Security Council, acting under Chapter VII of the Charter, requested the Committee, the Special Commission and IAEA to develop in cooperation a mechanism for monitoring any future sales or supplies to Iraq of dual-use items that could assist Iraq in the production or acquisition of the weapons proscribed under section C of resolution 687 (1991).³²⁵

In a statement made by the President of the Council to the media on behalf of the members of the Council on 20 December 1991,³²⁶ Council members requested the Committee to study immediately those materials and supplies for essential civilian and humanitarian needs as identified in the Ahtisaari report,³²⁷ with the purpose of drawing up a list of items which might, with the Council's approval, be transferred from the "no objection" procedure to a simple notification procedure. The members of the Council also noted that, although resolutions 706 (1991) and 712 (1991) gave to Iraq the possibility for oil sales to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs for the purpose of providing humanitarian relief, that possibility had not yet been used.

In a statement made by the President of the Council to the media on behalf of the members of the Council on 5 February 1992,³²⁸ the Council members took note of the report of the Chairman of the Committee on the above request for a study, and encouraged him to continue his consultations with the members of the Committee on the study and to report to the Council at an early date.³²⁹ At its 66th meeting on 6 March 1992, the Committee reached the understanding that, while there would be no change in

³²⁵ Pursuant to this request, the Special Commission and IAEA submitted, on 13 May 1994, for the Committee's consideration, a draft export/import mechanism (see also S/1996/700, paras. 90-92).

³²⁶ S/23305.

³²⁷ S/22366.

³²⁸ S/23517.

³²⁹ The oral report, provided by the Chairman of the Committee in informal consultations, was not reproduced as a document of the Council.

the procedure, certain categories of items would generally receive favourable consideration.³³⁰

3. Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia

Establishment

In a report dated 25 October 1991, submitted pursuant to resolution 713 (1991), the Secretary-General noted that his Personal Envoy, Mr. Cyrus R. Vance, had heard credible assertions from many parties in Yugoslavia that the embargo on all deliveries of weapons and military equipment to the country, imposed by the Council under Chapter VII of the Charter, in resolution 713 (1991), was being violated.³³¹ He observed that, given the gravity of this apparent violation of the Council's decision, its members would no doubt wish to respond appropriately.

By resolution 724 (1991) of 15 December 1991, the Security Council, acting under Chapter VII of the Charter, and in accordance with rule 28 of its provisional rules of procedure, decided to establish a Committee of the Security Council consisting of all the members of the Council to monitor the implementation of the arms embargo imposed on Yugoslavia by resolution 713 (1991). The Committee was to undertake the following tasks and to report on its work to the Council with its observations and recommendations: (a) to examine the reports submitted by States on the measures they had instituted to implement the embargo; (b) to seek from all States further information regarding the action taken by them concerning the effective implementation of the embargo; (c) to consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo; and (d) to recommend appropriate measures in response to violations of the embargo and to provide information on a regular basis to the

³³⁰ For details, see the first annual report of the Committee to the Council (S/1996/700, para. 43).

³³¹ S/23169, para. 38.

Secretary-General for general distribution to Member States.³³²

Implementation/expansion of mandate

On 13 April 1992, the Committee submitted to the Council a report on its activities to date.³³³ In the concluding paragraph, the Committee noted that it had received a limited amount of information on violations of the arms embargo, and that it was still searching for means through which it could obtain the requisite additional information.

The scope of the Committee's mandate was expanded on 30 May 1992, when the Security Council, by resolution 757 (1992), imposed a comprehensive sanctions regime against the Federal Republic of Yugoslavia (Serbia and Montenegro), consisting of measures that interrupted economic, financial, diplomatic, scientific, sporting and cultural relations, as well as air travel, with certain exemptions. The Council requested the Committee to monitor the implementation of that regime, in addition to the arms embargo. It also asked the Committee to prepare guidelines for exemptions relating to the trans-shipment of certain commodities and products through the Federal Republic of Yugoslavia;³³⁴ and to consider and decide upon any applications for the approval of flights for humanitarian or other purposes consistent with the relevant resolutions of the Council.

By resolution 760 (1992) of 18 June 1992, the Council decided that the Committee was also to approve, under a simplified "no objection" procedure, exemptions from the sanctions regime for the sale or supply to the Federal Republic of Yugoslavia (Serbia

and Montenegro) of commodities and products for essential humanitarian need.

By resolution 787 (1992) of 16 November 1992, the Council decided to prohibit the trans-shipment of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types — unless such trans-shipment was specifically authorized on a case-by-case basis by the Committee under its "no objection" procedure.

On 30 December 1992, the Committee submitted to the Council a report in which it provided an overview of its activities in relation to the implementation of the arms embargo imposed by resolution 713 (1991) and the sanctions regime imposed by resolution 757 (1992).³³⁵ The Committee outlined the general principles it had applied in approving exemptions; highlighted a number of decisions it had taken relating to the implementation of the sanctions, including two decisions which had subsequently been reinforced by the Council;³³⁶ and provided information concerning its consideration of specific cases of actual or suspected violations of the sanctions.

In the concluding paragraphs of its report, the Committee emphasized the complexity of the tasks entrusted to it, and noted that the absence of an independent monitoring mechanism had sometimes inhibited the ability of the Committee to obtain original information and to follow up on requested

³³² By resolution 727 (1992) of 8 January 1992, the Council reaffirmed the arms embargo and decided that it would continue to apply to "all areas that have been part of Yugoslavia, any decisions on the question of the recognition of the independence of certain republics notwithstanding" (resolution 727 (1992), para. 6, and para. 33 of the Secretary-General's report dated 5 January 1992 (S/23363)).

³³³ S/23800.

³³⁴ The resolution provided for an exemption from the relevant sanctions for the trans-shipment through the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities and products originating outside the Federal Republic of Yugoslavia (Serbia and Montenegro) and temporarily present in the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) only for the purpose of such trans-shipment.

³³⁵ S/25027.

³³⁶ By resolution 787 (1992), paragraph 10, the Council decided, acting under Chapter VII, that any vessel in which a majority or controlling interest was held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) would be considered a vessel of the Federal Republic of Yugoslavia (Serbia and Montenegro) regardless of the flag under which the vessel sailed. By paragraph 13 of the same resolution, the Council reaffirmed the responsibility of riparian States to take necessary measures to ensure that shipping on the Danube was in accordance with resolutions 713 (1991) and 757 (1992), including such measures commensurate with the specific circumstances as might be necessary to halt such shipping in order to inspect and verify their cargoes and destinations and to ensure the strict implementation of those resolutions. These provisions reflected the position taken earlier by the Committee, on both issues (S/25027, para. 18).

investigations. The Committee considered, however, that the gap had to some extent been redressed by resolution 787 (1992), by which the Council had authorized States, acting nationally or through regional agencies or arrangements, to stop and search vessels in order to establish the bona fides of their cargoes.³³⁷ The Committee also noted the adverse impact which the implementation of sanctions had had on the economies of a number of neighbouring countries, some of which had addressed the Committee on the matter.³³⁸

4. Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya

By resolution 748 (1992) of 31 March 1992, the Security Council, acting under Chapter VII of the Charter and in accordance with rule 28 of its provisional rules of procedure, decided to establish a Committee of the Security Council consisting of all the members of the Council to monitor the implementation of the sanctions imposed against the Libyan Arab Jamahiriya by the same resolution. In particular, the Committee was to undertake the following tasks and to report on its work to the Council with its observations and recommendations: (a) to examine the reports submitted pursuant to paragraph 8 of the resolution, whereby the Council requested all States to report to the Secretary-General by 15 May 1992 on the measures they had instituted for meeting their obligations concerning the sanctions against the Libyan Arab Jamahiriya; (b) to seek from all States further information regarding the action taken by them concerning the effective implementation of the measures imposed against the Libyan Arab Jamahiriya; (c) to consider any information brought to its attention by States concerning violations of those measures and, in that context, to make recommendations to the Council on ways to increase their effectiveness; (d) to recommend appropriate measures in response to violations of the measures imposed against the Libyan Arab Jamahiriya and provide information on a regular basis to the Secretary-General for general distribution to Member States; (e) to consider and to decide expeditiously upon any application by States for the approval of flights on grounds of significant humanitarian need; and (f) to give special attention to

any communications in accordance with Article 50 of the Charter from any neighbouring or other States with special economic problems that might arise from the carrying out of the measures imposed against the Libyan Arab Jamahiriya.

5. Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

In a report dated 21 April 1992 submitted pursuant to resolution 746 (1992), the Secretary-General suggested that the Security Council might wish to consider putting into place appropriate arrangements for monitoring the arms embargo on Somalia imposed by resolution 733 (1992), in light of various reports indicating that arms continued to flow into the country.³³⁹

By resolution 751 (1992) of 24 April 1992, the Security Council decided to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations: (a) to seek from all States information regarding the action taken by them concerning the effective implementation of the arms embargo imposed by resolution 733 (1992); (b) to consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo; and (c) to recommend appropriate measures in response to violations of the embargo and provide information on a regular basis to the Secretary-General for general distribution to Member States.

E. Ad hoc commissions/Coordinator for the Return of Property

In the aftermath of the Iraq-Kuwait conflict, the Security Council established a number of ad hoc commissions: the United Nations Boundary Demarcation Commission; the United Nations Special Commission; and the United Nations Compensation Commission. The Council also appointed a United Nations Coordinator for the return of property. During the same period, the Council created an ad hoc

³³⁷ S/25027, para. 25.

³³⁸ Ibid., para. 23.

³³⁹ S/23829, para. 48.

commission concerning Somalia, and was asked to consider establishing a military component of the International Support and Verification Commission in Central America.

1. International Support and Verification Commission

At a summit meeting held at Tela, Honduras, from 5 to 7 August 1989, the Presidents of the five Central American countries reached agreement on a Joint Plan for the voluntary demobilization, repatriation or relocation of the members of the Nicaraguan resistance and their families, as well as assistance for the demobilization of all those involved in armed actions in the countries of the region when such persons voluntarily request it.³⁴⁰ In accordance with the provisions of that Plan, the permanent representatives of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, by a letter dated 14 August 1989,³⁴¹ officially requested the Secretary-General to set up, together with the Secretary-General of the Organization of American States, an International Support and Verification Commission, which would be entrusted with implementing the Plan.

By a letter dated 28 August 1989,³⁴² the Secretary-General informed the Security Council that, at a meeting on 25 August 1989, he had agreed with the Secretary-General of the Organization of American States to establish the International Support and Verification Commission as from 6 September 1989. He stated that the tasks entrusted to the Commission comprised components of interest to various United Nations programmes and agencies, but that the question of demobilization concerned the Security Council, in particular, since it was an operation of a military nature. In that regard, he noted that the Commission was asked to collect the weapons, materiel and military equipment of members of the Nicaraguan resistance and to keep them in its custody until the five Presidents decided where they should be sent. In his view, that task should be entrusted to military units equipped with defensive weapons. The launching of such an operation was, he said, clearly within the competence of the Security Council. He would revert to the Council to ask it to take steps to establish such a force once he was in a position to estimate its needs in terms of personnel and equipment.

³⁴⁰ S/20778, annex I.

³⁴¹ S/20791.

³⁴² S/20856.

In a letter dated 20 September 1989,³⁴³ the Council noted with approval the steps taken by the Secretary-General to form the Commission and welcomed with satisfaction his intention to ask the Council to adopt in due course the measures needed to establish its military component.

However, in a report on the United Nations Observer Group in Central America submitted to the Security Council on 15 March 1990,³⁴⁴ the Secretary-General informed the Council that, in consultations with the Government of Nicaragua and opposition held at Managua during March 1990, it had been agreed that responsibility for the military aspects of the implementation of the Joint Plan would be assumed by ONUCA, while the Commission would be responsible for implementing the civilian aspects of that process, i.e. the repatriation, or relocation elsewhere, of the members of the Nicaraguan resistance, and for their resettlement. In a further report on ONUCA submitted to the Security Council on 26 October 1990,³⁴⁵ the Secretary-General informed the Council that, after the cessation of involvement by ONUCA in the demobilization process on 26 June 1990, the Government of Nicaragua had assumed responsibility for the demobilization of any remaining members of the resistance, while the Commission continued to handle the civilian aspects of that process.

2. United Nations Iraq-Kuwait Boundary Demarcation Commission established pursuant to resolution 687 (1991)

Establishment and mandate

By resolution 687 (1991) of 3 April 1991, the Council, acting under Chapter VII of the Charter, established the terms and conditions for a formal ceasefire between Iraq and the Member States cooperating with Kuwait. Section A of the resolution addressed the question of the boundary between Iraq and Kuwait. The Council demanded that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in an agreement between them of 4 October 1963;³⁴⁶ called

³⁴³ S/20857.

³⁴⁴ S/21194.

³⁴⁵ S/21909.

³⁴⁶ Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters (United Nations, *Treaty Series*, vol. 485, No. 7063).

upon the Secretary-General to assist in making arrangements with Iraq and Kuwait to demarcate that boundary, drawing on appropriate material,³⁴⁷ and to report back to the Security Council within one month; and decided to guarantee the inviolability of the above-mentioned international boundary.

In a report dated 2 May 1991,³⁴⁸ submitted pursuant to resolution 687 (1991), the Secretary-General set out the arrangements he had made with Iraq and Kuwait to demarcate the boundary between them. Having consulted with both Governments, he proposed to establish an Iraq-Kuwait Boundary Demarcation Commission, to be composed of one representative each of Iraq and Kuwait and three independent experts appointed by the Secretary-General, one of whom would serve as the Chairman. The Commission's mandate would be to demarcate in geographic coordinates the international boundary set out in the Agreed Minutes of 4 October 1963. The Commission would also make arrangements for the physical representation of the boundary, through the erection of boundary pillars or monuments. The coordinates established by the Commission would constitute the final demarcation of the international boundary between Iraq and Kuwait in accordance with the Agreed Minutes. They would be lodged in the archives of both Governments and a certified copy would be submitted to the Secretary-General, which he would communicate to the Security Council and retain for safekeeping in the archives of the United Nations.

Both Governments expressed their readiness to cooperate with the Secretary-General and to participate in the proposed Boundary Demarcation Commission.³⁴⁹

Through an exchange of letters between the Secretary-General and the President of the Security Council,³⁵⁰ dated 6 May and 13 May 1991, the members of the Council took note of the Secretary-General's report and expressed support for his efforts in that regard.

³⁴⁷ Such material was to include the maps transmitted by Security Council document S/22412.

³⁴⁸ S/22558.

³⁴⁹ *Ibid.*, annexes I-III.

³⁵⁰ S/22592 and S/22593.

Implementation

In a letter dated 17 May 1991 addressed to the President of the Security Council,³⁵¹ the Secretary-General reported that the Boundary Commission had been established and that its first meeting would take place on 23 May 1991.

In a report dated 7 March 1992 on the status of Iraq's compliance with the obligations placed upon it by resolution 687 (1991) and subsequent relevant resolutions,³⁵² the Secretary-General reported that Iraq had fully participated in the work of the Boundary Commission. He added that the first stage of surveying and mapping had been concluded in November 1991 without any hindrance on the part of Iraq.

In a statement made on 17 June 1992 by the President of the Council on their behalf,³⁵³ the members of the Council took note of a letter of 17 April 1992 from the Chairman of the Boundary Commission to the Secretary-General,³⁵⁴ and expressed their complete support for the work of the Commission. They recalled in that connection that, through the demarcation process, the Commission was not reallocating territory between Kuwait and Iraq, but was simply carrying out the technical task necessary to demarcate the precise coordinates of the boundary for the first time. They looked forward to the completion of the Commission's work.

In the same presidential statement, the members of the Council noted with particular concern a letter of 21 May 1992 from the Minister for Foreign Affairs of Iraq to the Secretary-General concerning the work of the Commission,³⁵⁵ which appeared to call into question Iraq's adherence to resolution 687 (1991). They expressed concern that the letter might be interpreted as rejecting the finality of the Commission's decisions, notwithstanding the terms of resolution 687 (1991) and the Secretary-General's report of 2 May 1991, both of which had been formally accepted by Iraq. They stressed to Iraq the inviolability of the international boundary being demarcated by the Commission and guaranteed by the Council pursuant to resolution 687 (1991), and the grave consequences that would ensue from any breach thereof.

³⁵¹ S/22620.

³⁵² S/23687, para. 26.

³⁵³ S/24113.

³⁵⁴ Not issued as a document of the Council.

³⁵⁵ S/24044, annex.

By resolution 773 (1992) of 26 August 1992, the Council welcomed the Commission's land boundary demarcation decisions.³⁵⁶ The Council also welcomed the Commission's decision to consider the eastern section of the boundary, which included the offshore boundary, and urged the Commission to demarcate that part of the boundary as soon as possible and thus complete its work. In addition, the Council welcomed the Secretary-General's intention to carry out the realignment of the demilitarized zone referred to in resolution 687 (1991) to correspond to the international boundary demarcated by the Commission, with the consequent removal of the Iraqi police posts.

In a statement made on 23 November 1992 by the President of the Security Council,³⁵⁷ the Council noted that Iraq had not participated in the work of the Commission at its July 1992 and October 1992 sessions. The Council noted, moreover, that Iraq had thus far refused to withdraw a number of its police posts, as required.³⁵⁸

3. United Nations Special Commission established pursuant to resolution 687 (1991)

Establishment

By resolution 687 (1991) of 3 April 1991, the Council, acting under Chapter VII of the Charter, established the terms and conditions for a formal ceasefire between Iraq and the Member States cooperating with Kuwait. Section C of the resolution called for the elimination, under international supervision, of Iraq's chemical and biological weapons and ballistic missiles with a range greater than 150 kilometres, together with related items and production facilities. It also called for measures to ensure that the acquisition and production of the prohibited items were

³⁵⁶ The Commission's decisions were set out in a further report of the Commission transmitted to the President of the Security Council by a letter from the Secretary-General dated 12 August 1992 (referred to in resolution 773 (1991), but not issued as documents of the Council).

³⁵⁷ S/24836.

³⁵⁸ By letter dated 21 May 1993 to the President of the Security Council, the Secretary-General transmitted the final report of the Commission (S/25811 and Add.1). By resolution 833 (1993) of 27 May 1993, the Council welcomed the successful conclusion of the work of the Commission and reaffirmed that the decisions of the Commission regarding the demarcation of the boundary were final.

not resumed. The Secretary-General was asked to develop and submit to the Council for approval a plan for the establishment of a special commission which would implement the non-nuclear-related provisions of the resolution and assist IAEA in the nuclear areas. On 18 April 1991, after Iraq had formally accepted the provisions of resolution 687 (1991), the Secretary-General submitted to the Council a report containing a plan for setting up the United Nations Special Commission.³⁵⁹ By a letter dated 19 April 1991,³⁶⁰ the President of the Council informed the Secretary-General that Council members agreed with the proposals contained in his report.

Mandate

The mandate of the Special Commission, as set out in resolution 687 (1991), was (a) to carry out immediate on-site inspections of Iraq's biological, chemical and missile capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission itself; (b) to take possession from Iraq, for destruction, removal or rendering harmless, of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto, including items at the additional locations designated by the Special Commission itself; (c) to supervise the destruction by Iraq of all its ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities; and (d) to assist the Director General of IAEA, who, under the same resolution, was requested to undertake activities similar to those of the Commission but specifically in the nuclear field. The Council also requested the Secretary-General to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with its obligations not to use, develop, construct or acquire any of the items specified above.

Structure/composition

In his report of 18 April 1991 concerning the structure of the Special Commission,³⁶¹ the Secretary-General stressed the need for an efficient and effective executive body. He proposed that the Commission

³⁵⁹ S/22508.

³⁶⁰ S/22509.

³⁶¹ S/22508.

consist of an Executive Chairman, a Deputy Executive Chairman and five groups, each under a head of group and each consisting of a small number of experts. The major areas of responsibility would be biological and chemical weapons; ballistic missiles; nuclear-weapons capabilities; future compliance; and operations support. Thus the formal membership of the Commission would be about 20 to 25 persons. In carrying out its various tasks, the Special Commission would be assisted by a number of technical experts serving as inspectors, disposal teams and field support officers. These experts would be either specially engaged for this purpose or made available to the Commission by Member States. While their total number could be fully assessed only after the baseline field inspections had been completed by the Commission, the Secretary-General foresaw that the personnel involved would number in the several hundreds. In a further report dated 17 May 1991,³⁶² the Secretary-General stated that he had appointed 21 experts as members of the Commission, and that Mr. Rolf Ekéus (Sweden) was to serve as its Executive Chairman. He added that, following consultations with the Governments concerned, a field operations office was being set up in Bahrain and would become fully operational by the end of May 1991; a support office was being established in Baghdad. Regarding the general concept of operations, the Secretary-General stated that under the guidance of its Executive Chairman, the Commission would use a small staff at United Nations Headquarters in New York to prepare detailed plans for field operations in Iraq with regard to all items related to chemical and biological weapons and to ballistic missiles, and together with IAEA with regard to items related to nuclear weapons and nuclear-weapons-usable materials.

Implementation/expansion of mandate

In his report of 17 May 1991, the Secretary-General set out a plan for the implementation of the provisions of section C of resolution 687 (1991) relating to Iraq's weapons of mass destruction.³⁶³ The plan had been drawn up, as requested, in consultation with appropriate Governments and, where appropriate, with IAEA and the World Health Organization, and with the assistance of the Special Commission. The plan consisted of a three-stage implementation

procedure: (a) a gathering and assessment of information phase; (b) a disposal of weapons and facilities phase; and (c) long-term monitoring and verification of Iraq's compliance with its obligations not to reacquire banned capabilities. By resolution 699 (1991), of 17 June 1991, the Council, acting under Chapter VII of the Charter, approved the plan contained in the Secretary-General's report and requested him to submit progress reports on its implementation every six months after the adoption of the resolution. During the period under review, four such progress reports were submitted, commencing in October 1991. These are considered further below.

In the face of Iraq's failure to cooperate in the inspection of the locations identified by the Special Commission and to present for inspection items that might have been transported from those locations, and its failure to make full disclosure of all aspects of its proscribed weapons programmes, the Council adopted resolution 707 (1991) of 15 August 1991, by which, acting under Chapter VII of the Charter, it condemned Iraq's serious violations of a number of its obligations under section C of resolution 687 (1991) and of its undertakings to cooperate with the Special Commission and IAEA, which it found constituted a material breach of the relevant provisions of that resolution. The Council demanded that Iraq (a) provide full, final and complete disclosure of proscribed weapons and programmes; (b) allow the Special Commission, IAEA and their inspection teams unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation they wished to inspect; (c) cease immediately any attempt to conceal, move or destroy any relevant material or equipment without notification to and prior consent of the Commission; (d) make available immediately to the Commission, IAEA and their inspection teams any items to which access had previously been denied; (e) allow the Commission, IAEA and their inspection teams to conduct flights throughout Iraq for all relevant purposes, without any interference, and to make full use of their own aircraft; (f) halt nuclear activities of any kind; (g) ensure the complete enjoyment by the Commission and IAEA representatives of the privileges, immunities and facilities accorded to them, and guarantee their complete safety and freedom of movement; (h) immediately provide or facilitate the provision of transportation, medical or logistical support requested by the Commission, IAEA and their inspection teams;

³⁶² S/22614.

³⁶³ S/22614. For the plan developed by IAEA relating to the nuclear area, see S/22615, annex.

and (i) respond fully, completely and promptly to any questions or requests from the Commission, IAEA and their inspection teams. By a letter dated 25 September 1991,³⁶⁴ the President of the Council informed the representative of Iraq that the Council had noted the terms of his letter of 24 September 1991 concerning the implementation of resolution 687 (1991) and other relevant resolutions,³⁶⁵ and considered that those terms constituted acceptance by Iraq without reservation of resolution 707 (1991) and that the Government of Iraq was thus giving its unconditional consent to the use by the Special Commission of its own aircraft.

On 2 October 1991, the Secretary-General submitted to the Council a further report,³⁶⁶ pursuant to resolution 687 (1991), containing a plan for the ongoing monitoring and verification of Iraq's compliance with its unconditional obligation not to use, develop, construct or acquire any of the weapons and weapons-related items proscribed in that resolution. The plan envisaged that monitoring and verification would cover not only military but also civilian sites, facilities, material and other items that could be used or activities that could be involved in contravention of Iraq's obligations under resolution 687 (1991). It also incorporated monitoring and verification activities corresponding to Iraq's additional obligations under resolution 707 (1991).³⁶⁷ The Secretary-General stated that, bearing in mind that resolutions 687 (1991) and 707 (1991) had been adopted by the Security Council under Chapter VII of the Charter, it was assumed that the task of monitoring and verification would be entrusted to an executive body under the authority of the Council. That was particularly important should any situation arise of Iraq's non-compliance with its obligations. Moreover, as set out in resolution 687 (1991), such a body would have to make direct use of the expertise, the information gathered and assessed and the experience gained by the Special Commission. In the light of those considerations, the Secretary-General proposed that a compliance unit be organized under the Special Commission to carry out the monitoring and verification tasks provided for under the plan.

³⁶⁴ S/23070.

³⁶⁵ S/23064.

³⁶⁶ S/22871/Rev.1.

³⁶⁷ For the plan submitted by IAEA, see S/22872/Rev.1 and Corr.1.

By resolution 715 (1991) of 11 October 1991, the Council, acting under Chapter VII of the Charter, approved the plans submitted by the Secretary-General and the Director General of IAEA and demanded that Iraq meet unconditionally all its obligations under those plans and cooperate fully with the Commission and IAEA in carrying them out. The Council decided that the Special Commission, in the exercise of its responsibilities as a subsidiary organ of the Security Council, should (a) continue to have the responsibility for designating additional locations for inspections and overflights; (b) continue to render assistance and cooperation to the Director General of IAEA, by providing him by mutual agreement with the necessary special expertise and logistical, informational and other operational support for the carrying out of the plans submitted by him; and (c) perform such other functions, in cooperation in the nuclear field with the Director General of IAEA, as might be necessary to coordinate activities under the plans, including making use of commonly available services and information to the fullest extent possible. The Council requested the Secretary-General and the Director General of IAEA to submit reports on the implementation of the plans to the Council, when so requested and in any event at least every six months after the adoption of the resolution.

By a note dated 25 October 1991,³⁶⁸ the Secretary-General transmitted to the Security Council a report by the Executive Chairman of the Special Commission, which provided the first comprehensive account of the work undertaken to implement section C of resolution 687 (1991) and subsequent related resolutions. The report touched upon the establishment, composition, organization, mandate and financing of the Special Commission, as well its operational activities in the chemical, biological and ballistic missile fields and its responsibilities in the nuclear field. It also gave the Executive Chairman's assessment of the results achieved, the difficulties encountered and what remained to be done to secure full implementation of the requirements of the Council's resolutions.

By a letter dated 4 December 1991,³⁶⁹ the Executive Chairman of the Special Committee submitted to the Secretary-General a second report

³⁶⁸ S/23165.

³⁶⁹ S/23268.

covering the work of the Commission for the period from 15 October to 4 December 1991. He reported that in respect of sites and activities declared by Iraq and the issue of Iraq's participation in the destruction of chemical weapons, cooperation at the field level had been forthcoming. However, in respect of sites designated by the Special Commission, where the Commission and IAEA were acting on their own sources of information regarding possible clandestine conduct of proscribed activities, non-cooperation and obstruction continued to be encountered. There was thus no progress to report which would indicate a change of policy on the part of Iraq to one of candour, transparency and cooperation at all levels. He stated further that, if the Commission and IAEA were to be in a position to carry out their functions in connection with ongoing monitoring and verification, it was of great importance that Iraq expressly recognize its obligations under resolution 715 (1991) and the two plans approved thereunder. Such express recognition was still awaited.

By a note dated 18 February 1992,³⁷⁰ the Secretary-General transmitted to the Council a report by the Executive Chairman of the Commission, which was based on information received from a special mission dispatched to Baghdad on 27 January 1992. In the report, the Executive Chairman observed that Iraq recognized only its own understanding of obligations imposed on it by certain provisions of resolution 687 (1991), which fell far short of what was necessary for the implementation of the plans for ongoing monitoring and investigation approved by resolution 715 (1991). That was a matter of great importance to the Special Commission as it now had to commence ongoing monitoring and verification activities. However, such activities could only be carried out effectively if Iraq acknowledged and abided by its obligations under resolutions 707 (1991) and 715 (1991). In the prevailing circumstances, the Commission felt that it had no alternative but to report the matter immediately to the Council for its instructions.

On 19 February 1992, the President of the Council issued a statement on behalf of the members of the Council,³⁷¹ in which the members stated that Iraq's failure to acknowledge its obligations under resolutions

707 (1991) and 715 (1991), its rejection up until then of the two plans for ongoing monitoring and verification, and its failure to provide full, final and complete disclosure of its weapons capabilities constituted a continuing material breach of the relevant provisions of resolution 687 (1991). The members of the Council supported the decision of the Secretary-General to dispatch a special mission headed by the Executive Chairman of the Commission to visit Iraq immediately to meet with the highest levels of the Government of Iraq for the purpose of securing the unconditional agreement by Iraq to implement all its relevant obligations under resolutions 687 (1991), 707 (1991) and 715 (1991). The mission was to stress the "serious consequences" if that agreement was not forthcoming. The Secretary-General was requested to report on the results of the special mission upon its return.

By a note dated 26 February 1992,³⁷² the Secretary-General transmitted to the Council a report by the Executive Chairman of the Commission on the special mission's visit to Baghdad from 21 to 24 February. The Executive Chairman concluded that, at that stage, he was not able to report to the Council that he had secured Iraq's unconditional agreement to implement all its relevant obligations under resolutions 687 (1991), 707 (1991) and 715 (1991). With regard to resolution 707 (1991), Iraq had given no undertaking to provide full, final and complete disclosure, as required, of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles, and of all holdings of such weapons. Instead, it had expressed the opinion that it had provided all the "necessary information" required of it. With respect to resolution 715 (1991), Iraq had accepted only the "principle" of ongoing monitoring and verification, and that was subject to considerations of "sovereignty, territorial integrity, national security and non-infringement on Iraq's industrial capabilities". On 28 February 1992, the President of the Council made a statement on behalf of the members of the Council,³⁷³ by which the members approved in full the conclusions of the special mission and in particular its finding that Iraq was not prepared to give its unconditional agreement to implement all of its obligations under resolutions 687 (1991), 707 (1991) and 715 (1991). They reaffirmed that it was for the Special Commission alone to

³⁷⁰ S/23606.

³⁷¹ S/23609.

³⁷² S/23643.

³⁷³ S/23663.

determine which items should be destroyed under resolution 687 (1991), and stated that Iraq's refusal to implement the determinations of the Special Commission constituted a further material breach of the relevant provisions of resolution 687 (1991).

On 10 April 1992, the President of the Council made a statement on behalf of the members of the Council,³⁷⁴ concerning developments that appeared to call for a halt in and constituted a threat to the safety and security of the Special Commission's aerial surveillance flights over Iraq. The members of the Council reaffirmed the Commission's right to conduct such flights, called upon Iraq to take all the necessary measures to ensure the safety and security of the flights and its personnel, and warned Iraq of serious consequences which would ensue from any failure to comply with these obligations.

By a note dated 16 June 1992,³⁷⁵ the Secretary-General transmitted to the Council the third report submitted by the Executive Chairman of the Special Commission, on the activities of the Commission for the period from 4 December 1991 to 10 June 1992. The report concluded that the conduct of Iraq confirmed the invariable experience of the Special Commission that only a resolute and determined attitude by the Commission, backed up by the Security Council, was likely to achieve the necessary cooperation from Iraq in the many areas covered by section C of resolution 687 (1991), and by resolutions 707 (1991) and 715 (1991), where such cooperation had yet to be forthcoming. The Special Commission's repeated calls for a change in the attitude of Iraq to one of candour, transparency and cooperation at all levels remained largely unanswered. On 6 July 1992, the President issued a statement on behalf of the members of the Council, concerning the refusal by Iraq to permit a team of Commission inspectors to enter certain premises designated by the Special Commission for inspection.³⁷⁶ The members of the Council stated that this refusal constituted a material and unacceptable breach of a provision of resolution 687 (1991) and demanded that Iraq immediately agree to the admission of the inspectors to the premises concerned so that the Commission might establish whether or not any documents, records, materials, or equipment relevant to its responsibilities were located therein.

In a report dated 19 October 1992,³⁷⁷ submitted to the Council pursuant to resolution 715 (1991), the Secretary-General concluded that the conditions for the initiation in full of the Commission's plan for ongoing monitoring and verification had not yet been met. There had been no movement in Iraq's underlying position on the plan and resolution 715 (1991) to suggest a change in the Commission's assessment that Iraq was seeking to ensure that implementation of the plan proceeded on the basis of its interpretation of its obligations, rather than on the basis of Security Council resolutions. Thus, for the time being, the Commission remained constrained from going beyond preparatory work into full-scale monitoring and verification.

By a note dated 17 December 1992,³⁷⁸ the Secretary-General transmitted to the Council the fourth report submitted by the Executive Chairman of the Special Commission, on the activities of the Commission for the period from 10 June to 14 December 1992. The Executive Chairman concluded that, despite progress in many areas, no major breakthrough had been achieved which would make it possible to change the conclusion of the previous report to the Council.

4. United Nations Coordinator for the return of property from Iraq to Kuwait pursuant to resolutions 686 (1991) and 687 (1991)

Establishment

By resolution 686 (1991) of 2 March 1991, the Council, acting under Chapter VII of the Charter, demanded that Iraq immediately begin to return all Kuwaiti property, the return to be completed in the shortest possible period.

By a letter dated 19 March 1991,³⁷⁹ the President of the Council informed the Secretary-General that the members of the Council were of the view that the modalities for the return of property from Iraq should be arranged through the Secretary-General's office, in consultation with the parties. He added that this procedure had the agreement of Iraq and Kuwait.

In response, the Secretary-General informed the Security Council, in a letter to the President dated

³⁷⁴ S/23803.

³⁷⁵ S/24108.

³⁷⁶ S/24240.

³⁷⁷ S/24661.

³⁷⁸ S/24984.

³⁷⁹ S/22361.

26 March 1991,³⁸⁰ that he had designated Assistant Secretary-General Richard Foran as the official responsible for coordinating the return of property from Iraq to Kuwait.

By paragraph 15 of resolution 687 (1991) of 3 April 1991, the Council requested the Secretary-General to report on the steps taken to facilitate the return of all Kuwaiti property seized by Iraq, including a list of any property that Kuwait claimed had not been returned or had not been returned intact.

Mandate

Under the procedures established by the Secretary-General pursuant to the Council's request, the role of the Coordinator was to receive, register and submit to Iraq claims presented by Kuwait and to facilitate the return of property declared by Iraq to be in its possession.³⁸¹ The Coordinator, who would be assisted by a small group of United Nations staff, including a representative in the field, would also act as registrar and certifier during the hand-over operations, but would not take custody of any property.

Implementation

In a report dated 7 March 1992 on Iraq's compliance with the obligations placed upon it by resolution 687 (1991) and subsequent relevant resolutions,³⁸² the Secretary-General noted, in connection with the return of Kuwaiti property by Iraq, that since the appointment of the Coordinator, a number of discussions and meetings had taken place with the responsible Iraqi and Kuwaiti officials. The return of property had commenced and, to date, properties of the Central Bank of Kuwait, the Central Library of Kuwait, the National Museum of Kuwait, the Kuwait News Agency, the Kuwait Airways Corporation and the Kuwait Air Force had been returned. A number of additional items were ready for return and the process was continuing. In addition, Kuwait had submitted lists of properties from other ministries, corporations and individuals that were being pursued. Both the Iraqi and the Kuwaiti officials

involved with the return of property had closely cooperated with the Coordinator.

In a statement made by the President of the Council on 11 March 1992,³⁸³ the Council made a number of observations on Iraq's compliance with its obligations under resolution 687 (1991) and other relevant resolutions. In connection with the return of Kuwaiti property, the members of the Council noted with satisfaction the cooperation extended to the Coordinator by Iraqi officials to facilitate the return.

However, in a statement made by the President of the Council on 23 November 1992,³⁸⁴ it was noted that much property, including military equipment and private property, remained to be returned.

5. United Nations Compensation Commission established pursuant to resolutions 687 (1991) and 692 (1991)

Establishment/mandate

By resolution 687 (1991), of 3 April 1991, the Council, acting under Chapter VII of the Charter, established the terms and conditions for a formal ceasefire between Iraq and Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990). Section E of the resolution addressed the issue of compensation. The Council reaffirmed that Iraq was liable under international law for "any direct loss, damage — including environmental damage and the depletion of natural resources — or injury to foreign Governments, nationals and corporations" as a result of its unlawful invasion and occupation of Kuwait. The Council decided to create a fund to pay compensation for such claims and to establish a commission that would administer the fund; and asked the Secretary-General to develop and present to the Security Council recommendations for the implementation of those decisions.

On 6 April 1991, three days after the adoption of resolution 687 (1991), the Minister for Foreign Affairs of Iraq, in identical letters to the Secretary-General and the President of the Security Council,³⁸⁵ accepted the terms of the resolution, thereby accepting legal responsibility for damage directly caused to

³⁸⁰ S/22387.

³⁸¹ See report of the Secretary-General on the return of Kuwaiti property seized by Iraq (S/1994/243, paras. 1-10).

³⁸² S/23687, para. 25.

³⁸³ S/23699, para. 27.

³⁸⁴ S/24836, para. 24.

³⁸⁵ S/22456, annex.

Governments, nationals and corporations by its invasion and occupation of Kuwait.

In a report dated 2 May 1991,³⁸⁶ the Secretary-General presented to the Council his recommendations regarding the institutional framework that would be required for the implementation of the compensation provisions in resolution 687 (1991). He recommended that the proposed Compensation Commission take the form of a claims resolution facility that would verify and value the claims and administer the payment of compensation. He emphasized the political rather than the legal nature of the task:

The Commission will not be a court or an arbitral tribunal before which the parties appear; it will be a political organ that performs an essentially fact-finding function of examining claims, verifying their validity, evaluating losses, assessing payments and resolving disputed claims. It is only in this last respect that a quasi-judicial function may be involved.³⁸⁷

He added that it was, accordingly, all the more important that “some element of due process” be built into the procedure. The Secretary-General recommended that the Commission function as a subsidiary organ of the Security Council, and that it comprise a 15-member Governing Council composed of the current members of the Security Council at any given time; panels of Commissioners; and a secretariat.

By resolution 692 (1991) of 20 May 1991, the Council, acting under Chapter VII of the Charter, decided to establish the United Nations Compensation Fund and the United Nations Compensation Commission, in accordance with section I of the Secretary-General’s report, and to locate the Governing Council of the Commission at the United Nations Office at Geneva. The Council requested the Secretary-General to take the necessary action to implement its decision, in consultation with the members of the Governing Council of the Commission; directed the Governing Council to proceed to implement the relevant provisions of resolution 687 (1991), taking into account the recommendations in the Secretary-General’s report; and requested the Governing Council to submit periodic reports to the Secretary-General and the Security Council.

³⁸⁶ S/22559.

³⁸⁷ *Ibid.*, para. 20.

Implementation

In a letter dated 30 May 1991 addressed to the President of the Security Council,³⁸⁸ the Secretary-General recommended that compensation to be paid by Iraq, through the Fund, should not exceed 30 per cent of the value of its exports of petroleum and petroleum products. By resolution 705 (1991), of 15 August, the Security Council decided to accept the Secretary-General’s recommendations. By resolution 706 (1991), adopted on the same day, the Council authorized the import by Member States of oil products originating from Iraq for a six-month period, up to a value of \$1.6 billion, in order to finance the United Nations operations mandated by resolution 687 (1991), including the Compensation Fund. As the resolution was not implemented, however, the measures contained therein did not take effect. By resolution 778 (1992), of 2 October 1992, the Council decided that the Compensation Fund would receive a percentage of the funds representing frozen Iraqi assets.

6. Ad Hoc Commission of the Security Council established pursuant to resolution 794 (1992) concerning Somalia

In a letter dated 29 November 1992 addressed to the President of the Security Council,³⁸⁹ the Secretary-General set out options for the Council’s consideration aimed at creating conditions for the uninterrupted delivery of relief supplies to the starving people of Somalia. He advised that, if the members of the Council were to favour the option of a countrywide enforcement operation undertaken by a group of Member States authorized to do so by the Security Council, the Council should seek to agree with those Member States on ways of recognizing the fact that the operation had been authorized by the Security Council and that the Security Council therefore had a legitimate interest in the manner in which it was carried out. In that context, he suggested that one possibility would be for the Council to appoint an ad hoc commission of some of its members, which would visit the operation in the field from time to time.

By resolution 794 (1992) of 3 December 1992, the Council, acting under Chapter VII of the Charter, authorized an enforcement operation along the lines of the above, and decided to appoint an ad hoc

³⁸⁸ S/22661.

³⁸⁹ S/24868.

commission composed of members of the Security Council to report to the Council on the implementation of the resolution.

No activity on the part of the Ad Hoc Commission was recorded during the period under review.

Part II

Subsidiary organs of the Security Council whose mandate was completed or terminated during the period 1989-1992

<i>Peacekeeping operation</i>	<i>Established by resolution</i>	<i>Termination^a</i>
United Nations Transition Assistance Group (UNTAG)	435 (1978), 629 (1989) and 632 (1989)	March 1990
United Nations Iran-Iraq Military Observer Group (UNIIMOG)	619 (1988)	February 1991
United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP)	622 (1988)	March 1990
United Nations Angola Verification Mission I (UNAVEM I)	626 (1988)	May 1991
United Nations Observer Group in Central America (ONUCA)	644 (1989)	January 1992
United Nations Advance Mission in Cambodia (UNAMIC)	717 (1991)	March 1992 (absorbed into United Nations Transitional Authority in Cambodia (UNTAC))

^a For details of termination, see the relevant sections of part I.

Part III

Subsidiary organs of the Security Council proposed but not established

Note

During the period under review, there were four instances in which a subsidiary organ was formally proposed but not created. The suggestions were submitted in the form of draft resolutions. Three of the proposals were in relation to the situation in the occupied Arab territories; the fourth was in relation to the situation between Iraq and Kuwait. These are described below.¹

¹ Those few instances in which members of the Council during Council proceedings, or Member States in

Case 1

Proposal submitted at the 2887th meeting of the Council, on 6 November 1989, with respect to the situation in the occupied Arab territories

At the 2887th meeting of the Security Council, on 6 November 1989, during consideration of the situation in the occupied Arab territories, the President of the Council drew the attention of the members to a revised

communications to the President of the Council, proposed the creation of subsidiary organs without submitting their suggestions in the form of draft resolutions are not considered.

draft resolution submitted by Algeria, Colombia, Ethiopia, Malaysia, Nepal, Senegal and Yugoslavia,² by which the Council would have requested the Secretary-General to conduct on-site monitoring of the current situation in the Palestinian territory occupied since 1967, including Jerusalem, by all means available to him, and to submit periodic reports thereon, the first such report as soon as possible.

The revised draft resolution was put to the vote at the 2889th meeting on 7 November 1989, and received 14 votes in favour and 1 against; it was not adopted owing to the negative vote of a permanent member of the Council.

Case 2

Proposals submitted at the 2926th meeting of the Council, on 31 May 1990, and in a communication of 9 October 1990, with respect to the situation in the occupied Arab territories

At the 2926th meeting of the Security Council, on 31 May 1990, during consideration of the situation in the occupied Arab territories, the President of the Council drew the attention of the members to a draft resolution submitted by Colombia, Côte d'Ivoire, Cuba, Ethiopia, Malaysia, Yemen and Zaire,³ by which the Council would have established a Commission consisting of three members of the Council, to be dispatched immediately to examine the situation relating to the policies and practices of Israel, the occupying Power, in the Palestinian territory, including Jerusalem, occupied by Israel since 1967; requested the Commission to submit its report to the Council by 20 June 1990, containing recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation; requested the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission; and decided to keep the situation in the occupied territories under constant and close scrutiny and to reconvene to review the situation in the light of the findings of the Commission. The draft resolution was put to the vote at the same meeting and received 14 votes in favour and 1 against; it was not adopted owing to the negative vote of a permanent member of the Council.

² S/20945/Rev.1.

³ S/21326.

On 9 October 1990, the same Member States circulated a draft resolution⁴ by which the Security Council would have decided to establish a Commission consisting of three members of the Council, to be dispatched immediately to examine the current situation in Jerusalem. The remaining provisions of the operative part of the text were identical to those of the above-mentioned draft resolution of 31 May, with the exception of the expected submission date of the Commission's report and minor editorial changes. The draft resolution was not put to the vote.

Case 3

Proposal submitted on 15 November 1990 with respect to the situation in the occupied Arab territories

On 15 November 1990, Colombia, Cuba, Malaysia and Yemen circulated a draft resolution,⁵ by which, as subsequently revised, the Security Council would have requested the Secretary-General to monitor and observe the situation in the occupied Palestinian territories on an urgent basis, using the United Nations personnel stationed there and appointing the necessary staff to accomplish this task, and to keep the Security Council continuously apprised; and requested further the Secretary-General to report on the fulfilment of the above provisions, within one month, and decided to reconvene as necessary to consider the situation. The draft resolution was not put to the vote.

Case 4

Proposals submitted at the 2977th meeting of the Council, on 15 February 1991, with respect to the situation between Iraq and Kuwait

At the 2977th (Part II) (closed) meeting on 15 February 1991, during consideration of the situation between Iraq and Kuwait, Cuba introduced two draft resolutions proposing the establishment of subsidiary organs.

By the first draft resolution,⁶ the Council, "mindful of the provisions of Article 29 of the Charter of the United Nations" and "acting in accordance with Rule 28 of the provisional rules of procedure of the Security Council", would have decided "to establish an

⁴ S/21851.

⁵ S/21933/Rev.3.

⁶ S/22231.

Ad Hoc Committee, composed of all members of the Security Council, to examine the situation currently prevailing in the Gulf region and consider possible formulas for halting armed actions and achieving a peaceful settlement of the conflict” on the basis of the resolutions of the Security Council cited in the first preambular paragraph; decided also that the Ad Hoc Committee should begin its work immediately after the adoption of the resolution; and decided further that the Ad Hoc Committee should report back to the Security Council on its findings and on any specific proposals which might have been made not later than 28 February 1991.

By the second draft resolution, as subsequently revised,⁷ the Council would have noted the suspension

of offensive combat operations in the Gulf region; requested the Secretary-General “to dispatch immediately a United Nations military observer mission to supervise the suspension of combat operations in the Gulf region and contribute to the speedy and effective conclusion of a definitive ceasefire”; and also requested the Secretary-General to submit to the Council “a plan for the urgent establishment of a peacekeeping force, in consultation with the countries in which the peacekeeping force will be stationed, for the purpose of re-establishing international peace and security in the Gulf region”.

The two draft resolutions were not put to the vote.

⁷ S/22232/Rev.3. The original draft resolution (S/22232) and the first revised text (S/22232/Rev.1) contained no relevant provisions. By the second revised text (S/22232/Rev.2), the Council would have decided to declare a ceasefire immediately; requested the Secretary-General to dispatch immediately a United Nations military observer mission to supervise the ceasefire; and requested also the Secretary-General to submit to the Council a plan for the urgent establishment of a United Nations peacekeeping force for the purpose of re-establishing international peace and security in the Gulf region.