

## **Chapter V**

### **SUBSIDIARY ORGANS ESTABLISHED BY OR IN PURSUANCE OF SECURITY COUNCIL RESOLUTIONS**

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## INTRODUCTORY NOTE

The material included in this chapter covers procedures of the Security Council in establishing or authorizing the establishment of subsidiary organs deemed necessary for the performance of its functions related to the maintenance of international peace and security.

Part I, "Occasions on which subsidiary organs of the Security Council have been established or proposed", includes two instances (Cases 4 and 5) in which the Council authorized the Secretary-General to set up a subsidiary organ; it also includes five instances (Cases 1, 2, 3, 7 and 9) in which the Council itself decided that a subsidiary organ be established.

In one case (Case 8) the Council decided to change the composition of a subsidiary organ already established and to redefine its mandate.

During the period covered by this *Supplement* there has been one instance (Case 6) in which a subsidiary organ was proposed but not established.

With regard to the case in which a subsidiary organ

has been set up by the Secretary-General pursuant to a Security Council resolution (Case 5), no implication is intended whether this body does or does not come within Article 29.

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

### ARTICLE 29 OF THE CHARTER

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

### RULE 28 OF THE PROVISIONAL RULES OF PROCEDURE

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

## Part I

### OCCASIONS ON WHICH SUBSIDIARY ORGANS OF THE SECURITY COUNCIL HAVE BEEN ESTABLISHED OR PROPOSED

#### NOTE

During the period under review, the Security Council: (i) established, in accordance with rule 28 of its provisional rules or procedure, an *ad hoc* sub-committee to study, in consultation with the Secretary-General, ways and means by which the resolutions of the Council concerning Namibia could be effectively implemented;<sup>1</sup> (ii) decided to send a special mission to the Republic of Guinea to report on the situation created by armed attacks alleged to have been committed by Portuguese forces against the territory of Guinea;<sup>2</sup> (iii) requested, in connexion with a complaint by Senegal that Portuguese regular armed forces based in Guinea-Bissau had violated its territorial integrity, the President of the Security Council and the Secretary-General to send to the spot a special mission to carry out an inquiry and to examine the situation along the border between Guinea-Bissau and Senegal;<sup>3</sup> (iv) decided, in connexion with a complaint by Guinea that Portugal was preparing military aggression against it, to send a special mission to Guinea to consult with the Guinean authorities and to report on the situation;<sup>4</sup> (v) requested the Secretary-General in consultation with the Security Council, and using such instrumentality as he might choose, including a representative or a mission, to report to the Council, as appropriate on

the implementation of resolution 298 (1971) concerning the measures and actions by Israel designed to change the status of Jerusalem;<sup>5</sup> (vi) authorized the Secretary-General to appoint, if necessary, a special representative to lend his good offices for the solution of humanitarian problems resulting from the situation in the India/Pakistan subcontinent.<sup>6</sup>

Of the subsidiary organs established in connexion with the Security Council's discharge of its responsibilities for the maintenance of international peace and security, the United Nations Military Observers Group in India and Pakistan (UNMOGIP) and the United Nations Truce Supervision Organization (UNTSO) continued in existence during the period under review, while the mandate of the United Nations Force in Cyprus (UNFICYP) was extended several times throughout the period.<sup>7</sup>

With regard to the mediation functions in Cyprus as provided for in paragraph 7 of Security Council resolution 186 (1964) of 4 March 1964, the Secretary-General had reported<sup>8</sup> to the Council that his efforts towards achieving a resumption of the mediation activities had been unavailing owing primarily to the widely

<sup>1</sup> Case 7, resolution 276 (1970).

<sup>2</sup> Case 1, resolution 289 (1970).

<sup>3</sup> Case 2, resolution 294 (1971).

<sup>4</sup> Case 3, resolution 295 (1971).

<sup>5</sup> Case 4, resolution 298 (1971).

<sup>6</sup> Case 5, resolution 307 (1971).

<sup>7</sup> The mandate of the force was extended by the following resolutions of the Security Council: resolution 266 (1969); resolution 274 (1969); resolution 281 (1970); resolution 291 (1970); resolution 293 (1971); resolution 305 (1971).

<sup>8</sup> S/7191, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, p. 229.

differing and firmly held views on the matter by the three Governments most directly concerned.<sup>9</sup> In subsequent reports within the period considered, the Secretary-General informed the Council that the situation regarding a resumption of the mediation functions remained unchanged.<sup>10</sup>

With regard to the Special Representative in the Middle East appointed pursuant to Security Council resolution 258 (1968), the Secretary-General, in a report<sup>11</sup> dated 30 November 1971, gave a comprehensive account of the activities of the Special Representative. The Secretary-General indicated that the talks under the auspices of the Special Representative had lapsed and that the Special Representative had found no possibility for actively resuming his mission.

With regard to subsidiary organs of the Security Council already established, the Council modified the composition of the Committee established in pursuance of Security Council resolution 253 (1968) and redefined its terms of reference.<sup>12</sup> The Council also reactivated the Committee on Admission of New Members by referring to it in accordance with rule 59 of the provisional rules of procedure of the Security Council, the applications for membership in the United Nations of Bhutan,<sup>13</sup> Bahrain,<sup>14</sup> Qatar,<sup>15</sup> Oman<sup>16</sup> and the United Arab Emirates.<sup>17</sup> During the same period the Security Council also established a Committee of Experts to study the question which was considered by the Council at its 1505th and 1506th meetings. This question concerned the proposal of the United States for the "creation of a category of associate membership".<sup>18</sup>

It should be noted that during the period under review the representatives of the four permanent members of the Council—France, the USSR, the United Kingdom and the United States—held a series of consultative meetings on the question of promoting a peaceful political settlement in the Middle East on the basis of the implementation of Security Council resolution 242 of 22 November 1967 in all its parts. The other members of the Council were regularly informed about these consultations by the presiding member of these consultative meetings. Throughout this period the members of the Council on numerous occasions declared their support for these consultations, emphasized the special responsibility of the four permanent members for the implementation of resolution 242 (1967) and frequently asked that the Council conduct its own meetings in a manner supportive of the efforts of the four permanent members.<sup>19</sup>

<sup>9</sup> See also *Repertoire of the Practice of the Security Council, Suppl. 1966-1968*, chapter V, p. 76, foot-note 6.

<sup>10</sup> See reports of the Secretary-General mentioned in foot-note 7.

<sup>11</sup> S/10403, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 54.

<sup>12</sup> See Case 8.

<sup>13</sup> 1565th and 1566th meetings.

<sup>14</sup> 1574th and 1575th meetings.

<sup>15</sup> 1577th and 1578th meetings.

<sup>16</sup> 1574th and 1587th meetings.

<sup>17</sup> 1608th and 1609th meetings.

<sup>18</sup> See Case 9.

<sup>19</sup> For relevant statements, see: 1468th meeting: Finland, para. 22; United Kingdom, para. 29; France, para. 39; Pakistan, para. 48; 1469th meeting: Spain, para. 62; Senegal, para. 68; Colombia, para. 82; Hungary (President), para. 135; 1470th meeting: Jordan, paras. 27-29; Paraguay, paras. 42-44; Saudi Arabia, paras. 98-103; 1472nd meeting: Pakistan, paras. 11, 19; Jordan, paras. 62-64; 1473rd meeting: France, para. 17; 1484th meeting: Morocco, paras. 48-49; Finland, para. 100; Lebanon, para. 137; Paraguay, para. 198; 1485th meeting: Pakistan, paras. 175, 184; 1500th meeting: United States, para. 6; 1501st

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

### 1. Subsidiary organs established

#### CASE 1

#### *Special Mission to the Republic of Guinea*

#### *Establishment and terms of reference*

At the 1558th meeting on 22 November 1970, the Security Council, in connexion with the complaint by Guinea of the same date<sup>20</sup> that the territory of Guinea had been the object of an armed attack by Portuguese forces which had landed at several points in the capital, unanimously adopted a resolution<sup>21</sup> originally sponsored by Burundi, Nepal, Sierra Leone, Syria and Zambia by which it decided:

"3. . . to send a special mission to the Republic of Guinea to report on the situation immediately.

"4. . . that the special mission be formed after consultation between the President of the Security Council and the Secretary-General."

Before the Council adopted the draft resolution a discussion developed about paragraph 4 concerning the composition of the proposed special mission and the method of selecting its members.

The representative of the United States indicated that since the sponsors preferred a mission composed of representatives of Governments, his delegation would accept that procedure, although it initially wanted to suggest that the Council ask the Secretary-General to send a representative to that area. His delegation held, however, that the composition of the proposed mission should be determined through consultation among all members of the Council and not merely among the President of the Council and the Secretary-General. Accordingly, he appealed to the sponsors of the draft resolution to change paragraph 4 to read:

"[The Security Council] *Decides* that this special mission be formed after consultation."

The representative of Burundi said that his delegation, as a sponsor of the draft resolution, held that the consultations between the President of the Council and the Secretary-General required also consultations with all members of the Council. He hoped that those who were reluctant to support paragraph 4 would realize that this provision did not exclude consultations with the Council members, and would therefore support it.

The representative of the USSR emphasized that the proposal of the five African-Asian delegations was fully

meeting: Lebanon, para. 36; 1511th meeting: Tunisia, paras. 46-47; United States, para. 74; 1540th meeting: Zambia, paras. 5-6; Nepal, paras. 55-56; USSR, paras. 106, 108, 111, 120; 1541st meeting: Colombia, paras. 11-14; Spain, paras. 26, 31. For documents pertaining to the meetings of the four permanent members, see S/9196, Letter of the USSR to the Secretary-General, *OR*, 24th yr., *Suppl. for April-June 1969*, p. 144; S/9599, Letter of Lebanon to the President of the Council, *OR*, 25th yr., *Suppl. for Jan.-March 1970*, p. 104; S/9485, Note by the Secretary-General transmitting the text of a statement by the Foreign Ministers of the four permanent members, *OR*, 24th yr., *Suppl. for Oct.-Dec. 1969*, p. 95; S/10070, Report of the Secretary-General on the activities of the Special Representative to the Middle East, *OR*, 26th yr., *Suppl. for Jan.-March 1971*, pp. 18-23, para. 32.

<sup>20</sup> S/9987, *OR*, 25th yr., *Suppl. for Oct.-Dec. 1970*, p. 51.

See also chapter VIII, part II, p. 146 and chapter X, Case 1.

<sup>21</sup> Resolution 289 (1970).

compatible with the Charter, that in the critical situation speedy action was mandatory and that the members of the Council should place their confidence in the President of the Council and the Secretary-General and enable them to discharge their responsibilities without delay.

The representative of the United States maintained that the designation of such a mission was very important and he therefore submitted his proposal as an amendment to paragraph 4 of the draft resolution. The amendment received 3 votes in favour, none against, with 12 abstentions and was not adopted.

Following the unanimous adoption of the draft resolution as a whole, several representatives expressed their appreciation of the statement by the representative of Burundi concerning the implementation of paragraph 4, which enabled them to support the resolution.<sup>22</sup>

#### Composition

In a report<sup>23</sup> submitted jointly to the Security Council on 24 November the President of the Council and the Secretary-General stated that, in accordance with Security Council resolution 289 (1970), and following consultations between themselves and between the President and the members of the Council, it had been decided that the Special Mission to the Republic of Guinea would be composed of Nepal (Chairman), Colombia, Finland, Poland and Zambia. The report further stated that the Mission would be accompanied by a staff member from the Secretariat and that it would leave for Guinea that same night.

#### Termination

The report of the Special Mission<sup>24</sup> submitted on 3 December 1970 was included in the agenda of the Security Council and was considered together with the complaint by Guinea at five further meetings (1559th to 1563rd, 4-8 December 1970). At its 1563rd meeting on 8 December, the Security Council adopted by 11 votes to none with 4 abstentions resolution 290 (1970) by which *inter alia* the Security Council endorsed the conclusions of the Special Mission's report.<sup>25</sup>

### CASE 2

#### *Special Mission of the Security Council established in accordance with resolution 294 (1971) of 15 July 1971*

##### *Establishment and terms of reference*

At the 1572nd meeting, on 15 July 1971, in connexion with the complaint by Senegal of 6 July 1970<sup>26</sup> concerning alleged violations of Senegal's territorial integrity by Portuguese regular armed forces based in Guinea-Bissau, the representatives of Burundi, Japan, Sierra Leone, Somalia and Syria submitted a draft resolution (S/10266) under which the Security Council would, *inter alia*,

"4. Request the President of the Security Council

<sup>22</sup> For the votes on the amendment and on the draft resolution, see: 1558th meeting, paras. 100-101. For relevant statements, see: *ibid.*, United States, paras. 84-86, 91-92, 102; Burundi, paras. 87-88; USSR, paras. 90, 93, 96; United Kingdom, para. 104; Finland, para. 110.

<sup>23</sup> S/9999, OR, 25th yr., Suppl. for Oct.-Dec. 1970, p. 53.

<sup>24</sup> S/10009, OR, 25th yr., Suppl. for Oct.-Dec. 1970, p. 73.

<sup>25</sup> 1563rd meeting, para. 155.

<sup>26</sup> S/10251, OR, 26th yr., Suppl. for July-Sept. 1971, p. 28. See also chapter VIII, part II, p. 142 and chapter X, Case 2.

and the Secretary-General to send to the spot, as a matter of urgency, a special mission of members of the Council assisted by their military experts to carry out an inquiry into the facts of which the Council has been informed, to examine the situation along the border between Guinea (Bissau) and Senegal and to report to the Council, making any recommendations aimed at guaranteeing peace and security in this region."

This paragraph, which was voted upon separately at the request of the representative of the United States, was adopted unanimously. The draft resolution as a whole was then adopted by 13 votes to none with 2 abstentions as resolution 294 (1971).<sup>27</sup>

#### Composition

The President of the Security Council and the Secretary-General announced on 21 July that the Special Mission of the Security Council would be composed of representatives of Nicaragua (Chairman), Belgium, Burundi, Japan, Poland and the Syrian Arab Republic, who would be assisted by their military experts.<sup>28</sup>

In response to a request by the Chairman of the Special Mission to the Governments of Portugal and Senegal to extend to the Mission all needed facilities, the Government of Portugal, in a letter dated 24 July,<sup>29</sup> stated that inasmuch as Portugal had been unjustifiably condemned by the Security Council without any evidence having been advanced in support of Senegal's charges, it could not collaborate with the Mission, as to do so would presuppose an acceptance of a condemnation that it had repudiated.

On 16 September, the Special Mission submitted its report<sup>30</sup> to the Security Council. At its 1586th and 1599th to 1601st meetings held between 29 September and 24 November, the Council considered the report of the Special Mission.

At the 1586th meeting on 29 September, the representative of Nicaragua, as Chairman of the Special Mission, introduced the report and said that the Special Mission could be regarded as one of the most important of those appointed by the Council, because it was the first to which the Council had given authority to make recommendations necessary to guarantee peace and security in the region. He thanked the Senegalese authorities for their co-operation and expressed regret that the Mission had not been invited by the Government of Portugal to visit Guinea (Bissau).

The representative of the USSR noted with satisfaction that the Council had reinstated the practice of sending highly authoritative missions composed of members of the Council to carry out investigations on the spot and that this marked a return to the working methods envisaged for the Council in the Charter and in the Council's rules of procedure. He hoped that the Council would continue the practice, as it would expand the role of the Council in strengthening international security and help to solve problems of peace-keeping.

The representative of France agreed that the practice was an extremely useful one that could benefit the United Nations and enhance the prestige of the Secu-

<sup>27</sup> 1572nd meeting, paras. 84-85. S/10266 adopted as resolution 294 (1971).

<sup>28</sup> S/10274, OR, 26th yr., Suppl. for July-Sept. 1971, p. 40.

<sup>29</sup> S/10284, *Ibid.*, p. 42.

<sup>30</sup> S/10308 and Corr.1, *Ibid.*, Special Supplement No. 3.

ity Council, though the membership and balance of individual missions might have to differ, according to circumstances, as each case was unique.<sup>31</sup>

### Termination

At its 1601st meeting on 24 November, the Council adopted by 14 votes to none with one abstention, an amended text originally sponsored by Burundi, Sierra Leone and Somalia<sup>32</sup> with the inclusion of an additional paragraph proposed by Argentina, as resolution 302 (1971). In this resolution the Security Council, *inter alia*, took note with satisfaction of the recommendation of the Special Mission and requested the President of the Security Council and the Secretary-General to keep the question under review and report on the implementation of the present resolution of the Security Council within an appropriate period of time and the latest within six months.

### CASE 3

#### *Special Mission to the Republic of Guinea*

##### *Establishment and terms of reference*

At the 1573rd meeting on 3 August 1971, in connexion with the complaint by Guinea concerning alleged preparations by Portugal for imminent military aggression against Guinea,<sup>33</sup> a draft resolution was submitted by Burundi, Sierra Leone, Somalia and Syria, by which the Council would decide to send a special representative to Guinea to consult with the authorities and to report on the situation immediately. Following a brief recess, the representative of Somalia read out some modifications of the draft resolution that had been agreed upon during consultations.<sup>34</sup> The modified paragraphs 2 and 3 read as follows:

"2. *Decides* to send a special mission of three members of the Security Council to Guinea to consult with the authorities and to report on the situation immediately;

"3. *Decides* that this special mission be appointed after consultation between the President of the Security Council and the Secretary-General."

At the same meeting, the draft resolution was adopted unanimously as resolution 295 (1971).<sup>35</sup>

##### *Composition*

At the 1576th meeting on 26 August, the President of the Security Council read out the following statement expressing the consensus of the Council, which was approved without objection:

"It is the consensus of the Security Council that the Special Mission called for in resolution 295 (1971) should be composed of two members of the Council instead of three. The Special Mission will proceed to Conakry to consult the Government of the Republic of Guinea on its complaint and will report back to the Council as soon as possible."<sup>36</sup>

<sup>31</sup> For texts of relevant statements, see: 1586th meeting, paras. 8, 78-87.

<sup>32</sup> S/10395, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 40. The amendments were read out on behalf of the sponsors at the 1601st meeting. See 1601st meeting, paras. 6-7. See para. 11 for Argentina addition.

<sup>33</sup> S/10280, *OR*, 26th yr., *Suppl. for July-Sept. 1971*, p. 41. See also chapter X, Case 3, and chapter VIII, part II, p. 149.

<sup>34</sup> 1573rd meeting, paras 65-71.

<sup>35</sup> *Ibid.*, para. 80. S/10281 adopted as amended.

<sup>36</sup> 1576th meeting, paras. 4-5.

In a note submitted on 26 August, the President of the Security Council and the Secretary-General stated that in accordance with Security Council resolution 295 (1971), and in pursuance of the consensus adopted by the Security Council at its 1576th meeting, the Special Mission would be composed of Argentina and the Syrian Arab Republic.<sup>37</sup>

### Termination

On 14 September the Special Mission, established under resolution 295 (1971) submitted its report<sup>38</sup> to the Security Council, which considered it at the 1586th and 1603rd meetings held on 29 September and 30 November 1971.

The representative of Somalia noted that the report of the Special Mission was a factual one, containing neither an assessment of the facts or charges nor any recommendations and leaving it to the members of the Security Council to provide those themselves.<sup>39</sup>

The representative of Nicaragua said that his delegation agreed that special missions and missions of inquiry, investigation and information, such as those dispatched to the Republic of Guinea, were important and should be appointed by the Security Council whenever it considered it necessary in order to safeguard peace and security in any particular area in the world.<sup>40</sup>

The representative of the Syrian Arab Republic pointed out that the report did not contain conclusions, assessments or recommendations because the members of the Special Mission had decided that their role was consultative and that their task was to report on whatever information and documentary evidence it obtained from the Government of Guinea.<sup>41</sup>

The representative of the USSR welcomed the information placed before the Security Council by the Council's Special Mission and noted with satisfaction the resumption of the practice of establishing Security Council missions to perform direct and immediate tasks connected with the maintenance and strengthening of peace which were entrusted to the Security Council.<sup>42</sup>

At the 1603rd meeting on 30 November, the President of the Security Council, on behalf of the Council and with the authorization of its members, read out the text of a consensus reached on the basis of the consideration of the report of the Special Mission.<sup>43</sup>

### CASE 4

#### *Mission under resolution 298 (1971) concerning Jerusalem*

##### *Establishment and terms of reference*

At the 1582nd meeting on 25 September 1971, in connexion with the situation created by alleged illegal measures taken by Israel in Jerusalem designed to change the status and character of the Holy City, the representative of Somalia submitted a draft resolution<sup>44</sup> under paragraph 5 of which the Security Council would:

"5. *Request* the Secretary-General, in consultation with the President of the Security Council and

<sup>37</sup> S/10299, *OR*, 26th yr., *Suppl. for July-Sept. 1971*, p. 56.

<sup>38</sup> S/10309/Rev.1; *OR*, 26th yr., *Special Suppl. No. 4*.

<sup>39</sup> 1586th meeting, para. 119.

<sup>40</sup> *Ibid.*, paras. 126-127.

<sup>41</sup> *Ibid.*, para. 147.

<sup>42</sup> *Ibid.*, para. 155.

<sup>43</sup> 1603rd meeting, para. 5.

<sup>44</sup> S 10337, *OR*, 26th yr. *Suppl. for July-Sept. 1971*, p. 67.

using such instrumentality as he may choose, including a representative or a mission, to report to the Security Council as appropriate and in any event within 60 days on the implementation of this resolution."

The representative of Syria proposed the replacement in paragraph 5 of the words "as he may choose" by the words "as they may choose". With regard to the same paragraph, he proposed that the Secretary-General should report in 30 days instead of 60 days.

At the same meeting, paragraph 5 of the draft of Somalia was adopted by 12 votes to none with 3 abstentions (Poland, Syria and USSR); the draft resolution as a whole was adopted by 14 votes to none with one abstention as resolution 298 (1971).<sup>45</sup>

#### Composition

In a report<sup>46</sup> dated 19 November submitted pursuant to Security Council resolution 298 (1971), the Secretary-General stated that in accordance with the terms of that resolution, he had held consultations with the President of the Security Council on its implementation and subsequently had informed Israel of his intention to nominate a mission consisting of three members of the Council with a view to enabling him to report to the Council as requested. On 1 October, he had indicated to the Foreign Minister of Israel that he had in mind to nominate the representatives of Argentina, Italy and Sierra Leone whose Governments had expressed their willingness to serve on that mission. He had reminded Israel that, under the terms of the resolution, he had a 60-day limit for reporting and therefore was bound to report within that period. The Secretary-General reported to the Council that in the light of Israel's failure to abide by the decision of the Security Council, he had been unable to fulfil his mandate under resolution 298 (1971).

#### CASE 5

##### *Special Representative of the Secretary-General in the India/Pakistan subcontinent*

#### *Establishment and terms of reference*

At the 1621st meeting on 21 December 1971, in connexion with the situation in the India/Pakistan subcontinent, the President of the Security Council introduced and put to the vote a draft resolution<sup>47</sup> sponsored by Argentina, Burundi, Japan, Nicaragua, Sierra Leone and Somalia that had been agreed upon after intensive consultations with the parties concerned and represented a compromise of the numerous draft resolutions that had been presented to the Council.<sup>48</sup> Paragraphs 5 and 6 read as follows:

"5. *Authorizes* the Secretary-General to appoint if necessary a special representative to lend his good offices for the solution of humanitarian problems;

"6. *Requests* the Secretary-General to keep the Council informed without delay on developments relating to the implementation of the present resolution."

At the same meeting, the Security Council adopted the six-power draft resolution by a vote of 13 in favour

to none against with two abstentions (Poland, USSR), as resolution 307 (1971).<sup>49</sup>

#### Composition

On 25 December 1971, the Secretary-General reported<sup>50</sup> that, in accordance with paragraph 5 of Security Council resolution 307 (1971), he had appointed Mr. Vittorio Winspeare Guicciardi as his special representative and asked him to proceed to the subcontinent immediately.

## 2. Subsidiary organs proposed but not established

#### CASE 6

At the 1606th meeting on 4 December 1971, in connexion with the situation in the India/Pakistan subcontinent, the representative of the United States introduced a draft resolution<sup>51</sup> by which the Council would, *inter alia*,

"3. *Authorize* the Security Council, at the request of the Governments of India and Pakistan, to place observers along the India/Pakistan borders to report on the implementation of the cease-fire and troop withdrawals, drawing as necessary on the UNMOGIP personnel."

The draft was put to the vote at the same meeting. It received 11 votes in favour, 2 against (Poland, USSR) with 2 abstentions (France, United Kingdom) and was not adopted owing to the negative vote of a permanent member of the Security Council.<sup>52</sup>

At the 1613th meeting on 13 December, the representative of Italy introduced a draft resolution<sup>53</sup> sponsored also by Japan, paragraph 7 of which read as follows:

"7. *Decides* to appoint, with the consent of India and Pakistan, a Committee composed of three members of the Security Council to assist them in their efforts to bring about normalcy in the area of conflict, as well as to achieve reconciliation, in accordance with the principles of the Charter and in keeping with the aforesaid resolutions, and to report to the Council;" . . . .

The representative of Italy drew attention to the fact that, although the sponsors had introduced the words "three members" in paragraph 7, it was not the final text, and that they intended to insert the names of the members of the Security Council, or whatever other formulation the Council might decide upon in order to establish the committee. The immediate formulation was just a reminder of what the sponsors had in mind.<sup>54</sup>

At the 1615th meeting on 15 December, the representative of the Syrian Arab Republic introduced a draft resolution,<sup>55</sup> paragraph 3 of which read as follows:

"3. *Requests* the Secretary-General to appoint a special representative with a view to

"(a) Supervising the orderly process of the above-mentioned operations;

<sup>45</sup> 1582nd meeting, para. 338.

<sup>46</sup> S/10392, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 123.

<sup>47</sup> S/10416, *Ibid.*, p. 90.

<sup>48</sup> 1606th meeting, para. 371.

<sup>49</sup> S/10451, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 108.

<sup>50</sup> 1613th meeting, para. 305.

<sup>51</sup> 1615th meeting, para. 111. S/10456, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 111.

<sup>45</sup> 1582nd meeting, para. 338.

<sup>46</sup> S/10392, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 35.

<sup>47</sup> S/10465, adopted without change as resolution 307 (1971) of the Council.

<sup>48</sup> See Case 6 below.

"(b) Assisting the elected representatives of East Pakistan and the Government of Pakistan to reach a comprehensive settlement, compatible with the principles of the Charter;

"(c) Establishing the propitious conditions for the voluntary return of the refugees;

"(d) Normalizing the relations between India and Pakistan."

At the same meeting the representatives of the United Kingdom and France introduced a draft resolution,<sup>50</sup> paragraph 6 of which read:

"6. Invites the Secretary-General to appoint a special representative to lend his good offices, in particular, for the solution of humanitarian problems."

At the 1617th meeting on 16 December, the representative of the United States introduced a new draft resolution subsequently amended,<sup>51</sup> on behalf of Japan and the United States, paragraph 5 of which read:

"5. Invites the Secretary-General to appoint a special representative to lend his good offices, in particular, for the solution of humanitarian problems."<sup>52</sup>

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

### 1. Subsidiary organs established

#### CASE 7

#### (a) Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970)

##### *Establishment and terms of reference*

At the 1529th meeting on 30 January 1970, in connexion with the situation in Namibia, Finland, Burundi, Nepal, Sierra Leone and Zambia sponsored a revised draft resolution,<sup>53</sup> by which the Council, *inter alia*:

"6. Decides to establish, in accordance with rule 28 of the provisional rules of procedure, an *ad hoc* sub-committee of the Council to study, in connexion with the Secretary-General, ways and means by which the relevant resolutions of the Council, including the present resolution, can be effectively implemented in accordance with the appropriate provisions of the Charter, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations by 30 April 1970."

In introducing the draft resolution, the representative of Finland stated<sup>54</sup> that the *ad hoc* sub-committee would have a broad mandate. It would examine all proposals and ideas for such effective steps as might be taken by the Security Council to enable the United Nations to discharge its special responsibility towards the people of Namibia. However, he added, the *ad hoc* sub-committee was not intended to become another United

<sup>50</sup> 1615th meeting, para. 114. S/10455, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 111.

<sup>51</sup> 1617th meeting, para. 14. S/10459 amended as S/10459/Rev.1, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 112.

<sup>52</sup> See case 5 *supra* for subsequent decisions by the Security Council in connexion with the situation in the India/Pakistan subcontinent.

<sup>53</sup> S/9620/Rev.1, 5-power draft, adopted as resolution 276 (1970).

<sup>54</sup> 1527th meeting, paras. 41, 44. S/9620, OR, 25th yr., Suppl. for Jan.-March 1970, p. 114.

Nations organ or to replace or detract any existing body.<sup>61</sup>

It was understood after consultations among members of the Council<sup>62</sup> that the *ad hoc* sub-committee to be established by the Security Council would consist of all members of the Security Council.

On 30 April the *Ad Hoc* Sub-Committee established in pursuance of resolution 276 (1970) submitted to the Security Council an interim report<sup>63</sup> on its work. The report indicated that the *Ad Hoc* Sub-Committee had given preliminary consideration to various questions concerning the implementation of the relevant resolutions of the Security Council concerning Namibia but was not yet in a position to formulate specific recommendations and to submit them to the Security Council by 30 April, as provided for in resolution 276 (1970). The *Ad Hoc* Sub-Committee intended to continue its work in accordance with its terms of reference and hoped to submit its report by the end of June 1970.

##### *Termination*

In a note<sup>64</sup> dated 15 May the President of the Security Council stated that, after consultations with all members of the Security Council, the Council had taken note of the interim report of the *Ad Hoc* Sub-Committee and agreed that the *Ad Hoc* Sub-Committee should continue its work in accordance with its terms of reference in order to be in a position to formulate its recommendations to the Security Council by the end of June 1970 at the latest. On 7 July 1970, the *Ad Hoc* Sub-Committee submitted its report to the Security Council.<sup>65</sup>

#### (b) Ad Hoc Sub-Committee on Namibia

##### *Decision to re-establish the Ad Hoc Sub-Committee*

At its 1550th meeting on 29 July 1970, the Council considered the report of the *Ad Hoc* Sub-Committee. A draft resolution<sup>66</sup> was submitted by Burundi, Finland, Nepal, Sierra Leone and Zambia by which, among other things, the Security Council:

"14. Decides to re-establish, in accordance with rule 28 of the provisional rules of procedure, the *Ad Hoc* Sub-Committee on Namibia and to request the Sub-Committee to study further effective recommendations on ways and means by which the relevant resolutions of the Council can be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia;

"15. Requests the Sub-Committee to study the replies submitted by Governments to the Secretary-General in pursuance of operative paragraph 13 of the present resolution and to report to the Council as appropriate."

At the 1550th meeting on 29 July 1970, the five-power draft resolution was adopted by 13 votes to none, with two abstentions, as resolution 283 (1970).<sup>67</sup>

<sup>61</sup> See also statements by Zambia, 1527th meeting, para. 56; Nepal, 1528th meeting, para. 133 and Poland, 1529th meeting, para. 26.

<sup>62</sup> 1529th meeting, paras. 197-201.

<sup>63</sup> S/9771, OR, 25th yr., Suppl. for Apr.-June 1970, p. 165.

<sup>64</sup> S/9803, *Ibid.*, p. 184.

<sup>65</sup> S/9863 and Add.1/Rev.1. *Ibid.*, Suppl. for July-Sept. 1970, p. 81.

<sup>66</sup> S/9891, adopted without change as resolution 283 (1970).

<sup>67</sup> 1550th meeting, para. 155.



*Composition*

On 18 August the President of the Security Council issued a note<sup>68</sup> stating that, after consultations among members of the Council, it had been agreed that the *Ad Hoc* Sub-Committee on Namibia established under Security Council resolution 283 (1970) should be composed of all members of the Security Council and that its rules of procedure and its officers should be the same as those of the former *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970).

On 23 September 1971, the *Ad Hoc* Sub-Committee submitted a report<sup>69</sup> describing its activities at 17 meetings held between 21 August 1970 and 23 September 1971.

*Terms of reference*

At the 1595th meeting on 15 October 1971, in connexion with the situation in Namibia, the representative of Somalia introduced a draft resolution<sup>70</sup> sponsored by Burundi, Sierra Leone, Somalia and Syria which, among others, contained the following provisions: (i) the Security Council

"Requests the *Ad Hoc* Sub-Committee on Namibia to continue to carry out the tasks entrusted to it under paragraphs 14 and 15 of Security Council resolution 283 (1970) and, in particular, taking into account the need to provide for the effective protection of Namibian interests at the international level, to study appropriate measures for the fulfilment of the responsibility of the United Nations towards Namibia;

"Requests the *Ad Hoc* Sub-Committee on Namibia to review all treaties and agreements which are contrary to the provisions of the present resolution in order to ascertain whether States have entered into agreements which recognize South Africa's authority over Namibia, and to report periodically thereon."

At the 1598th meeting on 20 October 1971, the four-power draft resolution was adopted by 13 votes in favour to none against with 2 abstentions (France, United Kingdom) as resolution 301 (1971).<sup>71</sup>

## CASE 8

*Committee established in pursuance of Security Council resolution 253 (1968)**Changes in composition*

In connexion with the implementation of resolution 253 (1968) of 29 May 1968, the President of the Security Council announced, in notes circulated as Security Council documents, the measures which had been approved by the Council. On 10 April 1970, the President issued a note<sup>72</sup> stating that, after consultations with the members of the Council, it had been agreed that until a further decision was reached the Committee established in pursuance of Security Council resolution 253 (1968) would be composed of: France, Nepal,

<sup>68</sup> S/9911, OR, 25th yr., Suppl. for July-Sept. 1970, p. 131.

<sup>69</sup> S/10330 and Corr.1 and Add.1, OR, 26th yr., Special Suppl. No. 5.

<sup>70</sup> S/10372, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 25-26.

<sup>71</sup> 1598th meeting, para. 31. S/10372/Rev.1 adopted as resolution 301 (1971).

<sup>72</sup> S/9748, OR, 25th yr., Suppl. for Apr.-June 1970, p. 148.

Nicaragua, Sierra Leone, USSR, United Kingdom and United States.<sup>73</sup>

On 30 September 1970, the President issued a note<sup>74</sup> stating that, after consultations, it had been agreed that as of 1 October 1970 the Committee established in pursuance of Security Council resolution 253 (1968) would be composed of all the members of the Council, and that the Chairmanship of the Committee would rotate every month in the English alphabetical order according to the Presidency of the Council.

*Terms of reference as defined in resolution 277 (1970) of 18 May 1970*

At the 1535th meeting on 18 May 1970, the Security Council, in connexion with the situation in Southern Rhodesia, adopted by 14 votes to none with one abstention resolution 277 (1970)<sup>75</sup> which included the following provisions:

"21. *Decides* that the Committee of the Security Council established in pursuance of resolution 253 (1968), in accordance with rule 28 of the provisional rules of procedure of the Council, shall be entrusted with the responsibility of:

"(a) Examining such reports on the implementation of the present resolution as will be submitted by the Secretary-General;

"(b) Seeking from Member States such further information regarding the effective implementation of the provisions laid down in the present resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council;

"(c) Studying ways and means by which Member States could carry out more effectively the decisions of the Security Council regarding sanctions against the illegal régime of Southern Rhodesia and making recommendations to the Council."

## CASE 9

*Committee of Experts established by the Security Council at its 1506th meeting**Establishment and terms of reference*

At the 1505th meeting on 27 August 1969, in connexion with the question of the "Creation of a category of associate membership", the representative of the United States proposed that in order to facilitate the General Assembly's consideration of this question, the Security Council should establish a Committee of Experts to examine it and report the results of its study and its recommendations to the Council within two months so that the Council could in turn make its own recommendations to the twenty-fourth session of the General Assembly.

At the 1505th and 1506th meetings, a number of representatives spoke in favour of entrusting to a Committee of Experts of the Security Council the task of carrying out a careful and thorough study of all aspects of the question and to report to the Security Council.<sup>76</sup>

<sup>73</sup> The composition of the Committee, as originally established, is given in documents S/8697 of 31 July 1968 and S/8697/Add.1 of 27 January 1969, see: OR, 23rd yr., Suppl. for July-Sept. 1968, pp. 71-72 and *ibid.*, 24th yr. Suppl. for Jan.-March 1969, p. 32.

<sup>74</sup> S/9951, OR, 25th yr., Suppl. for July-Sept. 1970, p. 147.

<sup>75</sup> 1535th meeting, para. 85.

<sup>76</sup> 1505th meeting, paras. 26, 27, 33, 54, 65, 68, 70; 1506th meeting, paras. 1, 2, 6, 11, 26, 31, 37, 44, 50, 59.

*Composition*

At the conclusion of the 1506th meeting on 29 August, the President made a statement on the decision of the Security Council, after consultations, that there was no objection to the establishment of a Committee of Experts consisting of all members of the Security Council to study the question which was examined at the 1505th and 1506th meetings.<sup>77</sup>

<sup>77</sup> 1506th meeting, para. 61. In an interim report submitted on 15 June 1970, the Committee of Experts gave an account

**\*\*2. Subsidiary organs proposed  
but not established**

of its work at meetings held between 12 September 1969 and 10 June 1970. It stated that inasmuch as a number of its members had not yet made their statements on the substantive aspects of the question, the Committee was not in a position to formulate specific recommendations and to submit them to the Council. The report concluded by stating that the Committee would continue its work in accordance with its terms of reference and submit a further report at a later stage. S/9836, *OR*, 25th yr., *Suppl. for April-June 1970*, pp. 210-211.

**Part II**

**\*\*CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS**